

## Funding

### First Stage Consultation on Additional Learning Support Arrangements from 2003/04

#### Summary

This document provides the first stage of the Learning and Skills Council's consultation on the proposed arrangements for funding additional learning support in the post-16 education and training sector from 2003/04.

In addition, details are provided of the Learning and Skills Council's intention to pilot some initial changes to the additional learning support arrangements in the work based learning sector, through Entry To Employment pathfinder projects starting in August 2002.

Responses to the consultation issues raised within this document are requested to be sent to local Learning and Skills Councils, using the proforma at the annex, by **30 April 2002**.

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## **Further information**

For further information, please contact the appropriate Learning and Skills Council local office.

## **Responses to this document**

Responses are requested by 30 April 2002.

# Executive Summary

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**Date:** February 2002

**Subject:** Funding: First Stage Consultation on Additional Learning Support Arrangements from 2003/04.

**Intended recipients:** Heads of providers within the post-16 education and training sector, i.e., further education, work based learning, adult and community learning and school sixth forms.

**Status:** For Consultation

- a. This document provides the first stage of the Learning and Skills Council's consultation on the proposed arrangements for funding additional learning support in the post-16 sector from 2003/04.
- b. The proposed arrangements are intended to encompass the work based learning, further education and adult and community learning sectors. The Council's role in respect of funding special educational needs for 16-19 year olds in schools, particularly those with statements of special educational needs, is also addressed. This document will, therefore, be of interest to all providers within the post-16 education and training sector.
- c. It also sets out some initial changes to the additional learning support arrangements within the work based learning sector, through Entry To Employment pathfinder projects starting in August 2002.
- d. Responses to this consultation document are requested to be sent to local Learning and Skills Council's offices, using the proforma at the annex, by **30 April 2002**.

## Section 1: Introduction and Background

### Introduction

1 This document sets out the first stage of the Learning and Skills Council's (the Council's) consultation on the proposed funding arrangements for additional learning support in the post-16 sector, to be applied from 2003/04.

2 The proposed arrangements are intended to encompass the work based learning (WBL), further education (FE) and adult and community learning (ACL) sectors. The proposed arrangements will also take into account the Council's role in respect of funding Special Educational Needs (SEN) for 16-19 year olds in schools, particularly those with statements of SEN. Future funding arrangements for school sixth forms will need to support the statutory responsibilities of local education authorities (LEAs) and schools.

3 In addition, details are provided of the Council's intention to pilot some initial changes to the additional learning support arrangements in the WBL sector, through Entry To Employment (E2E) pathfinder projects starting in August 2002. The E2E pathfinder projects will be undertaken in the context of the Council's responsibility for taking forward the recommendations on pre-employment and other training arising from the report of the Modern Apprenticeship Advisory Committee.

4 It should be emphasised that the additional learning support arrangements proposed in this circular relate to the costs associated directly with an individual's learning and not to learner costs such as childcare, transport from home to institution and other financial assistance, e.g. for learning materials.

### Background

#### The Council's and providers' duties

5 The Council has a specific duty under section 13 of the *Learning and Skills Act 2000*

to consider the needs of people with learning difficulties and/or disabilities in the discharge of its main duties. This carries forward the duties placed on the Further Education Funding Council (FEFC) under the *Further and Higher Education Act 1992*.

6 Providers funded by the Council must have regard to the *Disability Discrimination Act 1995* and the *Special Educational Needs and Disability Act 2001*. These place significant statutory duties on providers to address the needs of individuals with learning difficulties and/or disabilities.

7 The development of funding arrangements for additional learning support needs across the post-16 sector is, therefore, a key aspect of the Council's overarching funding arrangements.

#### Previous consultation

8 Between June 1999 and May 2000, Ministers consulted extensively on future funding arrangements for the post-16 education and training sector. The Department for Education and Skills' (DfES') document, *Post-16 Funding: Second Technical Consultation Paper*, published in May 2000, included specific consultation on the future funding of learners with additional needs (henceforth referred to as additional learning support).

9 *The Post-16 Funding: Second Technical Consultation Paper* proposed a 'matrix' approach to funding additional learning support needs, whereby the learner's additional learning support needs would be identified through assessment and the provider would be entitled to additional funds from the Council to meet these needs. The DfES document indicated that, in principle, the matrix approach would ensure that any provider would receive the same level of funding for learners on the same programme with the same support needs. However, the document also acknowledged the tension between a simple approach and one which would be able to recognise the individual needs of learners, depending on the nature of

the support required and the type of education or training being undertaken.

10 Responses to the DfES consultation indicated that there is some support for a matrix or profile approach to funding learners with additional learning support needs, based on the principle that comparable funding should be available for learners engaged in similar provision with similar support needs.

11 The Council published Circular 01/13, *Post-16 Funding Arrangements for 2002/03*, in October 2001. This circular provided an overview of the funding arrangements for the post-16 sector for 2002/03. It indicated that funding arrangements in respect of additional learning support would remain unchanged from the FEFC approach for 2002/03 as the Council wishes to undertake extensive work in conjunction with a wide range of representatives from all the learning sectors to test the feasibility of a matrix approach. In addition, the circular indicated that the Council will also wish to seek advice on a range of issues such as:

- whether it is necessary to set a minimum threshold for claiming additional learning support funding

- how additional learning support in the form of small group or workshop provision can best be funded.

12 This circular takes forward this consultation.

## Consultation timetable

13 The Council intends to implement the new funding arrangements for additional learning support from August 2003. The following timetable at the bottom of this page is planned.

## Work with representative groups

14 To inform the Council's development of the funding arrangements for additional learning support, a group of representatives from each of the learning sectors is being established. This group will provide advice to the Council, in particular following consideration of the responses received in respect of the first and second stages of consultation.

## Consultation timetable

Stage	Date
Publication of first consultation document	February/March 2002
Pilot of initial changes to WBL arrangements through E2E pathfinder projects	August 2002
Publication of second consultation document	September 2002
Publication of circular detailing finalised arrangements	February 2003
Implementation of new arrangements	August 2003

## Responses to consultation

15 The Council would welcome comments on the specific consultation issues raised in this document, together with any other general comments. A proforma for responses is provided at the annex. Completed proformas should be forwarded to the appropriate local Councils no later than **30 April 2002**.

## Subsequent sections

16 The contents of subsequent sections of this document are outlined below:

- **section two** outlines the current arrangements for the funding of additional learning support in each of the four learning sectors, including each sector's funding definition of additional learning support
- **section three** outlines the Council's principles for funding additional learning support, including a proposed single definition of additional learning support for the post-16 sector, and highlights a number of issues for consideration
- **section four** provides details of the Council's intention to pilot some initial changes to the additional learning support arrangements in the WBL sector, through E2E pathfinder projects starting in August 2002, as a result of the recommendations of the Modern Apprenticeship Advisory Committee.

## Section 2: Current Arrangements in each Learning Sector

### Introduction

17 This section outlines the current arrangements for the funding of additional learning support in each of the four learning sectors, including the definition in each sector of what the Council terms additional learning support for funding purposes. In addition, an indication of the process for drawing down additional learning support funds in each sector is provided.

### Further Education

#### The Tomlinson Committee

18 As part of its work during the three-year period of its operation between 1993 and 1996, the Committee on Learning Difficulties and/or Disabilities, chaired by Professor John Tomlinson, considered the FEFC's approach to funding those with learning difficulties and/or disabilities in sector colleges. In addition to seeking the views of a wide range of audiences on the funding arrangements, the committee also considered alternative approaches.

19 The committee's findings were published in a report, *Inclusive Learning*, in 1996. It found that although there were some necessary refinements, the mechanism for allocating additional funds to support the learning needs of learners with learning difficulties and/or disabilities was generally well received and that it enabled colleges to offer a learning environment to match the requirements of the learner, i.e. to provide inclusive learning<sup>1</sup>.

#### Evaluation by the Further Education Development Agency

20 The Further Education Development Agency (now the Learning and Skills

Development Agency) undertook an evaluation of the FE additional support mechanism, reporting in June 1999 and February 2000. The main conclusion of the evaluation was that the additional support mechanism was highly regarded and well used in the FE sector. The evaluation identified features, which were particularly valued, including that there was a clear link between funding and the individual's needs, and that the mechanism was flexible enough to respond to a wide range of circumstances. The evaluation also identified a number of issues that can be pursued as part of the development of the new approach.

#### Current arrangements

21 As a result of the refinements made to the mechanism, additional support in the FE sector is defined in the Council's *Guidance on Further Education Funding Eligibility and Rates 2001-02* as:

*'any activity that provides direct support for learning to individual learners, over and above that which is normally provided in a standard learning programme which leads to their primary learning goal. The additional support is required to help learners gain access to, progress towards and successfully achieve their learning goals. The need for additional support may arise from a learning difficulty and disability, or from literacy, numeracy or language support requirements.'*

22 The above guidance indicates that, where the majority of learners in a group appear to require additional help to succeed on their learning programme, this should be addressed within the design and delivery of the main learning programme rather than through the additional support mechanism. This does not, however, apply to discrete groups of learners with learning difficulties and/or disabilities. In such groups learners while following individual programmes do so within a

<sup>1</sup>The central concept of inclusive learning is the need for the right 'match' between the learner and provision. The match is between what the individual needs in order to learn, progress and achieve, and the provision made for them.



common curriculum framework which addresses needs for independent living and communication skills. These groups are likely to be small in size and use learning and care assistants in support of the main tutor. Currently the costs for such provision are calculated by dividing the total costs for the group by the number of students and then claiming these costs individually under additional support.

23 Additional learning support forms part of the overall funding approach, and complements the formula allocation of funds for disadvantage. The disadvantage element focuses on the general costs incurred by institutions in meeting the needs of disadvantaged learners, while additional learning support is designed to meet the specific individual needs of learners, where these are significantly greater than those of other learners and incur much higher costs.

24 It is important to distinguish between additional **learning** support and **learner** support. The purpose of learner support funds is to provide financial help to learners whose access to, or completion of, education might be inhibited by financial considerations. These funds assist learners with the costs of childcare, residential accommodation or general access needs (for example, books and equipment).

25 Under the current FE arrangements, it is intended that additional learning support is made available to all learners that require it. Whilst those with learning difficulties and/or disabilities are likely to require additional support for the duration of their programme (for example, life skills), other learners may require additional support sporadically or for a short period only (for example, literacy, numeracy or ESOL provision).

## FE funding approach

2001/02

26 Under the FE approach, which is in operation for 2001/02, additional support is

funded on an individual learner basis, using bands to establish the cost range within which additional support falls. This means that providers receive funding representing the approximate mid-point of a band (for example, band 0 cost range is £170-£500). For part-time students, the minimum threshold for costs is £170; for full-time students the threshold is £501. For equipment, the costs associated with depreciation only are fundable. Providers are required to keep detailed records of the funding associated with each learner and this is subject to audit.

2002/03

27 Circular 01/18, *Indicative Funding Rates for Further Education in 2002/03*, indicated that the FEFC approach to claiming funding for additional learning support will continue in 2002/03 only. It did, however, also highlight the need to modify the approach to take account of the removal of the concept of funding units and the move to expressing rates in cash values.

28 Circular 01/18 consulted on two options for modification in 2002/03. In summary, option one would retain additional learning support bands but would express the bands as cash values rather than units, whilst option two would enable institutions to claim for the actual costs incurred for each learner.

29 The Council received only 65 responses to the consultation. Of these, 74% indicated a preference for the modification described in option two. The National Rates Advisory Group has considered the results of the consultation and has advised the Council to implement option one, i.e. to retain additional learning support bands, to give more time to consider the implications of moving to actual costs as a basis for claims. Whilst acknowledging that this modification does not concur with the majority of consultation responses, the Council considers it preferable to retain, as far as possible, the features of the previous FEFC approach, given the development of new arrangements for 2003/04. This reflects the general view of many in the sector that, in reaching an integrated funding approach, the

sector should be subjected to the minimum of staged changes. Option one will, therefore, be introduced for 2002/03.

## Work Based Learning

30 In respect of WBL provision, additional support is defined in the Council's WBL agreement for 2001/2002 as follows:

*'Additional Learning Needs (ALN) relate to the learner's intrinsic ability and Additional Social Needs (ASN) relate to emotional, behavioural or motivational difficulties. Young people with Additional Learning Needs will continue to enter training at the following different levels according to their learning ability:*

*NVQ Learning at Level 1*

*NVQ Learning at Level 2*

*Foundation Modern Apprenticeship (FMA).'*

*In a small number of cases, learners may progress to an Advanced Modern Apprenticeship (AMA).*

31 There have been special interim arrangements for learners with additional learning support needs in 2001/02, that is those learners who have been identified as having ALN and/or ASN.

32 ALN are assessed using diagnostic tools or a statement of special educational need. In many cases, local Careers Service offices hold information on school leavers which informs the assessment undertaken by the provider. ASN are identified from a list of nine 'barriers to employment' to evidence that the young person has two or more social, emotional or behavioural hindrances to learning. In exceptional circumstances, a single barrier could trigger the funding if it is deemed to be a significant barrier to employment in its own right.

33 Learners are eligible to be funded under both categories of support. In addition, for those young people who require relevant assistance to overcome problems associated with a disability, training providers are reimbursed for additional expenditure for the

cost of equipment, aids, adaptations to equipment, signers for the deaf, special transport and other forms of additional support.

## Work based learning funding approach

34 Under the WBL approach, a basic flat rate uplift is added to the funding available for the learner. In 2001/02 the uplift is up to £1,000 for a learner who has either ALN or ASN. The rate is then divided by the number of months as dictated by the standard length of stay for the occupational area, age of learner and target qualification.

35 If a learner meets the criteria for both ALN and ASN, they attract a higher rate of up to £1,500 over the standard funding for the occupational sector. The rate is then divided by the number of months as dictated by the standard length of stay for the occupational area, age of learner and target qualification. In instances of ALN and/or ASN needs being identified, should the learner leave the programme earlier than their allocated length of stay, additional learning support funds will cease.

36 Funding for learners with disabilities is on a full cost basis over and above those reasonable adjustments that would be incurred in fulfilling *Disability Discrimination Act* responsibilities. This is funded on a non-formula basis, in discussion with the appropriate local Learning and Skills Council.

## Adult and Community Learning

37 The Council has not introduced specific arrangements for 2002/03 to offer additional learning support for those undertaking ACL provision. This means that where a learner has a need for additional learning support to complete his or her agreed programme, it should be funded from the main ACL allocation.

38 The responsibility for the funding of ACL was transferred to the Council in April 2001 with a guarantee, from the secretary of state, of a minimum level of funding until the end of 2002/03, on condition that the LEA provided a satisfactory adult learning plan. From within that funding, LEAs are expected to maintain at least a similar level of provision to that offered before 2001. Allocations for 2002/03 provide an uplift to take account of inflation and to widen and increase participation. This focuses particularly on meeting the needs of hard to reach learners, some of whom will have additional learning support needs.

39 A common approach to the funding of additional learning support does not yet exist for ACL and, therefore, practice differs between LEAs.

40 Planning for the integration of the majority of ACL provision into a common funding approach is underway. This will provide the opportunity to establish a common approach to the funding of additional learning support for learners undertaking ACL.

## School Sixth Forms

41 The arrangements governing SEN in schools are well defined and regulated in legislation and in a detailed statutory Code of Practice. A range of bodies, including LEAs and school governing bodies, have a statutory duty to have regard to the Code of Practice.

## Pupils with special educational needs

42 Around 20% of pupils are identified as having some SEN at some stage of their school career. The education legislation has two clear categories of SEN—those which require a formal, statutory statement of SEN and those which do not. The legislative reason for making a statement is if the LEA, rather than the school, needs to determine the special educational provision for a pupil with SEN.

## SEN without statements

43 The vast majority of pupils with SEN do not have formal statements. They have been estimated to account for around 17% of all pupils. The Code of Practice details the various agencies' responsibilities.

44 The funding that is delegated to a school under the LEA's Fair Funding formula covers funding for making special educational provision for these pupils. Under the Council's funding arrangements for school sixth forms, this funding for a school is included within the national rates or protected under the Real Terms Guarantee (RTG).

## SEN with statements

45 There is a very formal, regulated process covering the assessment of pupils with SEN; making, maintaining and reviewing a statement for them where necessary; and parental rights of appeal to the independent SEN Tribunal.

46 The LEA is responsible for arranging the special educational provision specified in a statement.

The school named in a statement

47 A crucial part of the special educational provision is the school that is named in the statement. The school will be either a special school maintained by the LEA, an independent or non-maintained special school, or a mainstream school.

48 Except where a child is hospitalised or there has been a change in their circumstances, no special school should have a pupil who does not have a statement or is not in the process of being assessed for one.

Review of statements

49 A school is required to convene annual review meetings on their pupils' statements until the pupil leaves school. The Code of Practice is explicit that LEAs remain responsible for pupils with statements who

stay on in school after compulsory school age, although the overall funding responsibility has transferred to the Council.

50 The Code also explicitly states that the Council will make it a condition of funding to require LEAs to maintain statements until the end of the academic year in which the pupil reaches 19 years of age, rather than cease to maintain them on the pupil's 19th birthday.

#### Funding for statemented provision

51 The LEA currently funds its maintained special schools, often by using a 'place-led' rather than a 'pupil-led' formula, and pays statemented pupils' fees at independent and non-maintained special schools.

52 If a mainstream school is named in the statement, the LEA is responsible for providing the school with any necessary funds **additional** to those already delegated to the school.

53 For 2002/03, the DfES decided that the Council's funding responsibility for post-16 statements should be fulfilled by passing on to the LEA a block sum of money which the DfES determined related to the LEA's historic spend on post-16 statements of SEN. That sum covers money for placements in the three types of school described in paragraph 47.

54 Whilst the statementing framework is 'national', backed up by the Code of Practice, there are wide variations among LEAs as to the type and level of SEN that would trigger a statement. That is partly because the level of special educational provision for which a school is assumed to be funded under the Fair Funding formula varies from LEA to LEA. Some LEAs also explicitly delegate some funding for **statemented** pupils through their Fair Funding formula.

## Funding Process in Each Sector

55 The following tables provide a comparison of the processes which exist in each sector for drawing down and reconciling additional learning support funds:

## Assessment of Need

Learning Sector	Process
<p><b>Further Education</b></p>	<p>All learners' needs are individually assessed. Institutions make their own judgements about the most relevant assessment methods and materials to use for particular learners. A range of instruments and strategies are used throughout a learner's programme.</p> <p>Needs are continually assessed throughout the learner's programme.</p>
<p><b>Work Based Learning</b></p>	<p>All learners' needs are individually assessed. ALN and/or ASN are agreed with local Careers/Connexions services. In many cases information is held on prospective learners by local Careers Service offices which provides a basis for further assessment to be undertaken. For ALN, providers use the standardised Basic Skills Assessment. The assessment of ASN are derived from a list of nine 'barriers to employment.'</p> <p>Needs are continually assessed throughout the learner's programme.</p>
<p><b>School Sixth Forms</b></p>	<p>Statutory processes regulate the identification and assessment of pupils' SEN. Where they are needed, the LEA is responsible for these processes; other agencies have statutory duties to contribute to them. Where necessary, the LEA is responsible for specifying all the special educational provision that would meet the individual pupils' SEN, including naming the mainstream or special school for that pupil.</p>
<p><b>Adult and Community Learning</b></p>	<p>Many learners' needs are assessed, either individually or in groups. Some of this assessment is informal.</p>

## Application for Funding

Learning Sector	Process
<p><b>Further Education</b></p>	<p>The element of an institution's funding allocation apportioned to additional learning support is rolled forward to the next year. Should an institution consider that there will be a higher cost associated with additional learning support in the following year, this should be discussed with the local Council and, where agreed, is incorporated within the institution's growth funds. The additional support funds are included as part of the institution's total funding allocation and the Council expects that the funds apportioned to additional learning support should be used to meet the needs of such learners on a demand-led basis.</p>
<p><b>Work Based Learning</b></p>	<p>The provider's contract with the Council includes an element of funding for additional learning support (ALN and ASN). Discussions with the local Council regarding the following year's contract should reflect the forecast number of learners with ALN and/or ASN.</p>
<p><b>School Sixth Forms</b></p>	<p>The LEA is responsible for funding the special educational provision specified in the statement, including funding the mainstream or special school placement. Some of this funding may already have been delegated to schools through the Fair Funding formula.</p>
<p><b>Adult and Community Learning</b></p>	<p>The element of the ACL allocations apportioned to additional learning support is as yet unidentified. It will be identified for the first time in the initial data collection survey, assessing the potential impact of formula funding, to be sent from the Council to LEAs in February 2002.</p>

## Reconciliation of Funds

Learning Sector	Process
<b>Further Education</b>	<p>The funding units generated through additional learning support are recorded within the institution's ISR. These contribute to the institution's funding unit total. Where an institution does not generate the total number of units expected for additional learning support, these are not necessarily recovered by the Council as they may be used towards other provision delivered by the institution.</p>
<b>Work Based Learning</b>	<p>Funds generated for additional learning support are claimed on a monthly basis. These funds, in addition to other generated funds, make up the provider's monthly income return, which is monitored against agreed performance/payments profiles.</p> <p>Should the provider have used more or less than their profile, funds can be recovered or increased, as necessary, at a quarterly reconciliation point.</p>
<b>School Sixth Forms</b>	<p>As the funding for provision in statements is triggered on an individual pupil basis, there is not usually any reconciliation process. However, LEAs publish budget and outturn statements annually.</p>
<b>Adult and Community Learning</b>	<p>Funding uptake is reconciled to funding allocated.</p>



## Audit of Use of Funds

Learning Sector	Process
Further Education	<p>The Council expects institutions to keep specific audit evidence. The learner's agreement should give a summary of the additional support to be provided and a copy of an additional learning support costs form should be retained with the learning agreement. The information contained on this form should be supported by further detailed cost analysis. This is intended as auditable evidence in support of a claim for additional support funds.</p>
Work Based Learning	<p>Providers are expected to keep the necessary evidence to support additional learning support claims. The assessment form provided by the Council records a summary of the learners' ALN and/or ASN. Providers should be able to prove how they are supporting learners with their identified needs.</p> <p>Regular progress reviews with the learner are also expected. This is intended as auditable evidence in support of a claim for additional support funds.</p>
School Sixth Forms	<p>LEAs have their own audit arrangements. The LEAs themselves are subject to audit by the Audit Commission.</p>
Adult and Community Learning	<p>Funding provided under the guarantee is subject to external audit and scrutiny by the Audit Commission.</p>



## **Section 3: Principles of the new Funding Arrangements**

### **Introduction**

56 This section describes the Council's broad principles for funding additional learning support in the post-16 sector from 2003/04, outlining a proposed single definition of additional learning support for the post-16 sector and highlighting a number of issues for consideration. The Council would welcome comments on the broad principles and the issues identified in this section.

### **Potential Impact on Each Learning Sector**

57 In developing the new approach, the Council wishes to be as sensitive as possible to the potential impact of any changes on each learning sector. It is important, therefore, that developments are informed by the views of representatives of each sector, including through comments received on this consultation document.

### **Work based learning**

58 It is recognised that the development of common arrangements may result in significant changes to existing arrangements for the work based learning sector and, therefore, the piloting of initial changes are proposed to be undertaken through the E2E pathfinder projects, further details of which are provided in section four.

### **Further education**

59 Current arrangements in the FE sector are considered to be well developed and, therefore, it is envisaged at this stage that this sector is likely to experience the least impact from any changes to current arrangements. The Council

wishes to build on the strengths of the existing additional support mechanism and review those aspects which are considered to be less effective.

60 It is not intended that the new arrangements will apply to provision for learners at specialist colleges, which is funded through a separate matrix (further details can be found in Circular 02/01, *Specialist College Placements*). However, in developing the approach, reference will be made to the specialist college matrix to establish whether there are similarities, particularly in respect of day provision at these colleges.

### **School sixth forms**

61 With regard to post-16 learners in schools with SEN, the Council is aware that there are a range of differing approaches by LEAs and schools to funding special educational provision, both statemented and non-statemented. The Council wishes to introduce coherent funding arrangements that fully support LEAs and schools in fulfilling their responsibilities detailed in the legislation and the SEN Code of Practice. This will take some considerable time to achieve.

62 A major concern during any transitional phase will be to reassure parents and providers that the Council will work with the DfES, LEAs, schools and organisations representing pupils with SEN to ensure that any future changes to the funding arrangements will not disadvantage any individual learners.

### **Adult and community learning**

63 Given that current arrangements for funding additional learning support in the ACL sector differ between LEAs, there will be a varying impact of any new arrangements on ACL providers. The Council will, therefore, wish the development of the new approach to be informed by involving representatives from the sector in consultation and the external representatives group.

## A New Approach

64 In developing a new approach to funding additional learning support, the Council considers that:

- the aim should be to implement the new arrangements, incorporating common principles across the learning sectors, by **2003/04**
- a single definition of additional learning support for the post-16 sector should, if possible, be agreed
- whilst it may not be possible for identical arrangements to apply to each learning sector, a set of common principles should be established
- additional learning support funds should be available to all learners eligible for Council funding, regardless of age, mode of study or type of programme
- the arrangements for specialist college placements (a matrix approach) will remain differentiated from the other sectors.

**Q1 Do you agree with the Council's general approach to developing new funding arrangements for additional learning support?**

## Definition of Additional Learning Support

65 It is proposed that the definition of additional learning support which currently applies in the FE sector be used as the basis for the Council's overarching definition of additional learning support for the WBL, FE and ACL learning sectors. The definition applied to FE is as follows:

*'any activity that provides direct support for learning to individual learners, over and above that which is normally provided in a standard learning programme which leads to their*

*primary learning goal. The additional support is required to help learners gain access to, progress towards and successfully achieve their learning goals. The need for additional support may arise from a learning difficulty and disability, or from literacy, numeracy or language support requirements.'*

66 It is recognised that this definition needs to be supported by further clarification on a number of issues including:

- the definition of direct support for learning
- what constitutes direct support for learning
- the definition of a standard learning programme.

67 The Council's *Guidance on Further Education Funding Eligibility and Rates 2001-02* provides clarification on the issues outlined above, in relation to FE provision. The Council will consider how the existing guidance for FE can be improved and widened to encompass provision delivered across the post-16 sector.

**Q2 Do you agree that the definition of additional learning support outlined in paragraph 65 is appropriate as the Council's definition of additional learning support for the WBL, FE and ACL sectors?**

68 SEN, both for learners that require a statement and those that do not, have their own statutory definitions. As part of the Council's funding development work, it will consider further how those definitions might be incorporated into an overarching Council definition of additional learning support.

## Common Principles of Funding

69 The Council considers that there should be a set of common principles for additional learning support which apply across the post-16 sector, whilst acknowledging that the funding arrangements may not be identical between sectors.

70 The common principles for funding additional learning support should include:

- that funding should be linked as closely as possible to the actual costs of delivery of additional learning support for an individual
- that there should be a minimum **threshold** below which additional learning support cannot be claimed (as exists in the current approach for FE), thereby targeting funding at those most in need of support and enabling a distinction to be made between 'standard' and 'additional' learning needs
- that there should be a **cash ceiling** above which funding cannot normally be claimed
- that there should be recognition that, in **exceptional circumstances**, funding above a cash ceiling can be claimed
- that all providers should ensure that the additional support needs of learners are formally assessed and that the assessment methods used are appropriate to the provision in question, rather than through one standardised approach. This may mean, in some cases, that providers will require expert assistance in carrying out assessments.

**Q3 Do you agree with the principles of funding outlined in paragraph 70?**

## Issues for Consideration

71 The Council will be considering a wide range of issues in developing the new additional learning support arrangements. Amongst these, initial views are sought on the following specific issues:

- a. the development of a matrix/profile approach.

Previous DfES consultation has proposed the general concept of a matrix approach to funding additional learning support. In developing this concept, the Council will wish to consider how such an approach can remain sufficiently flexible to meet the needs of individual learners.

Initial consideration suggests that it may be possible to remain flexible and, at the same time, ensure a standard approach across the sectors by identifying the various types of support provided and associated ranges of costs. The following is an **example only** of what such a matrix, or more specifically, table of costs might look like:

**Table one: Example of costs**

Type of Support	Rate per hour £
<p><b>Direct learning support</b>                      Teacher qualified in specialist provision                      Learning assistant                      Specialist communication support</p>	
<p><b>Supplementary support</b>                      Counselling                      Physiotherapy                      Speech therapy                      Educational psychologist                      Medical support                      Home tuition                      Mobility/access                      Personal care</p>	
<p><b>Administration</b>                      Learning support staff                      Other administrative staff</p>	

The above example is clearly an incomplete representation of the costs associated with additional learning support. For example, the funding of equipment and small group provision costs are not addressed in this model and will need to be considered separately. However, the Council would welcome comments on this general approach to funding direct support costs.

**Q4 Is the general approach to funding direct support costs described in paragraph 71 (a) reasonable?**

b. area costs uplift

In developing new arrangements for funding additional learning support, the Council is proposing to move towards an approach which enables the reimbursement of actual costs. In taking this approach, the issue of the area costs uplift will need to be addressed. It is considered, at this stage, that this can be

done by reflecting differentiated area costs in the table of costs outlined in (a) above.

**Q5 Do you consider that the proposed approach for addressing area costs is reasonable?**

**Other issues**

72 In taking forward this work, the Council will be considering a range of further issues, including:

- the most appropriate level at which to set the minimum threshold for additional learning support funds and whether a differential level should be retained for part-time and full-time provision
- how additional learning support in the form of small group and workshop provision can best be funded

- how the assessment of learning support needs can best be funded
- how equipment and transport costs can best be funded
- how to minimise the audit burden
- the role of local Learning and Skills Councils in ensuring the effectiveness, transparency and equity of the new arrangements across all providers.

**Q6 What other key issues should the Council be considering in developing its approach to funding additional learning support?**

73 In taking forward the development of the funding arrangements, the additional learning support advisory group, referred to in paragraph 14, will consider the responses to the consultation questions in this document. It is intended that a second stage consultation circular is published in September 2002, which will outline in detail the Council's proposals for funding additional learning support from 2003/04.

## **Section 4: Funding Arrangements for Work Based Learning from 2002/03**

### **Introduction**

74 This section provides details of the Council's intention to pilot some initial changes to the additional learning support arrangements in the WBL sector, through E2E pathfinder projects starting in August 2002, as a result of the recommendations of the Modern Apprenticeship Advisory Committee.

### **Arrangements in 2002/03**

75 Interim arrangements have been in place in respect of additional support for young people in WBL identified as having ALN and/or ASN. It is the intention to continue the current interim arrangements for 2002/03, whilst undertaking a review of the appropriateness, implementation and robustness of those arrangements in respect of:

- the current funding model for young people with ALN and/or ASN and whether current levels of funding available are appropriate
- the process of and responsibility for the assessment and endorsement of young people with ALN and/or ASN and the need to ensure that assessment processes are fit for purpose, diagnostic in respect of identifying appropriate support requirements and undertaken in the best interests of the young person's needs and aspirations
- the transparency and objectivity of the assessment process in respect of ensuring that audit trails exist and that review mechanisms can be accessed and assessment is carried out with expertise and integrity

- the continued currency of the '2 from 9' barriers process in respect of young people with ASN and any requirement for further information to be made available in respect of assessing ASN
- progression issues in respect of those young people assessed and endorsed as having ALN.

76 It is the intention to move toward an approach to funding additional learning support derived from common principles applicable across the post-16 sector. It is recognised that the movement towards an integrated approach will pose particular issues for WBL. The above review is intended to identify and evaluate those issues and inform how WBL can be brought into the overall approach and where there will be a need for distinctive arrangements within the common set of principles.

77 A review, and related consultation, in respect of additional learning support for young people in WBL will begin in spring 2002 and will feed into the new arrangements for WBL as part of the E2E pathfinder provision. This provision will be introduced from August 2002 as part of the implementation of the Modern Apprenticeship Advisory Committee report recommendations. This will allow an appropriate period of review and evaluation of new arrangements which will in turn be used to inform wider scale change across the range of WBL provision in 2003/04.

## Section 5: Next Steps

informed by the responses to this consultation and the involvement of the Council's additional learning support advisory group.

### Response to First Stage Consultation

78 Comments are invited on the consultation questions highlighted in section three, together with any general comments on the Council's proposed approach. In summary, the consultation questions are as follows:

**Q1 Do you agree with the Council's general approach to developing new funding arrangements for additional learning support?**

**Q2 Do you agree that the definition of additional learning support outlined in paragraph 65 is appropriate as the Council's definition of additional learning support for the WBL, FE and ACL sectors?**

**Q3 Do you agree with the principles of funding outlined in paragraph 70?**

**Q4 Is the general approach to funding direct support costs described in paragraph 71 (a) reasonable?**

**Q5 Do you consider that the proposed approach for addressing area costs is reasonable?**

**Q6 What other key issues should the Council be considering in developing its approach to funding additional learning support?**

79 A proforma for responses is provided at the annex. This should be completed and returned to the appropriate local Learning and Skills Council by **30 April 2002** at the latest.

### Further Consultation

80 A second stage of consultation is planned for September 2002, in which details of the Council's proposed approach will be provided. The development of the approach will be



*John Harwood, Chief Executive*



# Annex: Response to Consultation

Return to your  
institutions local  
Learning and Skills  
Council

(Reference: Circular 02/04)

Please photocopy, complete and return this proforma to your institution's **local Learning and Skills Council** by **30 April 2002** at the latest. Early responses would be greatly appreciated.



**Learning+Skills Council**

Name of Institution <i>(please print)</i>	
Contact name for enquiries <i>(please print)</i>	
Tel	Fax
E-mail address	Local LSC

Please tick the 'yes' or 'no' box for questions 1 to 5. Space has been provided for any comments you wish to add to these responses and also to respond to question 6. An additional space is provided at the end of this proforma for any other general comments you wish to make.

1	Do you agree with the Council's general approach to developing new funding arrangements for additional learning support?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<b>Comments</b>					
<hr/> <hr/>					
2	Do you agree that the definition of additional learning support outlined in 65 is appropriate as the Council's definition of additional learning support for the WBL, FE and ACL sectors?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<b>Comments</b>					
<hr/> <hr/>					
3	Do you agree with the principles of funding outlined in paragraph 70?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<b>Comments</b>					
<hr/> <hr/>					





# Notes

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