

# Through Inclusion to Excellence:

The Report of the Steering Group for the Strategic Review of the LSC's Planning and Funding of Provision for Learners with Learning Difficulties and/or Disabilities across the Post-16 Learning and Skills Sector.

## November 2005

Of interest to Providers, local LSCs, Connexions, local Social Services, Local Authorities, health organisations, Strategic Health Authorities, Primary Care Trusts, learners, other Government departments and agencies.

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For further information on the report and the consultation process please email [LLDD@lsc.gov.uk](mailto:LLDD@lsc.gov.uk)

## For information

### **Audience**

Of interest to Providers, local LSCs, Connexions, local Social Services, Local Authorities, health organisations, Strategic Health Authorities, Primary Care Trusts, learners, other Government departments and agencies.

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# Chair's Foreword

I am delighted to present the report of the Steering Group for this major review of the Learning and Skills Council's provision for learners with learning difficulties and/or disabilities. At the heart of the report is the "transformational vision", whereby the most effective use can be made of available resources in developing collaborative provision to meet individual needs. This leads to some radical and challenging recommendations, which I believe will ensure, if implemented, that the Learning and Skills Council (LSC) is well placed to address the challenge presented by the newly enacted duty to promote disability equality.

We have been very fortunate in having the proactive support and advice of a diverse, knowledgeable and representative Steering Group, whose individual and combined knowledge and commitment have been a source of strength. It has led to some lively and high quality meetings, where we have challenged and stimulated each other. Others have contributed to the outcome in sub-groups and in the wider consultation. It does, therefore, need to be emphasised that this final report is empowered by the unanimous support of members of the Steering Group, and I thank them warmly for their contributions.

From the start, I was concerned to explore ways in which the different parts of the learning and skills sector could work more effectively and collaboratively to deliver a wider choice of high quality provision, wherever possible in local communities. I believe that there is great potential for an extension of opportunities for disabled learners, based on the principles of *Inclusive Learning* expressed so memorably in the 1996 Further Education Funding Council (FEFC) report by Professor John Tomlinson, who sadly died very recently, and to whom I pay tribute. By ensuring that LSC's systems promote and encourage collaborative working we could make more cost-effective use of the finite funds available, and at the same time achieve more equitable access and quality of experience for these learners across the whole sector, including those for whom specialist placement is considered appropriate. Implementation will require some radical LSC action.

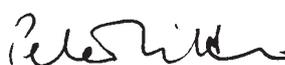
Let us celebrate the LSC's commitment to this agenda, with around 579,000 learners self-declaring a learning difficulty and/or disability in 2003-04. An important recommendation is to give greater prominence and

clarity to this provision being a priority, so that there is no confusion for funders, providers and learners. The consultation with 300 learners had some positive messages, not least concerning the levels of additional support, unequally available in current funding "silos". The Steering Group would urge the LSC, supported by the Department for Education and Skills (DfES), to ensure that the recommendations are carefully considered and, where possible, implemented, so that this commitment can be built on, not least by "investing for change".

One of the greatest challenges will be to make a reality of the partnership working, including shared costs, with other agencies within the emerging vision of person-centred planning, but this is vital if the needs of disabled people are to be met. Likewise, so much more could be done in meeting the aspirations of disabled people as they seek to play a full part in the workforce and the wider community. This is an area where we honestly say that a lot more needs to be done, but, emphatically, the LSC cannot do this alone.

Disabled people rightly have enhanced expectations in post-compulsory education and training, and we hope that this review can point the way to meeting these within available resources. I have met a significant number of LSC staff at national, regional and local levels who demonstrate real awareness of and commitment to this agenda, not least the unsung "regional champions". I thank them all, and encourage them to meet the challenges raised in this report. Above all, I must pay particular personal thanks and professional admiration to Beverley Burgess and Jonathan Price-Marlow from the small learning difficulties and/or disabilities team at National Office, who have done an amazing job in demanding circumstances.

It has been a genuine privilege to lead this review. I am confident that the needs of Learners with Learning Difficulties and/or Disabilities will be clearly prioritised, within the context of available resources, and look forward on their behalf to implementation and, ultimately, transformation of opportunity.



Peter Little, OBE  
Review Chair



# Executive Summary

In March 2004, the Learning and Skills Council's National Council endorsed the need for a strategic review of its funding and planning of provision for learners with learning difficulties and/or disabilities. A Steering Group, chaired by Peter Little, OBE, has overseen the review between July 2004 and September 2005. This has been the first, major, comprehensive review of provision for these learners since the 1996 report, *Inclusive Learning*, with its focus on the Further Education sector.

Reflecting the LSC's wider remit, the review is concerned with provision for these learners across the whole learning and skills sector, and the report highlights some different entitlements for learners in the five funding streams. In 2003-4 there were 579,000 learners who self-declared a learning difficulty and/or disability. This represented around 11 per cent of the LSC's total full-time equivalents, and the total cost was around £1.3 billion. Around 71 per cent were adults over 19 years of age. The largest cohort was in the Further Education sector (382,000), compared to 3,038 in specialist colleges for learners with learning difficulties and/or disabilities.

During the review, there was a significant amount of consultation and collection of information and evidence. Detailed literature reviews have been carried out as well as a qualitative structured consultation involving 300 learners across the whole sector. The Steering Group had eight formal meetings, and five sub-groups, which included wider representation, operated between February and June 2005.

The Steering Group's transformational vision underpins its work and recommendations for remodelling provision for learners with learning difficulties and/or disabilities. We envisage that:

*"Learners' needs should be met through equitable and easily understood systems of planning, funding and placement, enabling all learners to achieve their goals and progress to the maximum possible level of independence and activity in their communities and in employment."*

The majority of the recommendations arising from the review are for the LSC. This is unsurprising given the remit of the review, that is, to review the LSC's funding and planning of provision for learners with learning difficulties and/or disabilities. There are in addition recommendations for the Department for Education and Skills, where issues need to be dealt with at departmental level, and of course recommendations involving providers across the post-16 sector. Recommendations also relate to the duties of other partners and reflect the fact that as per the LSC's Annual Statement of Priorities, it needs to work collaboratively.

The review's overarching recommendation to take forward the vision of systemic transformation is that the:

*"LSC should develop a national strategy for the regional/local delivery, through collaboration with partners, of provision for learners with learning difficulties and/or disabilities across the post-16 learning and skills sector that is high quality, learner-centred and cost-effective."*

## Legislation

The report summarises the significant legislation that impacts on the Learning and Skills Council in this context. *The Learning and Skills Act (2000)* has specific sections (13 and 14) that relate to these learners. Other relevant legislation is discussed, with particular reference to the *Disability Discrimination Act 2005*, which includes a duty on public sector authorities to promote disability equality. This will have significant implications for the LSC with immediate effect. Attention is drawn to the LSC's public statement in June, 2005 that provision for these learners "remains a priority" and recommends:

*"DfES in its Grant Letter to the LSC for 2006/07 and, LSC in its Annual Statement of Priorities, should give greater prominence and clarity to provision for learners with learning difficulties and/or disabilities being a priority."*

## Planning

The report suggests key activities, which the LSC must implement to enable transformation. After discussing the planning baseline, there follows a detailed discussion of the respective LSC roles at national, regional and local levels. Specific proposals are developed to clarify these roles. A key recommendation centres on the potential of LSC's regional structures to oversee the development of a wider range of high quality provision to meet needs locally:

*"This will require LSC, through Regional Directors, to put in place consistent regional staffing structures to enable strategic and operational oversight of the development of appropriate, coordinated, collaborative and consistent provision for learners with learning difficulties and/or disabilities. In particular, there should be a designated individual at a senior level whose role it is to provide the necessary operational oversight."*

## Quality

Quality of provision for these learners remains highly variable and a fundamental change in provider capacity and capability is called for. A wide range of factors is discussed, including workforce development and "listening to learners".

*"The LSC should commit to a policy of "investment for change" to achieve systemic transformation and increased supply of high quality, local provision for learners with learning difficulties and/or disabilities."*

## Funding

Radical changes are required to ensure there is a system that effectively meets the needs of all learners with learning difficulties and/or disabilities across the whole learning and skills sector, whose diversity is seen as a potential source of strength. Specific aspects are covered, including additional learning support and placement budgets, impact on schools and local authorities and capital budgets. Building on the impulse created by *agenda for change*, the report advocates systemic changes across the whole sector, enabling more flexible, equitable and cost-effective targeting of funds.

*"The LSC should consider the development, in line with agenda for change, of a common funding approach across the whole of the post-16 learning and skills sector."*

*"LSC should commit to a policy of 'investment for change' to achieve systemic transformation and increased supply of high quality, local provision for learners with learning difficulties and/or disabilities."*

## Working with Partners

The concept of working in partnership is central to the vision of provision that is person-centred and appropriate to the needs of people with learning difficulties and/or disabilities. The impact of the *Children Act 2004* for those aged 16–25, and the development of multi-agency, person-centred planning in adult services are discussed. Particular reference is made to the role of Valuing People in relation to people with learning disabilities. There is extended consideration of transition issues, including significant discussion of work-related matters. This includes the Steering Group's message that more emphasis should be placed on progression to employment and the acquisition of skills that enable disabled people to play a full and active part in their communities.

*"The Minister for Lifelong Learning, Further and Higher Education to raise the issue of the LSC's spend on health/care costs with appropriate ministers in other Government departments and seek to reach an agreement about appropriate funding responsibilities and partnership working."*

## Conclusion

In summary, the Steering Group recognises and endorses the need for radical change across the sector. As part of these developments, the emerging good practice of the sector, for example, regional/local interagency collaboration, and existing good practice, should be built upon and extended to enable increased choice of high-quality post-16 education and training opportunities appropriate for learners with learning difficulties and/or disabilities. This provision should be learner-centred, cost-effective in the use of LSC funds and enable learners to progress to the maximum possible level of independence and activity in their communities and employment.

# Preface

1 The opportunity to carry out a major review of the LSC's planning and funding of provision for learners with learning difficulties and/or disabilities during 2004-05 has been timely and significant. This has been the first major, comprehensive review of this provision since the landmark 1996 report: *Inclusive Learning*, produced by the FEFC Committee, chaired by the late Professor John Tomlinson, CBE.

2 The progress made over the past decade, based on *Inclusive Learning* has been extensive, and should be celebrated in the context of LSC's strong commitment to the wider equality and diversity agenda. This review goes further, and in line with LSC's wider remit, is concerned with provision across the whole post-16 learning and skills sector. From the outset, therefore, it should be noted that this progress differs across the five current LSC funding streams that can act as 'silos'. More people than ever with self-declared learning difficulties and/or disabilities are now engaged in LSC-funded education and training – around 579,000 learners across all parts of the post-16 sector (Adult and Community Learning, FE, specialist colleges for learners with learning difficulties and/or disabilities, school sixth forms, work-based learning and including learners studying at all levels) in 2003-04, with a total cost of the programmes and associated learning support for these learners of around £1.3 billion.

3 Central to this report is the Vision Statement, published by the Steering Group in the interim report:

*"The Steering Group's emerging vision is transformational. We recognise that we have the opportunity to carry out a comprehensive and radical review of the provision that the LSC makes for learners with learning difficulties and/or disabilities and to embed our review within other major educational changes such as those arising from the Working Group on 14-19 Reform Report and Every Child Matters. Indeed, there is currently a unique window of opportunity for the LSC to influence its wider partners, to develop holistic support for learners.*

*We aim to make recommendations that will lead to a system that effectively meets the needs of all learners with learning difficulties and/or disabilities, including those outside the current system. Learners' needs should be met through equitable and easily understood systems of planning, funding and placement, enabling all learners*

*to achieve their goals and progress to the maximum possible level of independence and activity in their communities and in employment."*

4 The report's commentary and recommendations are all related to this vision, whose underpinning principles are fundamentally the same as those expressed so eloquently in Professor John Tomlinson's preface to *Inclusive Learning*. Namely, these are that the focus must be on the learning organisation's capacity to respond to the needs of the individual learner rather than locating the difficulty or deficit with the learner. There is a need to build upon these earlier achievements in the context of 'a society in which all disabled persons can participate fully as equal citizens', which is the vision of the Disability Rights Commission and also mirrors *Valuing People: A New Strategy for Learning Disability for the 21st century (2001)* and *Improving the Life Chances of Disabled People (2005)*. We must also recognise that people's awareness and expectations of post-compulsory education has also been strengthened, resulting in an increased demand for further education and training. This is as true for people with learning difficulties and/or disabilities as it is for the rest of the population and should be celebrated.

5 The sector must recognise both these contexts and as such, the Steering Group has come to the strong view that the key issue now is to ensure equitable access and quality of experience for these learners across the full range of LSC-funded provision, with more effective and consistent use of the finite funds available to LSC for this area of work. The Steering Group believes that the LSC, its providers and partners will be judged on their ability to carry through an enhanced agenda of *systemic* change that will translate vision and aspiration into reality within a changing landscape.

6 It has been clear from the outset that the review was concerned with longer-term strategy to enable the LSC to plan more effectively for its future provision for learners with learning difficulties and/or disabilities, including those outside the current system. The interim report referred to the 'extraordinary timeliness' of this review. Developments since then have confirmed this. The enactment of the *Disability Discrimination Act (DDA) 2005* has introduced the duty to promote disability equality (known as the Disability Equality

Duty) for the public sector, which includes a duty for specified public bodies, including the LSC and providers, and the wide-ranging implications of this are discussed further in the report.

7 In another context, there has been much public discussion this year around the impact of a reduction in LSC-funding for adult learning and its changing priorities. While retaining its focus on the longer-term implications for planning and funding of this provision, we need to learn lessons from the current context, and to provide more clarity in future for all parties engaged in delivery to these learners. This process of clarity should encompass and consider any future changes in fee policy and ensuring availability of appropriate provision and Additional Learning Support (ALS) funding. Whatever the cause, the uncertainty, in evidence this year, should be avoided if the review's recommendations are implemented, and the provision and funding parameters clearly understood.

8 The review has been informed by direct feedback from learners, and a structured learner feedback exercise involving 300 learners drawn from all five<sup>1</sup> funding streams, was carried out by Skill, the National Bureau for Students with Disabilities. From this it is clear overall that learners benefit greatly from their learning programmes and support is good. They gave great emphasis to the provision of Additional Learning Support and were very clear that the learning programme had helped them to develop, mature and progress. When compared with the last, similar exercise in 1996, as part of the FEFC *Inclusive Learning* report, there is evidence that many learners are now benefiting from inclusive provision, which allows them to work across the curriculum at different levels within an individual learning programme. Improvement in the provision of learning support and the commitment and quality of staff in this area was notable.

9 Although underpinned by legal duties, it will also be essential for the LSC to drive a movement that will realise the full and positive potential of disabled people as learners and, significantly, as valued employees in the wider workforce. An essential feature is the need for the LSC to develop its shared approach to planning and funding with partners, as envisaged in its Annual Statement of Priorities, published in December 2004. Central Government's visionary approach to collaborative packages of provision, better able to meet individual needs, will also require proactive involvement by the DfES in supporting and developing the essential cross-departmental approach, implicit in the *Valuing People* initiative, and in the development of Children's Trusts.

10 These and other matters are discussed in more detail within this report. At this stage, it would be helpful to highlight some of the *key messages*, which will be developed in more detail in subsequent chapters.

## Regional Development

11 Since publication of the interim report, the LSC has begun to invest in its regional structure, using DDA implementation money in particular in 2005/06. The LSC National Council accepted the proposition that the regional structure had 'considerable potential' in driving forward a range of matters that are central to this review's vision. Regions have developed very differently in this respect, and include, for example, an advanced pathfinder project in the East of England and smaller projects in the East Midlands. The report develops proposals to provide clarity about LSC roles at national, regional and local levels. The Steering Group believes that careful investment in the regional structure and provider capacity will ensure that there is a wider range of high quality provision to meet needs locally. This would repay longer-term dividends on the 'investment for change' principle. Specialist residential provision is valued for those whose severe or complex disabilities require it, and must be available. However, the Steering Group is clear in its view that it is essential that more high-quality locally-based provision, including collaborative ventures involving specialist providers, should be further developed and overseen on a planned, regional basis, so that, wherever possible, the needs of learners can appropriately be met in their local communities.

## Common Funding Approach

12 At the heart of the review's vision is the need for a 'common funding approach' alongside flexible targeting of funds in a learner-centred context, as argued in the interim report. The LSC has finite resources, and the intentions outlined in the *agenda for change* funding proposals provide a framework for delivering this.

13 The Steering Group has taken a clear and united view that the diversity of the post-16 sector is a great potential source of strength in meeting individual needs. Specialist providers can and do contribute much to this. It is, however, an ongoing frustration that current over-bureaucratic LSC systems, with distinct funding streams, continue to act as 'silos' and hinder the progressive, collaborative efforts of many specialist and mainstream providers at local level. The Steering Group welcomes the momentum for transformation created by *agenda for change*, and there is a significant synergy developing. The Steering Group would, however,

<sup>1</sup>FE, school sixth forms, work based learning, ACL and specialist colleges

wish to emphasise the need for a truly radical approach to issues being addressed by *agenda for change* and the Review of the Future Role of FE Colleges being conducted by Sir Andrew Foster. Perhaps the most important single message would be that the vision for more flexible, equitable and cost-effective targeting of funds would require systemic change, embracing all parts of the post-16 sector.

### **Prioritising Provision for Learners with Learning Difficulties and/or Disabilities**

14 LSC publicly stated in June 2005 that in the FE context, 'provision for learners with learning difficulties and/or disabilities' remains a priority, and the LSC's expectation is that the overall proportion of such learners will be maintained'. This followed concerns expressed by the Steering Group and others about the reduction in LSC funding for adult learning and changing Government priorities and the possible impact on provision for adults with learning difficulties and/or disabilities in FE institutions, who are a very significant cohort in this provision. Much of this concern arose from misconceptions within the sector and as such, the Steering Group recommends that greater prominence and clarity be attached to this priority area, both by DfES and LSC. We need sensible and clear guidelines, which leave no room for doubt in the minds of funders, providers and learners. The LSC will have a responsibility under the new Disability Equality Duty to assess the impact of its actions, and must ensure that in future its guidance is clear and unambiguous to avoid a repetition of this year's confusion.

### **Increased Collaboration in Planning and Funding**

15 High-level decisions and action will be needed if the LSC is to cease to be the sole funding agency for the collaborative packages that include specialist care, health and other types of support. Although key partner agencies currently make some contributions, these are very small, and the significant proportion of costs that relate to health and care are overwhelmingly being met from LSC funds. Millions of pounds could be freed up to provide more resources for learning, if the costs of this inter-agency work were more equitably spread at local level. This will, however, require the active support of DfES at ministerial level so that agreement can be reached with the relevant Government departments. If the needs of disabled people are to be met in the holistic way envisaged by Government, then the first step must be action at this high level. The Steering Group would repeat the warning made in the interim report that these arrangements should be introduced and implemented in a way that does not impose additional bureaucratic burdens on the frontline of delivery.

## **Employment**

16 The report considers further the importance of progression to employment and other outcomes. It considers some key issues around transition. In particular, disabled people should experience employment opportunities and retention in employment equal to non-disabled people. There remains a huge amount of wasted potential, as disabled people struggle against continual discrimination and barriers. The Steering Group is concerned that more emphasis should be placed on progression to employment and the acquisition of skills that enable disabled people to play a full and active part in their communities. One of the many important messages from the commissioned literature and research reviews is that contracts with providers should demonstrate that options for progression are increased, recognising in particular the value of direct experience in work rather than training for work. There is a wealth of provider experience across the whole post-16 sector. However, some of the most innovative and relevant providers, such as specialist 'supported employment agencies' are on the margins of LSC funding and are not seen as an integral part of the provider network. It is essential that local Strategic Area Reviews (StARs) pick up on this.

17 There has been disappointingly slow progress in exploring potential joint action between DfES and LSC on the one hand and the Department for Work and Pensions (DWP) and Jobcentre Plus on the other. We would particularly urge more concerted joint actions to ensure that significant Government policy agendas for the benefit of disabled people and wider society and the economy, can be moved forward. In relation to people with learning disabilities, we would urge even closer collaboration with and support for the Valuing People team, based in the Department of Health, as they focus on this agenda. The report also discusses the continued potential of the LSC's Apprenticeships and Entry into Employment programmes for young disabled learners, and supports the work that is being taken forward to develop the Foundation Learning Tier of the Framework for Achievement.

## **Quality**

18 Suitable access and quality of experience are identified as key components in developing the quality agenda to ensure that learners with learning difficulties and/or disabilities enjoy real choices and opportunities in learning that enable them to achieve their full potential. Better ways need to be found to assess the quality of experience of these learners, the majority of whom are in mainstream rather than discrete provision. There are also important issues around the skills and

recruitment of the workforce, both in mainstream and specialist settings, and in teaching and support roles. These issues are discussed in the report, but we would wish to emphasise that as the LSC moves towards its goal of purchasing only 'high quality' provision, it is urgent that there is a shared understanding of the characteristics of 'high quality provision' and the indicators that will be used to assess this.

## Transformation

19 The Steering Group has achieved the highest level of consensus and has real expectations that, if implemented, this report could be the basis of the next significant phase of progress. It hopes that the report and its recommendations will indeed enable that transformation from *vision to action*, 'enabling all learners to achieve their goals and progress to the maximum level of independence and activity in their communities and in employment'. Through the development of more regional and local provision, this should provide learners with improved choice of high quality learning and training opportunities and parity of experience wherever they live in England.

## Key recommendations arising from the review

20 There are 40 recommendations arising from this review of the LSC's planning and funding of provision for learners with learning difficulties and/or disabilities. Each is signposted at the appropriate point. However, a full list is available in Chapter 7 and the following represent what the Steering Group consider to be the key recommendations.

- The **overarching recommendation** of the review is, that in order to take forward the vision of systemic transformation outlined in this review, **the LSC should develop a national strategy for the regional/local delivery, through collaboration with partners, of provision for learners with learning difficulties and/or disabilities across the post-16 learning and skills sector that is high quality, learner-centred and cost-effective.**
- To achieve this, the LSC should commit to a policy of 'investment for change' to achieve systemic transformation and increased supply of high quality, local provision for learners with learning difficulties and/or disabilities.
- This will require the LSC, through its Regional Directors, to put in place consistent regional staffing structures to enable strategic and operational oversight of the development of

appropriate, coordinated, collaborative and consistent provision for learners with learning difficulties and/or disabilities. In particular, there should be a designated individual at a senior level whose role it is to provide the necessary operational oversight.

- In addition, the LSC should consider the development, in line with *agenda for change*, of a common funding approach across the whole of the post-16 learning and skills sector.
- The Minister for Lifelong Learning, Further and Higher Education to raise the issue of the LSC's spend on health/care costs with appropriate ministers in other Government departments and seek to reach an agreement about appropriate funding responsibilities and partnership working.
- DfES in its Grant Letter to the LSC for 2006-07 and, the LSC in its Annual Statement of Priorities, should give greater prominence and clarity to provision for learners with learning difficulties and/or disabilities being a priority.

# Overview

## Background

21 In March 2004, the LSC's National Council endorsed the need for a strategic review of its funding and planning of provision for learners with learning difficulties and/or disabilities. The decision was taken in the light of recent Government initiatives and legislation, such as *Every Child Matters and Valuing People*, which it is considered have altered the context in which the LSC carries out its statutory duties in regard of its provision for this group of learners. It has, in addition, been almost a decade since the last major examination of the provision for learning with learning difficulties and/or disabilities: *Inclusive Learning*.

22 A Steering Group, chaired by Peter Little, OBE formerly Chief Executive of Birmingham Rathbone, was established in July 2004 to oversee the review. The membership of the Steering Group is available at Appendix A.

## Remit

23 The LSC funds post-16 education and training for learners with a broad range of learning difficulties and/or disabilities. This is reflected in the definition included in the *Learning and Skills Act* (see below). This definition refers to learners who require additional support to learn. The support needed can arise from a range of impairments, for example:

- mental health difficulties
- learning difficulties
- specific learning difficulties, for example, dyslexia
- sensory impairments
- physical difficulties
- medical conditions, such as epilepsy
- communication disorders, including those learners who are on the Autistic Spectrum,
- profound and multiple learning difficulties
- emotional and behavioural difficulties.

Learners with learning difficulties and/or disabilities of all ages (post-16), ethnic groups and of all genders participate in a range of provision including pre-Entry Level programmes through to those taking Level 3 qualifications. Some of these learners will not require additional support, whilst there will be learners, including those who have not identified themselves as having a learning difficulty and/or disability who will require additional support. Furthermore, it needs to be emphasised that many learners with learning difficulties and/or disabilities will not be in discrete specialist provision; they will be learning alongside their peers without learning difficulties and/or disabilities. These learners will be accessing provision across all the five major LSC funding streams of:

- Adult and Community Learning
- Further Education
- Independent Specialist Colleges for Learners with Learning Difficulties and/or Disabilities
- School Sixth Forms: maintained school sixth forms (recurrent funding); special schools delivering to learners aged 16–19 (block grant to local authorities)
- Work-Based Learning.

## Definitions

24 The clear starting point for this review was to understand our parameters and most importantly to identify the scope of the review by defining what is a learner with a learning difficulty and/or disability. There are currently issues related both to the use of terminology and the scope of definitions of learning difficulties and/or disabilities. The disability movement favours the use of the terms impairment and disability to refer to both tier impairments and the impact on them of structural and attitudinal barriers in society (the social model of disability). However, this review looks at the context of learning hence the Steering Group felt that the most appropriate definition to adopt for the purpose of the review was that taken from section 13 of the *Learning and Skills Act 2000*. A person has a learning difficulty if:

“(a) he has a significantly greater difficulty in learning than the majority of persons of his age, or:

(b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions providing post-16 education or training.”

25 It should be noted that the definition of a person with a learning difficulty and/or disability from the *Learning and Skills Act 2000* is broad and by default includes those with social barriers to learning. As such, the LSC needs to ensure that it considers provision for these learners.

26 *The Disability Discrimination Act (DDA) 2005* amends the existing DDA legislation and now includes a duty on public sector authorities to promote disability equality. This duty will clearly affect the LSC. It should be noted that the definition of disability is more precise than that in the *Learning and Skills Act*. This does not undermine or alter the definition in the *Learning and Skills Act*. The impact of the new Disability Discrimination Act will be discussed in greater detail in the section on legislation.

27 It was noted in *Inclusive Learning* that there is a need to avoid the location of the learning difficulty with the learner and instead to focus on the ability of the provider to understand and respond to the individual learner’s requirements. The sector has made a considerable and welcome move away from a process of labelling the learner and towards creating appropriate learning environments. It has a stronger understanding of how people learn so that they can better be helped to learn. In the light of new Government initiatives and legislation, there is now a need to move to creating learner centred packages of provision through collaboration between providers across the post-16 sector and with other agencies such as health, social services and Local Authorities.

### **LSC-funded learners with learning difficulties and/or disabilities**

28 In 2003/04, the LSC was funding some 579,000 self-declared learners with learning difficulties and/or disabilities across the post-16 education and skills sector at a cost of approximately £1.3 billion. This cost is a combination of both on-programme costs and Additional Learning Support. It does not include indirect programme funding which may be associated with learners with learning difficulties and/or disabilities such as capital expenditure or Learner Support funding. Learners with learning difficulties and/or disabilities, account for approximately eight per cent of the seven

million LSC-funded cohort in 2003/04 and represent 11 per cent of the full time equivalents (FTEs) for the same academic year.

29 Of these 579,000 learners funded by the LSC, 167,000 were aged 16 –18, 75,000 were aged 19–24 and 337,000 were aged over 25, that is, some 71 per cent are adults. The gender split is roughly equal. Local LSCs hold data gathered through their Strategic Area Reviews about where and what type of provision learners with learning difficulties and/or disabilities are accessing.

30 Of the 579,000 learners, 3,038 were funded by the LSC at independent specialist colleges for learners with learning difficulties and/or disabilities compared to 382,000 in further education colleges. It should be noted that the monies identified by DfES for the LSC’s expenditure on provision for learners with learning difficulties and/or disabilities at specialist colleges comprises less than half of the LSC’s actual spend in this area. The budget, as set out in the annual Grant Letter from DfES to LSC, has risen from £50 million in 2001/02 to £56.65 million in 2004/05. The actual expenditure for the LSC, however, has increased from £65 million in 2001/02 to £126 million in 2004/05. There are learners with similar needs across the rest of the sector, and as such there is a need to consider that there may be a similar situation wherever the learner is located.

31 A recent piece of work was carried out for the LSC into the split in costs between health/social care and education of the packages of provision secured for learners by the LSC at independent specialist colleges for learners with learning difficulties and/or disabilities. It suggests that 43 per cent of the costs are health/care related, most of which are currently met by the LSC. It is likely that a similar situation exists in other parts of the learning and skills sector, although to a lesser extent.

### **Methodology**

32 The review has sought to produce a set of recommendations to the LSC’s National Council on its future planning and funding of provision for learners with learning difficulties and/or disabilities, within the parameters of the objectives outlined in the Terms of Reference, a copy of which is attached at Appendix B. The review has taken place in two stages.

#### **Review – Stage One**

33 Stage one focused on the establishment of a baseline of information/evidence for the work of the Steering Group. Quantitative data was collected from the

LSC's Individualised Learner Record. Qualitative data was gathered through the use of three key questions:

- What practices should be kept and built upon in developing provision for learners with learning difficulties and/or disabilities?
- What barriers and gaps are currently present in provision for learners with learning difficulties and/or disabilities?
- What solutions/plans are required to address these problems or to more widely implement successful practice?

34 Using these three key questions, evidence was collected, formally and informally from sector and individual contributions, provider networks and dialogue between Steering Group members and the wider sector. In addition, during autumn 2004 through to winter 2005, the Steering Group utilised a national conference and a series of regional DDA events for consultation purposes. On each occasion the three key questions were discussed and the findings were fed into the Steering Group. Reports from these events are available as part of the suite of documents published alongside this document.

35 The information/evidence collected was extensive. The emerging themes, findings and issues were highlighted in the interim report from the Steering Group to the LSC National Council in January 2005. These emerging themes informed stage two of the review.

### **Review – Stage Two**

36 As part of stage two, the Steering Group created a number of specially focused sub-groups to examine the key themes outlined in the interim report:

- Common Funding Approach
- LSC Operations and Planning
- Quality
- Working with Partners.

37 The theme of 'Working with Partners' was considered too extensive to be the remit of a single group and was divided into two sub-themes: local collaboration and learner transition (including employment).

38 Five members of the Steering Group were identified to lead the sub-groups. Each sub-group

included appropriate representation from within the main Steering Group and from other providers, agencies and representative bodies. A full list of contributors and the Terms of Reference for the sub-groups are available at Annexes C and D.

39 To ensure the sector was further able to contribute to the review, the LSC, on the Steering Group's behalf, undertook a brief targeted consultation. The three key questions were again used to gather evidence.

### **Review – Evidence and Research Base**

40 The two phases have been further underpinned by making certain that there exists a strong evidence and research base. The Learning and Skills Development Agency (LSDA) and the National Institute of Adult Continuing Education (NIACE) undertook significant and detailed literature reviews (Berkeley 2005, Faraday et al 2005). Where appropriate, these have been used to evidence issues and solutions.

41 In order to gain the views of learners with learning difficulties and/or disabilities across the sector, the Steering Group commissioned Skill, the National Bureau for Students with Disabilities, to undertake a learner consultation on its behalf. This is a further vital piece of underpinning evidence for the review.

42 It is intended that both literature reviews and the learner consultation will be published as part of a suite of documents relating to the review.

# Legislation including the Duty to Promote Disability Equality (known as the Disability Equality Duty)

43 This section summarises the duties of the Learning and Skills Council (LSC) and its powers under the *Learning and Skills Act 2000 (the 2000 Act)* and other legislation, which has an impact upon the LSC in relation to learners with learning difficulties and/or disabilities.

## Learning and Skills Act 2000

44 The LSC's main duties are to secure proper facilities for education and training, which are suitable to the needs of persons, aged 16 to 19 and to secure reasonable facilities for education and training, which are suitable to the needs of persons over the age of 19. In performing these duties the LSC must take into account a number of matters set out in the Act including facilities for education and training whose provision the LSC thinks might reasonably be secured by other persons. This means that in determining what education and training provision it must secure it must take into account what facilities for education and training it is reasonable to expect other organisations to secure without drawing on the LSC's resources. In carrying out these functions the LSC has a duty, section 13 of the 2000 Act, to have regard to the needs of learners with learning difficulties and/or disabilities and in particular have regard to any report of an assessment carried out under section 140 of the 2000 Act. Specifically, under section 13 of the 2000 Act, the LSC has a duty to secure a residential placement for learners with learning difficulties and/or disabilities where it is satisfied that it cannot secure proper or reasonable provision to meet their needs without also securing boarding accommodation.

45 In addition, under Section 14 of the Learning and Skills Act, the LSC must have due regard to promoting equality of opportunity between disabled and non-disabled people, and to report on progress annually to the Secretary of State.

46 The Learning and Skills Council currently carries out its duties under the *Learning and Skills Act 2000* by securing the provision of funding to the providers of the following:

- Adult and Community Learning
- Further Education
- Independent Specialist Colleges for Learners with Learning Difficulties and/or Disabilities
- School Sixth Forms: maintained school sixth forms (recurrent funding); special schools delivering to learners aged 16-19 (block grant to local authorities)
- Work-Based Learning.

47 The following is a condition of the LSC's funding to colleges and other providers/organisations which deliver further education:

*'The provider shall endeavour to provide for at least the same number of learners with learning difficulties and/or disabilities as it did in [previous year], and at least to maintain the proportion of such learners in its overall enrolment total'*

<sup>2</sup>Facilities are proper if they are-

(a) of a quantity sufficient to meet the reasonable needs of individuals, and  
(b) of a quality adequate to meet those needs.

<sup>3</sup>Facilities are reasonable if (taking account of the Council's resources) the facilities are of such a quantity and quality that the Council can reasonably be expected to secure their provision.

48 As one of a number of conditions across the LSC's funding streams, this condition should, at times of budgetary pressure and in the balancing of funding priorities, ensure that appropriate, high quality provision, for learners with learning difficulties and/or disabilities, is safeguarded. During the academic year 2004/05 it has, however, become necessary for the LSC to make explicit what may previously have been considered as being implicit, that is, that provision for learners with learning difficulties and/or disabilities remains a priority. This is not, however, stated explicitly in the LSC's Annual Statement of Priorities.

Recommendation: DfES in its Grant Letter to the LSC for 2006-07 and, the LSC in its Annual Statement of Priorities, should give greater prominence and clarity to provision for learners with learning difficulties and/or disabilities being a priority.

## Section 140 of the Learning and Skills Act

49 Under section 140 of the 2000 Act the Secretary of State has a duty to arrange for an assessment of the educational and training needs of a person in respect of whom the Local Authority maintains a statement of special educational needs and whom the Secretary of State believes will receive post-16 education or training at the end of their last year of compulsory education. The assessment should include an assessment of the provision required to meet the person's needs. The Secretary of State may also arrange for such assessments to be carried out in respect of other learners under 25 who it appears have a learning difficulty. The Secretary of State has arranged for section 140 assessments to be carried out by the Connexions Partnerships.

50 As noted in paragraph 44 above, the LSC must have regard to a section 140 report when discharging its functions to secure the provision of education and training for a learner with learning difficulties. The section 140 reports produced by Connexions Partnerships do not always comply fully with the statutory requirements and this makes it difficult for the LSC to make robust decisions in relation to the provision required to meet the needs of the individual learners. In addition, it is important to note the importance of the LSC communicating to Connexions Partnerships the full range of available appropriate provision for learners with learning difficulties and/or disabilities across the area.

Recommendation: DfES and Connexions Partnerships to ensure that assessment processes are sufficient to guarantee that section 140 reports comply fully with statutory requirements.

## Disability Discrimination Act 1995

51 *The Disability Discrimination Act (DDA)* was first introduced in 1995 to ensure that disabled people were protected from discrimination in employment and the provision of goods, facilities and services. Education was excluded from the original Act, although Work-Based Learning was covered by Part 3 (provision of goods and services).

52 The DDA was substantially amended in 2001 by the *Special Educational Needs and Disability Act (SENDA)*, which introduced new rights for disabled students and responsibilities for education providers. SENDA became Part 4 (education) of the DDA and provides that education providers must not treat disabled students and applicants less favourably, and should make reasonable adjustments where provision, criteria or physical features put disabled students at a substantial disadvantage. Although this affects providers rather than the LSC directly, the LSC must ensure that it enables its providers to meet the requirements of the DDA.

53 The DDA includes its own definition of disability, which is different from that contained in the *Learning and Skills Act*, and which states that a disabled person is 'someone with a physical or mental impairment which has a substantial, adverse and long term effect on his ability to carry out normal day-to-day activities'.

## Disability Discrimination Act 2005

54 The DDA 2005 amends the existing DDA and includes a duty on public sector authorities to promote disability equality. This duty will affect the LSC and LSC-funded providers and comes into force in December 2006.

55 The general duty placed upon the LSC is that it should eliminate discrimination and harassment, promote equality of opportunity between disabled and non-disabled people, and take into account people's disabilities, **even if this means treating them more favourably than non-disabled people**. This may have implications for the LSC when considering its funding priorities.

56 The LSC is also a listed body and will be subject to the specific duties of the Act. The LSC will therefore need to draw up and implement a Disability Equality Scheme every three years, and report annually to the Secretary of State. The Disability Equality Scheme should include:

- how disabled people have been involved in developing policies and devising the Disability Equality Scheme
- methods for assessing impact of key policies and procedures
- data collection and evidence base, and how that information will be used
- the effect of LSC policies on recruitment and retention of staff; educational opportunities for and achievements of disabled students; and how LSC services take into account the needs of disabled people
- how the scheme will be implemented.

57 The application of this Act to the LSC and its likely funding implications makes the need for clarification of the LSC's policies and funding responsibilities and those of other agencies in relation to learners with learning difficulties and/or disabilities even more pertinent. Previously, the LSC has received additional monies to support the sector in the implementation of the DDA. The Steering Group would consider it beneficial to support the LSC and the sector in the implementation of this Act if this additional resource was continued.

Recommendation: DfES should provide additional dedicated funds to the LSC to support the sector in meeting the statutory requirements of the *Disability Discrimination Act 2005*.

## Children Act 2004

58 The legislation results from the Government's consultation on *Every Child Matters* which was published in September 2003 and which proposed changes in policy and legislation in England to maximise opportunities and minimise risks for all children and young people, focusing services more effectively around the needs of children, young people and families.

59 Of particular interest to this review, the legislation places a duty on Local Authorities to make arrangements through which key agencies co-operate to improve the well-being<sup>4</sup> of children and young people and pool budgets in support of this. The list of 'key agencies' in the legislation includes the LSC.

60 It is envisaged that this legislation will provide a basis for the LSC to work collaboratively with other agencies in the development and funding (through the aligning of resources/budgets) of provision for young people with learning difficulties and/or disabilities up to the age of 25. Although not covered by the *Children Act*, this would also provide a framework for the LSC to work collaboratively with other agencies in the development of and funding of provision appropriate to the needs of those aged over 25 with learning difficulties and/or disabilities. This should also build upon the person-centred planning approach engendered through the Valuing People and the Learning Disability Partnership Boards, that is, that the needs of the individual with a learning disability are considered in a holistic way through multi-agency working.

61 In each case, that is, for those aged up to 25 and those aged over 25, it is envisaged that such working will define and clarify funding responsibilities in the development of packages of learner-centred provision.

62 The assessment of individuals' needs is key to the development of such packages. It is essential, in the light of the Government's current green paper *Youth Matters*, that clarity is established about where the assessments carried out by Connexions Partnerships under section 140 of the *Learning and Skills Act* sit in relation to statements of special educational needs and the common assessment framework (CAF). This may be addressed by the House of Commons Education and Skills Select Committee inquiry into Special Educational Needs.

63 It is also hoped that this framework for collaborative working will clarify responsibilities and help to address concerns about LSC funds increasingly being used to fund provision which should be the responsibility of other agencies (such as health and social care). Ultimately, this would enable more effective and equitable use of LSC funds for provision for learners with learning difficulties and/or disabilities across the post-16 sector in that it would allow the LSC to fund education and training for more learners.

64 Of 3,181 learners funded by the LSC at specialist colleges for learners with learning difficulties and/or disabilities in 2004/05, there were only 229 cases where there was a funding contribution from other agencies. These represented contributions of

<sup>4</sup>Included in the *Children Act 2004* as contributing to 'well being' is education, training and recreation

approximately £3.2 million compared with an estimated overall spend by the LSC of £126 million on this provision.

65 A letter from the Minister of Lifelong Learning, Further and Higher Education to the LSC's Chief Executive in July 2005 regarding funding pressures in 2006/07 and beyond, states an intention to raise this issue with appropriate ministers in other Government departments.

Recommendation: Minister of Lifelong Learning, Further and Higher Education to raise the issue of the LSC's spend on health/care costs with appropriate ministers in other Government departments and seek to reach an agreement about appropriate funding responsibilities and partnership working.

## Education Act 1996 – Transport

66 Section 509 of the *Education Act 1996* states that a Local Education Authority (LEA) shall make such arrangements for the provision of transport and otherwise as they consider necessary, or as the Secretary of State may direct, for the purpose of facilitating the attendance of persons receiving education. Any transport provided in pursuance of arrangements under subsection (1) shall be provided free of charge. The *2002 Education Act* amended section 509AC states that for the purposes of Sections 509AA and 509AB a person receiving education or training at an establishment is of sixth form age if that person is over compulsory school age but is under the age of 19, has begun a particular course of education or training at the establishment before attaining the age of 19 and continues to attend that course.

67 Although there is no requirement in the Education Act to provide any policy for disabled learners over 19, Paragraph 12 of Transport Support Arrangements for Students Aged 16–19 (2005/6) provides that when deciding what transport support to offer, "LEAs must specify what transport arrangements can be made available for students with learning difficulties and/or disabilities. Good practice suggests that wherever possible, LEAs and their partners should provide support for students who have been identified as disabled and needing transport support until at least the age of 21, and ideally up to 25. Local Authority social services also have powers to provide transport to facilities under Section 29 of the National Assistance Act 1948;"

68 *The Education Act 2002* amended the transport provisions of the Education Act. The amended legislation places a duty on LEAs to make transport provision for students aged 16–19 and ensure that no student is prevented from accessing or taking part in Further Education due to lack of transport support or services. It requires all LEAs to publish an annual policy statement, which includes details of all local provision, including services and concessions. Local authorities are funded through Learner Support Funds - Transport Funding for this activity. In conjunction with other local partners (local LSCs, colleges and in some cases social services), local authorities take a strategic view of local transport arrangements.

69 Although both LEAs and social services departments have a power to fund transport over the age of 19, the lack of duty means this does often not happen in practice. The lack of transport provision will clearly impact on the delivery of the Steering Group's vision of provision for learners with learning difficulties and/or disabilities. This needs careful consideration between LSC, DfES and Local Authority partners. In practice, a large part of the expenditure from Learner Support Funds - Hardship Funding is for transport costs.

70 The Steering Group was clear that, in recommending the development of high quality learner-centred provision for learners with learning difficulties and/or disabilities, there is no escaping the inevitable discussions about transport; whose responsibility it is to provide/pay for it and who is eligible? In short, there is little or no point in developing provision unless learners can access it. Research published by NIACE in 2004 (*Transport to Learning*) highlighted the impact that transport has on the learning choices that individuals make and hence the impact this has on participation.

71 As a result of legislation, Local Authorities have a clear responsibility to provide/pay for transport to learning, for those aged up to 19, and who are eligible. This is not the case for post-19 learners with learning difficulties and/or disabilities, for whom they may fund transport at their discretion. This will clearly impact on the delivery of the Steering Group's vision of provision for learners with learning difficulties and/or disabilities unless it is addressed clearly and consistently.

Recommendation: DfES and other Government departments to consider and propose appropriate transport legislation for those learners over the age of 19, with learning difficulties and/or disabilities.

# Planning

72 To achieve the vision outlined in this report, there a number of key activities, which the LSC must implement to enable transformation. These are to:

- ensure that all LSC policies, practices and procedures reflect the learning needs of those with learning difficulties and/or disabilities
- recognise and assess the impact of LSC's policies, procedures and practices on provision for learners with learning difficulties and/or disabilities
- ensure that the LSC business cycle activities consider and respond to the needs of these learners in both specialist and non-discrete provision
- recognise the aspirations and requirements of learners with learning difficulties and/or disabilities
- understand and manage demand for, and supply of, provision for learners with learning difficulties and/or disabilities
- secure appropriate provision for individuals through collaborative working with other agencies
- achieve greater cost-effectiveness
- develop more coherent approaches to planning provision for all learners with learning difficulties and/or disabilities
- achieve greater consistency of approach across localities and regions.

## The Planning Baseline

73 Our starting point for effective planning must be a strong evidence base upon which appropriate decisions can be made. This will be a legal requirement of the Disability Equality Duty from 2006. Information from Strategic Area Reviews and other mapping exercises are key tools in identifying gaps in provision. Indeed, some local LSCs have already carried out specific thematic reviews on provision for learners with learning difficulties and/or disabilities. Current trends indicate that the number of learners with learning

difficulties and/or disabilities is likely to increase. Early 2004/05 LSC data already confirm this growth pattern.

74 A further key evidence base is robust management information. Clear and accurate data are essential to enabling the LSC to plan effectively. Data also needs to be shared effectively across partners. Such work is already underway through Managing Information Across Providers (MIAP), which is considering how information can be shared across the education sector (schools, FE and higher education). DfES provides the strategic lead for this work with the LSC, the Qualifications and Curriculum Authority and Higher Education Statistics Agency as core partners.

75 Improved predictive data will also enhance our knowledge of the significant numbers of young people with learning difficulties and/or disabilities who are not currently accessing education or training. Local research in Gloucestershire, for example, demonstrates that the post-16 destinations of 40 per cent of young people with emotional and behavioural difficulties (EBD) are simply not known. Research into the 'not in education, employment or training' (NEET) group across the country has demonstrated the significant numbers of young people within this group that have learning difficulties or disabilities of one kind or another. For example, young people with a disability are twice as likely to be NEET as their non-disabled counterparts (Youth Cohort Study 2005). The LSC needs to ensure that it has a coherent approach that meets the needs of these learners as well as other groups.

76 The Steering Group endorses the commitment of the LSC, through *agenda for change*, and its partners to develop standard data definitions. The sector should agree the use of a consistent set of data definitions across the whole of the education and skills sector. Feedback to the Steering Group has also noted the need to ensure consistency with pre-16 terminology.

77 The Steering Group recognises that the introduction of Children's Trusts should also facilitate the better sharing of information and need for the development of standard data definitions for learners with learning difficulties and/or disabilities.

Recommendation: The DfES and the LSC in collaboration with appropriate partners, and in consultation with the Disability Rights Commission, should agree to share common data sets based on common definitions and terminology to be used throughout compulsory education and into post-16 education and training and accelerate work already underway, that is, *agenda for change* and Managing Information Across Providers.

78 The vast majority of data supplied to the LSC about learning difficulties and/or disabilities relies on learner self-declaration wherein lies a problem; learners may incorrectly define themselves as having learning difficulties and/or disabilities, for instance by confusion with basic skills needs. Variable disclosure of a learning difficulty or disability is a further issue for collection of this data. The reasons for non-disclosure can be characterised by fear of being labelled or discriminated against, or, learners not considering their difficulty/disability to be a barrier to their learning. The latter is characterised by comments made by a learner with dyslexia (taken from the LSDA Learners' Experiences DVD). The learner says:

"There was a question (about disability) but I didn't answer it, because I thought it might have a negative effect on me going on to the course I wanted to do. They might say that 'you're dyslexic, you won't be able to do it because of the number of exams and questions'. Therefore I skipped that question."

79 Data on offenders is particularly problematic. It is not possible to gain a comprehensive picture of numbers in the prison population who have learning difficulties and/or disabilities. Research conducted in the Yorkshire and Humberside region by the Dyslexia Institute (2005) indicates that two in five of those prisoners with literacy difficulties are dyslexic or show features of a hidden disability. There is over-representation of people with mental health difficulties, dyslexia and difficulties with learning in offender organisations compared with the population as a whole. This cohort may also include higher numbers of people with emotional and behavioural difficulties. Many people in offender organisations have been non-attenders at school.

80 The collection of more accurate information through any new system must be better able to cross reference self-declared information against the Additional Learning Support (ALS) a provider is claiming for an individual.

## The LSC Structure for Planning

81 Aspects of the LSC's current arrangements for planning, funding and managing provision for learners with learning difficulties and/or disabilities require an overhaul. Since the LSC's inception, the context in which it operates has fundamentally altered. The LSC needs to plan and manage provision at the three levels of its organisation: local, regional and national, and to ensure that business processes are inclusive of all learners. In doing so, it should ensure that where good practice exists that this is built upon. An example of this is the effective working relationships that local LSCs have with local authorities and other local agencies. This example is particularly pertinent to the delivery of collaborative arrangements as discussed later in this report.

82 The review considered the broad range of LSC activities in support of learners with learning difficulties and/or disabilities and was not confined to the placement of learners at specialist colleges (who represent under one per cent of all these learners). It covered the LSC's relationship with specialist and 'mainstream' providers, the planning and development of capacity within the system in all settings, the securing of appropriate provision for individual learners and liaison with other key agencies at local, regional and national level. The examination of the LSC structure and operations was further informed by the rising demand for provision for learners with learning difficulties and/or disabilities combined with an apparent limited supply of provision for learners with learning difficulties and/or disabilities (in both specialist and mainstream settings). The result of this is the need to develop capacity across the system and find ways of better managing demand if the requirements of all learners are to be met. Additional issues informing the examination of the LSC's structure and operation include:

- inflexibilities and lack of alignment of current processes and funding streams
- increasing demand on the LSC's demand-led budget for securing placements for learners at specialist colleges for learners with learning difficulties and/or disabilities. The LSC's statutory duties under section 13 of the *Learning and Skills Act* make this budget difficult to control.

## The Regional Role

83 All nine LSC regions need a clear and consistent structure for planning provision for learners with learning difficulties and/or disabilities. There are the regionally based Additional Learning Support (ALS) champions and a number of regions have also established networking groups with responsibility for learners with learning difficulties and/or disabilities as part of their structure of regional meetings, which could be used to inform the development of this structure. There are also some key developmental projects under way at a regional level, for example, in the East of England. This pathfinder has, in particular, operated on an 'investment for change' basis, that is, there has been an initial financial investment to enable the development of regional/local provision which will ultimately allow more effective use of LSC funds. Costings from the pathfinder suggest that following an initial investment of around £3.6 million per region to enable the development of regional provision, around £2.8 million per region could be released. This funding could then be reinvested in increased and improved learning opportunities for learners across the learning and skills sector.

84 The Steering Group considers that the regional level should be responsible for the overview of the planning and developing of provision for learners with learning difficulties and/or disabilities and in particular for those learners with the most severe learning difficulties and/or disabilities across the sector. It does not make sense for individual LSCs to plan and develop provision in isolation, especially provision of a highly specialist nature. This is particularly the case where there are limited numbers of providers with specialist expertise. The development of a regional structure offers a golden opportunity for the LSC to review the way in which provision for learners with learning difficulties and/or disabilities is planned, funded and managed. It will also be easier to ensure national consistency across nine regions rather than 47 local areas. The LSC should seize the opportunity for change, which this structure presents for learners with learning difficulties and/or disabilities provision across all existing funding streams.

85 Each region should, therefore, engage in strategic planning with appropriate partners, such as health and social services including those involved in person-centred planning, to understand learner need, to determine the pattern of provision required, and to develop and purchase high quality learner-centred provision, particularly for those learners with the most severe learning difficulties and/or disabilities. This will minimise duplication of provision and support the development of complementary provision. This work

should be integrated with other key areas of regional work, for example, the development of Regional Capital Strategies and approaches to quality improvement.

Recommendation: The LSC, through its Regional Directors, should set up arrangements to review the capacity of the system to meet the current and future needs of learners with learning difficulties and/or disabilities within their region.

86 Working with colleagues at LSC National Office, the regions should ensure pan-regional coordination in relation to the planning and development of provision, including links to Special Educational Needs (SEN) Regional Partnerships. There is a need to recognise that local LSCs and regional administrative boundaries have no meaning to learners and their advocates and there is a need to frame planning within the context of reasonable travel to learn areas as well as regional boundaries. For example, meeting needs in the LSC Milton Keynes, Oxfordshire and Buckinghamshire area may require co-ordination with development of provision in the South West region, the West Midlands and East of England, as parts of all three of these regions are more accessible for learners within this LSC area, than provision that is within the South East for example, in Surrey or Kent. The regions should also perform the role of linking to other regional partners such as Regional Development Agencies, SEN Regional Partnerships and Government Offices.

87 It is essential at regional level to ensure strategic oversight of the integration of the planning, funding and development of provision for learners with learning difficulties and/or disabilities into regional activities. However, as well as strategic oversight, it is also essential that there exists a high level operational oversight of the development of provision for learners with learning difficulties and/or disabilities.

Recommendation: The LSC, through its Regional Directors, should put in place consistent regional staffing structures to enable strategic and operational oversight of the development of appropriate, coordinated, collaborative and consistent provision for learners with learning difficulties and/or disabilities. In particular, there should be a designated individual at a senior level whose role it is to provide the necessary operational oversight.

## The Local LSC Role

88 Whilst the planning of provision for learners with more severe learning difficulties and/or disabilities may be more effective if strategically driven at a regional level, there is clearly an important role for the local LSC in planning provision to meet local need and in driving forward quality improvement. Local LSCs should obviously retain the role of planning 'mainstream' provision, in which learners with learning difficulties and/or disabilities will be learning/training alongside their peers who do not have learning difficulties and/or disabilities. The planning of this provision should be embedded within local LSC planning and funding processes and should also be clearly reflected at regional and national level.

89 Local LSCs should continue their relationship management role; managing the process of annual planning review, agreeing development plans and monitoring performance. The new provider planning framework includes differentiated quality improvement indicators as key to the agreement of plans with providers. This will allow local LSCs to agree individually appropriate measures with providers that recognise their unique contribution to meeting the LSC's targets and priorities. It will further support the LSC in meeting its legislative duties and offer safeguards for both the volume of high quality provision and nature of dedicated programmes and support for learners with learning difficulties and/or disabilities.

90 This planning process will also enable local LSCs and providers to agree relevant quality improvement indicators that reflect a planned response to regional/local needs. These indicators may include the commitment to better meet the needs of specific cohorts such as learners with learning difficulties and/or disabilities. It will be essential to achieve a balance between specificity, accountability and bureaucracy during this process.

91 A further essential key role for local LSCs is that of local relationships/partnerships with other local agencies and partners. This is an existing area of good practice and, as a result of being central to the delivery of collaborative working to enable the development of learner-centred packages of provision (as described later in this report), it is essential that this good practice is built upon.

92 The local LSC should, therefore, retain the key role of securing the most appropriate provision for individual learners with the most appropriate provider taking account of local management information, for example, information contained within the section 140

assessments provided by Connexions Partnerships. It is the Steering Group's expectation that Children's Trusts will be the key facilitator of learner-centred packages of provision for young people with learning difficulties and/or disabilities, in line with new *Every Child Matters* arrangements. Provision for adults with learning difficulties and/or disabilities will also be a key focus for local LSCs.

93 In executing these tasks, there are key considerations for Regional Directors and Executive Directors. Local LSC responsibility for provision for learners with learning difficulties and/or disabilities is often managed in isolation, sitting outside current LSC business processes with very little opportunity for a strategic overview. In addition, colleagues with responsibility for this area of work are often not sufficiently linked to other areas of the local LSC's work. An example of this is those colleagues with responsibility for considering funding placements for learners at specialist colleges for learners with learning difficulties and/or disabilities. These colleagues are located in a range local LSC teams, for example, learner support, equality and diversity and provider relationships. As such, the expertise that local LSCs have in this area is not utilised when managing other areas of provision and relationships with providers. This poor linkage to other work areas can result in provision for learners with learning difficulties and/or disabilities being inadequately integrated into the LSC business cycle.

Recommendation: Executive Directors of local LSCs should ensure that work and resources related to provision for learners with learning difficulties and/or disabilities, is fully integrated into local LSC business planning.

94 As part of this integration of processes, there will also be a need for building capacity within local LSCs to understand the complexity of the issues involved and to make far greater progress with mainstreaming disability and learning difficulty than has been the case to date.

## The LSC National Office

95 The National Office should be responsible for the strategic planning and funding policy framework for learners with learning difficulties and/or disabilities, setting policy objectives, and the national strategic cross-sectoral view of the LSC's planning and funding of provision for learners with learning difficulties and/or disabilities. It should also be responsible for the integration of the consideration of the needs of learners with learning difficulties and/or disabilities with processes such as the business cycle and with other national agendas such as the 14–19 reforms, Every Child Matters and the Skills Strategy. National Office should also take the lead in working with national bodies such as the DfES, the inspectorates and other national stakeholders, for example, the Association of Colleges (AoC), the Association of Learning Providers (ALP), the Association of National Specialist Colleges (NATSPEC), Skill, and should, in partnerships with the regions, be responsible for consistency, coordination of good practice etc.

Recommendation: The role of the National Office team with responsibility for provision for learners with learning difficulties and/or disabilities team should focus on national policy developments and annual planning arrangements, liaison with national agencies and stakeholders and coordination of this work at a national and regional level, including ensuring consistency at both local and regional level.

# Quality

96 Planning of provision must be linked fundamentally to quality. The intention of the LSC's new approach to funding, outlined in *agenda for change*, is that funding should support policy objectives rather than being the primary driver of the LSC/provider relationship, and that planning and quality improvement should be central, with funding supporting planning. The planning process agrees the detail of the mix of programmes and the balance of provision to be offered by providers and funding discussions relate to learner volumes linked to priorities.

97 Since 2001, progress has been made within the learning and skills sector in improving quality of provision for learners with learning difficulties and/or disabilities in that the proportion of provision judged to be 'outstanding' has increased marginally, whilst the proportion of provision deemed unsatisfactory and that judged to be good or better has remained consistent. Quality of provision, however, remains highly variable. This is reflected in inspection reports and in the annual reports of both inspectorates. The sector must, therefore, continue its work to ensure that improvement continues.

98 The quality issues facing this group of learners are the same as those that face the rest of the sector. To underline this point, we would argue that the quality themes highlighted in *agenda for change* are the same priorities, which should be addressed for those learners with learning difficulties and/or disabilities, that is:

- increased provider self-reliance
- capacity building
- increased embedding of quality improvement within self-assessment, development plans and so on
- improved new measures of success to inform provider self-improvement.

99 Although the sector's quality issues are equally applicable to those learners with learning difficulties and/or disabilities, as for those learners without, the key difference is how the sector responds to meeting the additional support requirements that these learners may have.

## The Response

100 Our definitions of quality provision should be measured by three simple measures. These are:

- consistent and effective learner assessment processes
- effective learning, teaching and support
- effective outcomes for individual learners and clear progression.

101 Learner assessment must be rigorous, fit for purpose and match learners' support requirement, that is, there should be a multi-agency approach to assessment. The proposed *agenda for change* methodology will need to offer flexibility for providers to allocate appropriate resources to facilitate effective multi-agency assessment. This assessment should be complemented by effective learning and teaching which motivates and engages both learners and tutors in a two-way process.

102 The sector needs to be able to offer learners positive outcomes and appropriate pathways for progression. Unless providers have a clear understanding of progression, learners can move into a vacuum or "revolving door" situation (Roberts 1995, NIACE 2003, Dee 2004) and some individuals can remain:

*'at college for years, sometimes repeating courses, or returning to the day centre from which they were originally referred, only to come back to college a few years later'.* (Jacobsen 2002)

Recommendation: Providers should consider the quality improvement needs of their provision for learners with learning difficulties and/or disabilities during their self-assessment and development planning processes.

103 If learners with learning difficulties and/or disabilities are not gaining new skills and progressing, we need to question why they are in education. Their lives might be better enhanced through other pathways. We should also not assume that because we propose a greater focus on progression that learners with learning difficulties and/or disabilities would no longer be able to access learning once they have left education. Like all learners, and in the spirit of lifelong learning, they should continue to access learning as and when they wish to acquire new skills.

104 There will be some learners with learning difficulties and/or disabilities, who will not be able to demonstrate progress, for example, people who require support to maintain the skills they have gained. In these cases, we would expect collaboratively funded packages of provision. Particularly as the education for maintenance of skills can potentially help postpone reliance on long-term institutional care, which in turn suggests a financial saving for other agencies.

105 The demand on providers delivering to learners with learning difficulties and/or disabilities is that all provision (regardless of provider, location and teaching and/or learning styles) is fit for purpose and of high quality. As such, if the sector is meeting these requirements, then it will not fail to meet the learning aspirations and needs of learners with learning difficulties and/or disabilities. Through high quality provision, learners with learning difficulties and/or disabilities would have access to learning experiences equivalent to those available to all learners, but with the specific personalised response to meet individual learning support requirements.

## Changing the Provider Landscape

106 There is a need for significant and ongoing change within the provider landscape. These changes will require new thinking on the part of both the LSC and its providers. For example, this may include the greater sharing of resource and expertise.

107 Demand for provision is currently increasing and supply across the sector has not kept pace with this. For example, most specialist providers for learners with learning difficulties and/or disabilities have waiting lists for places. There are also structural barriers to prevent the expansion of provider capacity across the entire sector. If we are to achieve a fundamental alteration to the sectoral landscape, there must be a fundamental change in provider capacity and capability. There is evidence of good practice across all parts of the sector. This should be built upon. Collaborative working between specialists and 'mainstream' providers would enhance capacity and capability across the sector.

108 Local LSCs are often reliant on fragmented and fragile funding streams for developing capacity (most of the funding for this has come from discretionary sources) and have difficulties in developing sustainable quality provision, within specialist or mainstream settings. Where innovative provision is effective, there should be appropriate safeguards to ensure its continuation.

109 Fundamentally altering the provider landscape will not just require a common funding approach, as discussed in the following chapter, but also 'up front' investment. There will be a need, at least, to continue the current level of funding (a discretionary £5 million within Local Initiative Development Funds in 2004/05) to build capacity within the system. However, funds to enable change will need to increase in the short term, but the investment in high quality locally based provision will pay huge future dividends. A costed model for the East of England Pathfinder projects a saving over a two-year period of some £2.8 million following an initial investment £3.6 million to enable the development of regional/local provision for learners with learning difficulties and/or disabilities.

Recommendation: LSC should commit to a policy of 'investment for change' to achieve systemic transformation and increased supply of high quality, local provision for learners with learning difficulties and/or disabilities.

110 In planning to promote high quality provision for learners with learning difficulties and/or disabilities, the LSC should be confident in reshaping its local provision. Strategic Area Reviews (StARs) and other mapping exercises provide a sound evidence base to support decisions. If a provider has a clear expertise and success in delivering high quality and effective provision for learners with learning difficulties and/or disabilities, this should be built upon. This may require local LSCs asking other providers to refocus to their strengths, to enable expansion of higher quality provision. The Steering Group would expect that the proposed LSC regional structure would be a key driver in planning quality improvement, particularly in relation to learners with higher levels of learning support requirements.

111 The LSC continues to indicate strongly that it will not fund poor quality provision. The LSC, therefore, should not be afraid to cease to contract with providers where the quality of the learning experience for these learners is persistently poor.

112 It is not simply the responsibility of the LSC to reshape provision. The development of provider self-regulation and self-reliance highlighted in *Success for All* (2002), *agenda for change* (2005) and other publications clearly indicate that providers must take responsibility for their own quality improvement. The role of the LSC now is to assure the quality of the provision it chooses to purchase. It is important that in this context, providers have a clear understanding of what the LSC expects to purchase.

113 Providers hold a key role, as they need to develop new ways of approaching the delivery of provision for learners with learning difficulties and/or disabilities. Providers are already beginning to think creatively about how they deliver provision to learners and employers. For example, provision purchased by employers will be delivered at times and in places to suit that particular employer. In the same respect, providers need to begin to think more creatively about how to tailor the provision they deliver to meet appropriately the needs of learners with learning difficulties and/or disabilities.

114 There should be a move to more flexibly delivered programmes for all learners. The LSC planning assumption of academic year delivery inhibits flexibility. There is a need for more flexibility in roll on/roll off programmes. Such flexibility is offered on Entry to Employment (e2e) programmes. Programmes for learners with learning difficulties and/or disabilities clearly need to consider learners' preferred ways of learning and interests.

115 Providers should also consider how learning could be delivered in new and non-traditional environments for these learners. Providers should consider using alternative delivery patterns, such as bite-size or outreach, or alternative environments to stimulate learners to learn. These developments should be driven not only by learners' preferred ways of learning, but also by their interests. Providers should also use alternative environments to capture learning achievements, for example, evening and weekend provision, youth work or leisure activity. See Reader (2005) as an example.

116 The workplace is just one environment, which should be exploited more. Learners with learning difficulties and/or disabilities want to participate in both society and contribute to the economy, thus we should move to greater links to employers to facilitate this. Just because a learner has learning difficulties and/or disabilities, it does not mean that they should be closeted and placed in a simulated working environment, when it is a real working environment that will perhaps offer the best means for sustained transition, where appropriate, to employment.

117 Inspection evidence from Work-Based Learning (for those who are able to work) identifies that: 'Learners spend significant amounts of their training in the workplace, with support as required. The routines of work, as well as the social requirements and expectations are learned on the job'.

118 Other means to improve and reshape provision are through provider peer review and support; also highlighted in *agenda for change*. Some informal regional provider networks with a focus on provision for learners with learning difficulties and/or disabilities are already in place. For example, in the North West region, LSC Greater Manchester facilitates a specialist college network. The providers on this network have noted the benefits of this work. The Steering Group would strongly encourage an increase of this type of activity. In addition, we would hope that, where logistically viable, these networks would include a mix of provider types.

Recommendation: LSC in conjunction with other key agencies, such as the Quality Improvement Agency (QIA), should develop a culture of self-improvement and peer referencing and actively support provider networks as ways of developing and improving quality of provision.

119 Linking to this, it is important that providers are able, where appropriate, to learn from Learning and Skills Beacons and Centres of Vocational Excellence. The DfES and LSC are currently reviewing the concept of Learning and Skills Beacons. Whilst acknowledging that Beacon status is dependent on excellence across an entire provider, it may be worth considering as part of this Beacon review how to recognise, on a regional basis, where providers have a particular ability in delivering high quality provision for learners with learning difficulties and/or disabilities.

Recommendation: DfES, LSC and the Quality Improvement Agency should investigate, with the inspectorates, the formal recognition of providers of high quality provision for learners with learning difficulties and/or disabilities, as 'centres of excellence'.

120 High quality delivery is further dependent on two factors. These are sectoral workforce development and an effective post-16 qualifications framework. Without an effective qualifications framework and a suitably qualified and capable workforce to design and deliver appropriate programmes and curricula, there can be no transformed provision for the LSC to purchase. LSC planning for provision and for quality improvement must be linked to the development of specific expertise and skills and a collaborative approach to ensure that support is available wherever it is needed.

## Workforce Development

121 For the LSC to be successful in ensuring providers deliver high quality provision for learners with learning difficulties and/or disabilities, it is essential that the workforce is appropriately skilled to deliver high quality teaching and learning. It is also important to recognise that there must be more than the capacity within the sector, but also the capability to deliver. As identified by the inspectorates, insufficient specialist qualifications, in relation to teaching learners with learning difficulties and/or disabilities, of teaching and support staff severely limits the capacity to deliver programmes.

122 A common theme highlighted in consultation, is the issue of suitable staff qualifications and the related skills shortages within the sector. Inspection findings indicate that the capacity to deliver programmes is often severely limited because teachers/tutors and support staff have insufficient knowledge, teaching experience or specialist qualifications for teaching learners with learning difficulties and/or disabilities. It is evident, that there is a clear need for the development and introduction of professional standards and qualifications for all staff working with learners with learning difficulties and/or disabilities, particularly for staff working with learners with the most severe and complex learning difficulties and/or disabilities (Anderson et al 2003, James & Nightingale 2004, Nightingale 2004).

123 Lifelong Learning UK (LLUK), the Sector Skills Council, has primary responsibility for workforce planning and development in the learning and skills sector. It has recently begun a major sector-wide programme of data collection on the workforce of the lifelong learning sector. This will provide an accurate picture of the skills gaps in the sector including any skills shortages. As part of this process, it is the expectation that LLUK will respond to the identified skills gaps and/or shortages and act to address them. This work should also involve the Centre for Excellence in Leadership (CEL).

Recommendation: LSC to collaborate with LLUK and CEL in the development of occupational standards and appropriate qualifications for all staff working with learners with learning difficulties and/or disabilities.

124 The Valuing People Support Team is currently working in partnership with Skills for Care and Skills for Health to develop the skills of the workforce in working with people with learning disabilities.

Recommendation: LSC to consider how it might work with the Valuing People Support Team in its partnership with Skills for Care and Skills for Health.

125 It will be essential to ensure that the skills to work with learners with learning difficulties and/or disabilities are included in mainstream standards. This will support qualified teachers/tutors in all areas of learning who work with learners with mild or moderate learning difficulties and/or disabilities. It will further enable broadening of the curriculum available to learners with the most severe and complex learning difficulties and/or disabilities.

## Qualifications Framework

126 The Framework for Achievement will offer a more flexible credit system that will support progression into further learning and promote the recognition of cumulative achievement. This model will be highly beneficial to all learners including those with learning difficulties and/or disabilities, as it will allow them to accumulate achievements from a wide range of types of provision, over time and in instalments. It will further support personalised learning programmes by allowing the range of achievements to be given national recognition and portability and give learners valued and transferable recognition for small steps of achievement.

127 The LSC and the Qualifications Curriculum Authority (QCA) are working in partnership on the development of the Foundation Learning Tier. It aims to establish an inclusive curriculum offer at Entry and Level 1 for learners of all ages from 14 upwards. Foundation Learning Tier provision, will be supported by units and qualifications at Entry level and Level 1 in the Framework for Achievement. The Steering Group recognises the importance of this work as, although

many learners with learning difficulties and/or disabilities are working at Level 2 or above, 45% of learners with learning difficulties and/or disabilities are participating in a programme at Level 1 or below. Around 20% of learners with learning difficulties and/or disabilities are participating in provision classed as 'unknown'. This is likely to include non-accredited programmes for learners with learning difficulties and/or disabilities at Level 1 or below. Therefore, we can estimate that the majority of learners with learning difficulties and/or disabilities in LSC funded provision are learning at Level 1 or below. The Steering Group notes that it is important that the establishment of the Foundation Learning Tier is able to meet the needs of those learners who are at pre-Entry level.

Recommendation: The QCA and LSC are urged to accelerate work to ensure fit for purpose and appropriate units and qualifications at pre-Entry Level within the Foundation Learning Tier.

## Qualifications and Targets

128 The sector has repeatedly expressed concerns that the LSC may stop funding "other provision" as the awards the learners receive do not contribute towards the LSC's targets. The LSC has publicly stated its commitment to funding high quality non-accredited educationally driven programmes for learners with learning difficulties and/or disabilities.

129 The LSC's concern regarding "other provision" is that there is a lack of national standard for accreditation, rigour/robustness and quality assurance. The Foundation Learning Tier has the potential to address the debate surrounding "other provision", as it has the potential to offer a framework that will support greater personalised learning.

130 The creation of appropriate Foundation Learning Tier units and qualifications should actively reduce provider concern regarding the fit for purpose nature of some qualifications. The LSC and QCA are also taking account of and identifying fit for purpose and appropriate provision, which may ultimately lie outside the Framework for Achievement but which, for some individuals, would be an integral part of their programme in the Foundation Learning Tier. Therefore, in creating a suitable programme offer for learners with learning difficulties and/or disabilities, providers will be able to utilise units of qualifications complementary to any non-accredited units that they may agree with learners for inclusion in their individual learning plan.

131 The targets assigned to the LSC by the Secretary of State are primarily qualification focused. Although we have stated that a focus on non-qualification driven outcomes should be introduced, we must acknowledge that we live in a qualification driven world, where employers desire their employees to have them and, learners themselves when entering learning are doing so to attain a qualification often to support their career aspirations.

132 In context, we must consider the impact of targets on both LSC planning and provider behaviour. The LSC must meet the targets assigned to it and understandably, will plan the purchasing of provision accordingly. The LSC must, however, ensure that this does not inadvertently create perverse incentives.

133 The current emphasis on Skills for Life as a national priority has led to reported pressure by providers to redesign the curriculum offer around a Skills for Life agenda, irrespective of the needs of learners. Inspectorate evidence from programmes for learners with learning difficulties and/or disabilities in general further education indicates that this focus often conflicts with the development of a relevant curriculum. There is a tension between target-led provision and meeting the learning needs of learners with learning difficulties and/or disabilities. The pressure on the LSC and providers to achieve targets has an adverse effect on some learners with learning difficulties and/or disabilities.

134 Whilst there are no equivalent targets for meeting the needs of learners with learning difficulties and/or disabilities, there is a potential disincentive to recruit any learners who will not contribute to a national headline target. To address this, there is a need to implement two changes.

135 Firstly, the recording of achievement towards national targets should be reassessed, so that they are more fit for purpose. Many learners with learning difficulties and/or disabilities in discrete provision will have "spiky profiles" and as such, may not be able to achieve a full qualification that contributes to Public Service Agreement (PSA) targets. There is a need to understand better how units of qualifications can contribute, particularly in the light of the emerging Framework for Achievement.

136 There is a need to recognise that learners with learning difficulties and/or disabilities can contribute to current, and future targets. The LSC and DfES need to become better at recognising achievement. For example, some Skills for Life qualifications will be problematical for learners with learning difficulties

and/or disabilities. An example of this is that units within numeracy qualifications at Entry Level must all be achieved at one level. This fails to recognise learners' spiky profiles. In addition, the LSC cannot count Entry Level 1 qualifications towards its PSA target. There is also a need for the LSC to plan for learners who may take longer to achieve. A learner with a learning difficulty and/or disability may not, for example, achieve a Level 2 qualification until they are aged 24 or 25. This achievement is as valid as one of their peers achieving this by age 19, yet it would not contribute to the PSA target.

137 Secondly, there is a role to ensure internal LSC safeguards. Despite the fact that the LSC is very much a target driven organisation there are few targets internally for increased participation or attainment for learners with learning difficulties and/or disabilities. With the regional approach, targets for participation for providers could be set locally and regionally. These would need to recognise the quality of participation (and achievement) and to have inclusive measures of achievement which recognise Distance Travelled. These targets would also need to link into the new provider planning framework, whereby local LSCs can agree appropriate measures with individual providers that recognise the achievements of learners with learning difficulties and/or disabilities as contributing to the LSC's targets and priorities. The lack of internal targets for increased participation or attainment of learners with learning difficulties and/or disabilities should also be addressed through the redesigned Equality and Diversity Impact Measures.

Recommendation: Regional Directors should consider the participation levels of, and outcomes for, learners with learning difficulties and/or disabilities when assessing the performance of local LSCs.

Recommendation: The LSC to develop and propose to the DfES appropriate performance indicators with regard to participation and achievement for learners with learning difficulties and/or disabilities.

## Learners in Mainstream Provision

138 There are large numbers of learners with learning difficulties and/or disabilities who are not participating in specialist or discrete provision. They are learning alongside their peers who do not have learning

difficulties and/or disabilities. They include learners with a full range of impairments following a full range of programmes. Over one third of learners, who have self-declared as have learning difficulties and/or disabilities, are studying on Level 2 and Level 3 programmes. These programmes are not specialist or discrete provision.

139 We expect parity of experience for these learners, who are learning alongside their peers without learning difficulties and/or disabilities. Our knowledge and understanding of the quality of the learning experience for this group of learners is, however, less well defined than for those in specialist provision. This is because their learning experiences may be difficult to evidence through inspection and problematic for local LSCs to identify as part of discussions during providers' Annual Planning Review. There is, however, some inspection evidence of good practice across the sector for these learners. Examples from FE colleges and Adult and Community Learning include:

"Those learners who are integrated into mainstream programmes have a mentor who meets them regularly to ensure they are receiving specialist support. In the case of those with mental health needs this requires collaboration with an outside agency."

"Specialist teachers/advisors are able to support learners and staff across the provision."

"Support for learners with specific needs, such as dyslexia, is available at all levels and taught by specialists who focus on enabling learners to develop strategies for themselves."

A quote from a learner with social phobia (taken from the LSDA Learners' Experience DVD) highlights the quality of his/her experience:

"There needs to be an awareness of people with mental health issues and how difficult it can be in a classroom environment. There were a couple of exercises in my first class when we had to go to the front and use the blackboard. I couldn't do any of those things and I'd be dreading it more and more. It was activities like that, that I floundered in and needed support. The tutor I had one-to-one support with, I was able to talk to her and she gave me a lot of encouragement...She also taught me to believe in my own abilities."

140 There is a clear need to understand better the quality of provision for, and therefore, the learning experience of this group of learners. The resources of the LSC and inspectorates have, however, prevented the experiences of this cohort of learners in non-discrete provision from being fully explored. Now that the

inspectorates will be adopting a lighter touch and the LSC is expecting its providers to be more self-reliant, there must be clear means by which the sector will be able to examine the quality of the learning experience of learners in non-discrete provision. One way for this to occur is through developments in Value Added and Distance Travelled measures, which measure how much progress individual learners have made by examining their prior educational attainment against their final achievement.

141 The LSC is developing software to enable providers to analyse Value Added and Distance Travelled data for these learners to assess and improve their own performance and which will support our understanding of the achievements of young people with learning difficulties and/or disabilities undertaking particular qualifications.

142 In addition, a working group is examining how Distance Travelled measures can be applied to adults. The educational attainment history for adults may not be accessible for providers and in some circumstances will be outdated. The work of this group, along with the work of the group considering Distance Travelled for adults with learning difficulties and/or disabilities (and for those young people for which other Distance Travelled models are not appropriate) will go some considerable way to supporting our understanding of the learning experience of learners in non-specialist provision.

143 This work will be further complemented by the Recognising and Recording Progress and Achievement (RARPA) approach. The wider application of RARPA will empower providers to recognise fully the achievements of learners undertaking non-accredited provision. RARPA may also have the potential to act as a success measure, that is, the ability of a provider to succeed in supporting learners in the achievement of their agreed learning targets. This must be set in the context of rigorous, effective and challenging target setting for learners.

144 Value Added and Distance Travelled measures provide a valuable tool for provider self-assessment to help them analyse and improve their own performance. Providers should exploit this data to enhance their self-assessment process and to improve their own performance.

Recommendation: The LSC to develop inclusive measures of success, to be used by providers, and to be used by the LSC in agreeing, monitoring and reviewing provider plans.

145 *agenda for change* has indicated that there will be further development of measures of success and the introduction of new measures. The Steering Group hopes that this work will include the consideration of the outcomes of learning and learner destinations for learners with learning difficulties and/or disabilities.

## Listening to Learners

146 Listening to learners is a process that is not sufficiently utilised. Activities such as learner forums can be a valuable resource for providers to understand the learner experience and to respond accordingly. In addition, if learners with learning difficulties and/or disabilities are adequately represented on learner forums, this will support providers in their new legal duty, under the DDA 2005, to listen to and consider the views of disabled people in the execution of their tasks. Forums and/or qualitative research would also offer a set of complementary information to provider's learner satisfaction surveys and Value Added and Distance Travelled data. Intelligent use of these activities may also offer a curriculum delivery tool for learning about citizenship.

Recommendation: In line with the requirements under the Disability Equality Duty, providers should introduce more effective means of capturing and taking account of the views and experiences of people with learning difficulties and/or disabilities.

147 Listening to learners is not just an action for providers. The LSC must also perform this task. The LSC's Equality and Diversity Sub-Committee on Learners with Learning Difficulties and/or Disabilities is to create a forum for learners with learning difficulties and/or disabilities. This forum will support the LSC in meeting its Disability Equality Duty. This forum could be complemented by a forum/think-tank for all learners, which would improve the learner voice within wider LSC governance. In addition to any future forums, qualitative research is also important. The learner consultation (2005), performed as part of this review, has provided significant qualitative information, which has greatly informed the development of the Steering Group's considerations and recommendations. This information would not have been gathered as part of the more quantitative LSC Learner Satisfaction Survey. A sector-wide consultation of this nature had not occurred since the *Student Voices* (1996). The Steering Group believes that it would be very disappointing if qualitative research on the learner experience does not

occur more frequently. A comprehensive report on the learner consultation will be available separately.

148 The learner consultation, undertaken by Skill, the National Bureau for Students with Disabilities as part of the review, included 300 direct interviews with disabled learners, both in groups and individually. Participating students covered the full range of LSC-funded provision, from school sixth forms to work-based learning and adult education, and included learners of all ages. Learners were positive about their learning experience, and they valued being treated as adults and welcomed the rich programme of courses and activities available. Learners with mental health difficulties particularly mentioned the flexibility of courses, which had enabled them to participate effectively.

149 Key messages from the learner consultation included the importance of wider benefits of studying, such as National Union of Students cards, making friends, building confidence and enabling them to make decisions. Learners also saw the importance of gaining certificates and qualifications, and wanted to ensure that other young people and adults like them would have similar opportunities in the future. Physical access and transport difficulties remained a problem for many. Learners placed great emphasis on the importance of Additional Learning Support, which had been key to their effective participation, but also wanted good access to mainstream facilities, such as sports and computer suites.

Recommendation: In line with the requirements under the Disability Equality Duty, the LSC should ensure that its measures of success include the outcome of qualitative research on the learning experience of people with learning difficulties and/or disabilities.

# Funding

150 To achieve the vision outlined in this report for more equitable access to and choice of high quality learning opportunities which match assessed requirements and aspirations for all learners with learning difficulties and/or disabilities, the LSC needs:

- a different pattern of provision – programmes and support – to address gaps in local provision and improve access to support for all providers
- better collaboration (assisting affordability) – more resources spent on learning
- greater flexibility to meet individual requirements and develop responsive provision
- effective assessment and planning for individuals
- consistency of funding methods across sectors promoting value for money
- better measures for assessing effectiveness.

151 The radical changes required to ensure there is a system that effectively meets the needs of all learners with learning difficulties and/or disabilities, will not be realised without a common funding approach across the entire sector. This was a key theme identified in phase one of the review. The LSC's, and the Government's, distinct funding "silos", will often represent a barrier to progressive and collaborative approaches to the planning and funding of provision for learners with learning difficulties and/or disabilities.

152 Currently, the LSC has a number of different funding streams, each with its own funding methodology, including the arrangements it makes for meeting the costs of support requirements arising from learning difficulties and disabilities. These differences give rise to inequities for learners in terms of the availability of, and access to, appropriate programmes of learning and support. For providers, there are different criteria for eligibility and different funding rates, even for similar forms of programmes and support. There is an acknowledgement of the inequities in the current system and the need to address these.

Recommendation: The LSC should consider the development, in line with *agenda for change*, of a common funding approach across the whole of the post-16 education and skills sector.

153 It is also necessary, however, to recognise that considerable resources are devoted to provision for learners with learning difficulties and disabilities and it is essential to make the most effective and efficient use of these resources. For the LSC there is a delicate balance to be achieved between effective budget management and fulfilling responsibilities to these learners. This suggests a need to be explicit about what the LSC is seeking to achieve for these learners, to have better measures for assessing the effectiveness of provision and to reshape the current pattern of provision to meet need in an efficient, effective and equitable way. This will further support the LSC in effectively managing public funds.

## ***agenda for change* Funding Methodology – Considering Learners with Learning Difficulties and/or Disabilities**

154 The *agenda for change* funding review has run in parallel to the work of this review. It proposes a new approach designed so that funding will "follow the plan" and will offer comparable funding for comparable provision, irrespective of provider and to have only one set of funding "rules", data collection and systems requirements. The approach will be two based on two elements:

- standard learner numbers which will be used as a measure of the volume of activity planned to be delivered by each provider, and
- a provider factor, which will be calculated to take account of costs, associated with its mix of programme types, disadvantage and the need for additional learning support/Special Educational Needs, and area costs. It will also incorporate learners' success rates.

Thus the funding method will establish common national rates for learners with the real and significant cost differences between providers being reflected through the provider factor. Although this is potentially possible, in some cases, such as specialist colleges for learners with learning difficulties and/or disabilities, the provider factor variation will be considerable due to the high number of guided learning hours and high levels of support required for each learner. The residential element of this provision will also need to be considered.

155 The funding rates assigned to the standard learner numbers will be differentiated according to whether it is fully funded (for priority areas) or co-funded where the assumption is that a fee is being paid. The introduction of core and commissioned elements of funding will guarantee a core of 90 per cent or 95 per cent to providers and a commissioned element that will allow LSC to direct funding to meet its priorities.

156 The LSC's proposed approach has the potential to address some of the existing inconsistencies and inequities, although much of the detail has yet to be discussed, worked out and tested fully across all sectors. The outcomes of the funding review and its recommendations are not restricted to FE colleges. The LSC sees the merits of implementing the proposed model across the whole of the learning and skills sector. The Steering Group welcomes this proposal and endorses the need for a common approach to be introduced across all the current funding streams. However, it will be essential to ensure that the impact of the proposed changes is assessed and that proper safeguards are in place for provision for learners with learning difficulties and disabilities.

157 *agenda for change* may propose a common funding system, but there are further issues that should be addressed. There remains the variability in actual funding levels (Fletcher & Owen 2005), which could be addressed through the introduction of the *agenda for change* funding methodology and data systems.

158 The LSC also needs to maintain the infrastructure of both providers and provision. This means that any plan will need to ensure the provider infrastructure can be protected during the introduction of any changes to the funding methodology. Funding should support policy objectives and should avoid perverse incentives and not distort provider behaviour. With a lighter touch regime, providers need to be accountable not only for providing for the same proportion of learners with learning difficulties and disabilities but also for ensuring that particular groups, such as those who are more expensive to support or those who are not currently accessing learning, are not excluded.

Recommendation: The LSC should ensure that the impact of the proposed changes on learners with learning difficulties and/or disabilities is considered during further development of the new funding model and its potential implementation.

159 It should also be noted that the LSC has for some time been considering its arrangements for funding Special Educational Needs in both mainstream school sixth forms and to Local Authorities for special school provision. It plans to consult on those arrangements within the context of this report in Winter 2005/06.

### ***agenda for change* – Additional Learning Support and the placement budget**

160 As part of the LSC's *agenda for change* funding model, the provider factor is a key element. This will be calculated to take account of costs associated with its mix of programme types, learner disadvantage and, importantly, the need for Additional Learning Support (ALS). The value of ALS has been widely recognised, by learners, in research, and in the data on retention and achievement. The learner feedback exercise carried out by Skill (2005) underlined the importance of ALS for learners. This is especially the case in the FE funding stream, where ALS is separately identified in the allocation. However, all providers need common access to funds to provide sufficient, appropriate high quality support and ALS funding or a similar budget that means it is "cost neutral" to the provider. There can be considerable individual variations in the yearly costs of ALS and as such there is a danger that it will not match costs if it is placed wholly within the provider factor.

161 For school sixth forms, special schools and adult and community learning providers, ALS is not separately identified within the funding allocation and it is for providers to allocate resources themselves from within their total allocation. The work-based learning funding stream has different arrangements with an element for support included within the standard e2e funding rate and access to two levels of additional funding to meet additional learning and additional social needs available for other programmes. These differences lead to inequalities for learners. The lack of ALS, or *perception* of lack of support, is given as the reason for steering learners away from provision, even when it is the most appropriate for the individual.

162 Findings from the LSDA Literature Review suggest a model where an identified budget is allocated to providers to be used flexibly to meet high incidence,

low cost learner requirements in an inclusive way and another sum is allocated to meet particular high cost support requirements. A first step would be to merge the processes and budgets for exceptional costs budget for FE colleges, currently over £19,000, with those processes for budgets for specialist college placements currently managed at national office and devolve this to the regions.

163 Although the placement budget is managed nationally, decisions about funding placements are managed at local level. It is not sensible to attempt to manage demand driven placements where expenditure decisions are made by local LSCs in this way. The current close involvement with local placements cases is also inappropriate and not efficient, as it represents a limited a number of learners with learning difficulties and/or disabilities served by the LSC. The National Office team should no longer have a role in casework or managing the current placements budget (including any ALS claims over £19,000). There are, however, implications for those specialist colleges for learners with learning difficulties and/or disabilities that have national catchments. These will need to be worked through thoroughly to avoid increased bureaucracy. It is also important that this budget be safeguarded and deployed flexibly across regions to meet unexpected need. The contracts should be owned at a regional level, except where specialist colleges have a purely local constituency in which case the contract should be agreed and owned locally.

164 Delegating the placement budget to regional level with an instruction not to overspend will simply relocate rather than solve the financial shortfall outlined above. This is as a result of the statutory duties, which underpin the placement of learners with learning difficulties and/or disabilities at specialist colleges. To all intents and purposes it means that the LSC cannot decide not to make provision for any individual eligible learner simply because the budget is overspent. The development of cost-effective locally based provision across all LSC-funded routes, and increased collaborative working with other agencies through the emerging Children's Trusts, should begin to reduce the demand on the placement budget.

165 Another consideration would be to create a unified budget from the previously mentioned regional exceptional costs and placement budget, together with the costs of low incidence learners with high cost support requirements. This unified, regional budget could be used in a more responsive way, and enable the more effective use of resources to support individual learners. This budget could be separate from the ALS funding within the provider factor, and identified within provider allocations, so that it may be used flexibly by

providers for high incidence, low cost learner support requirements.

166 The implications of the unified regional budget model would need further investigation. An appropriate standard threshold for all providers would need to be determined. A suggested threshold for the sector might be that of the current audit level for FE colleges where only ALS claims above £4,500 need to be evidenced through a detailed breakdown of costs per individual learner. An analysis of data under arrangements pre-2004/05, indicated that only five per cent of ALS claims are above this threshold. Further technical work will need to be done to ensure that this is an appropriate level. There could be potential dangers in a regional model of creating a bureaucratic burden for the LSC and providers leading to a delay in agreeing funding and releasing resources for support for individuals. To prevent a bureaucratic, audit burden for providers, we would expect any processes to be linked to or integrated within audit requirements. This model would result in a reduced ALS allocation direct to colleges, as the monies would for high cost/low incidence learners would be allocated regionally. If this model were implemented, the LSC would need to ensure that changes in allocations did not destabilize providers.

Recommendation: The LSC in its new funding approach should:

- retain ALS and identify a sum for ALS to be used flexibly by all providers within their allocation, and
- explore the implications of holding a unified, regional budget, which would include exceptional costs (currently above £19,000), the placement budget and ALS for learners with the most severe learning difficulties and/or disabilities.

167 Within this proposal, the role of the local LSC remains paramount. They will continue to agree providers' development plans and their contribution to LSC targets and priorities. The local LSC will also play a vital role in ensuring that a provider factor is accurate, which in turn will help to ensure the level of ALS to be used by providers for high incidence, low cost learner support is sufficient.

168 The nature of the specialist college client group means that it is likely that all their learners would be funded through the proposed unified regional budget, whilst noting that the overall funding methodology and planning processes would not fundamentally differ from other providers. As previously mentioned it will be necessary to ensure that the proposed approach does not create any additional burden of bureaucracy for any providers, particularly specialist colleges for learners with learning difficulties and/or disabilities, which have a local/regional and/or national constituency. However, this should be addressed by the implementation of the recommendation to the LSC to create a balance between specificity, accountability and bureaucracy.

### ***agenda for change* – Impact on Schools and Local Authorities**

169 Over the coming year, the LSC will be exploring the potential for applying the common funding approach to school sixth forms. In the spirit of contestability and fair access, we would wish to see schools firmly within the common funding approach. As with other providers, schools are constrained by current funding regimes. A clear equitable funding structure would give more autonomy to schools to be more responsive to learners with higher levels of support requirements. Continuing with the current model could discourage schools from collaboration, as the funding structure will place them in a separate “silo”. This would disadvantage learners, as they would not be able to access facilities and staff expertise from within the schools’ sector. More flexible funding may further enable more schools to broaden their curriculum offer.

170 In addition, the common funding approach applied to schools would support a planning process applied to all parts of the sector. This would address the unnecessary bureaucracy that some special schools face where they are in receipt of LSC funding through the SEN block grant and also through a separate contract for non-statemented 16–19 learners and 19 plus learners. These schools may be required to complete several plans, for example, a development plan for the LSC and a plan for the Local Authority. Thus, two separate plans will be created despite the funding coming from one common source, albeit through two different routes.

Recommendation: The LSC and DfES to clarify planning arrangements for schools to enable a single planning process for providers delivering to post-16 learners.

171 Under a single common fund approach, where a statement is not the key to funding, all post-16 learners would receive the same entitlement. The current use and process of statementing is highly variable. The level of statementing across Local Authorities is varied and the current pattern suggests that it is falling (Pinney 2004). In addition, a Cabinet Office paper, the SEN Bureaucracy Project, recommends reducing reliance on statements. Statements could be abandoned at 16 for funding purposes, as a common funding approach would result in a common post-16 assessment process. Such an approach would include schools in a common system across all sectors. It would also end the bureaucratic anomaly, whereby the LSC funds statemented learners in both mainstream and special schools through a passported SEN block grant to schools, through Local Authorities. This process creates a series of anomalies, differing entitlements and different learning experiences at post-16, when statementing is not consistently used. Of course, a statement is not just for funding purposes: it also articulates the whole support needed for a young person, including other agencies’ roles. Any new arrangements would need to ensure this point is addressed.

Recommendation: The DfES, with appropriate input from the LSC, should undertake a review of statements of Special Educational Needs in relation to post-16 learners.

### ***agenda for change* – Offender Learning and Skills**

172 The LSC is developing an appropriate funding methodology for offender learning. We would anticipate that this funding methodology is linked to or mirrors the *agenda for change* funding model. The expansion of the cohort of learners funded by the LSC has further financial implications. Prison learner profiles, and therefore, their learning support requirements, mirror those of the wider community. The House of Commons Education and Skills Select Committee has recommended that the LSC is given the appropriate resources necessary to apply its standard funding methodology so that prisons have access to all of the funding streams available to mainstream providers. The Committee, particularly, wished to see the ALS funding approach applied to prison education. The Steering Group would also endorse this assertion. If the Steering Group’s vision is to impact on the sector, it must include all learners.

Recommendation: The LSC should be provided with appropriate resource to apply an ALS funding approach to offender education.

### **agenda for change Funding Methodology – A Common Contracting System**

173 Different contracting methods may undermine the potential benefits of a common funding approach because provider relationships with the LSC are significantly different. Those who receive a “grant in aid”, that is non-profit making organisations such as FE colleges and ACL providers will, with the new arrangements, no longer be subject to reconciliation and claw back. Independent providers, however, are paid through contract with in-year, quarterly or half termly reconciliation. A common funding approach will not in itself alter the contract status and bring the benefit of stability to the provider. Many contracted independent providers are “not for profit”, but the current contracting system along with a common funding approach would not fundamentally alter the relationship of provider to the LSC. A common contracting system would enable “not for profit” providers to also benefit from a common funding approach. Providers that do so must adhere to the associated Treasury rules of the status.

Recommendation: The LSC explores the possibility of allowing “not for profit” providers to opt for “grant in aid” status, or, if this is not feasible, the LSC, to ensure parity, should explore a new contracting system for “not for profit” providers.

### **agenda for change Funding Methodology – Impact on Capital**

174 Related to the issue of a common contracting system is that any such change would have a significant impact on access to capital grants. Ensuring an equitable funding methodology, which enables collaborative working will also support contestability and likely assist a broadening of the provider network. However, as noted in the common funding approach section, because provider contractual relationships with the LSC differ, this may undermine the potential benefits of this approach. This is particularly pertinent to “not for profit”/voluntary sector organisations across the sector.

175 Providers, particularly those delivering WBL, often find that infrastructure costs are greater in part due to the cost of premises and the lack of access to capital grants. This can mean that providers currently rely on other unreliable or short-term funding streams, such as European Social Funding, to meet their basic costs. This will be addressed through a greater equity of funding levels, delivered through the common funding approach, and fairer access to capital grants.

176 The Steering Group in Section 6 identifies the need for increased collaboration and multi-agency funding of provision for learners with learning difficulties and/or disabilities. This is likely to lead to development of learning in a range of new environments, including locations such as day centres. Increased multi-agency funding may be likely to lead to shared capital ventures. This is particularly pertinent in light of the *agenda for change* recommendations to work with Regional Development Agencies and other bodies for common goals.

Recommendation: The DfES, and in turn the Treasury, to ensure that, through the next spending review, the LSC is able to meet the capital needs of the whole learning and skills provider network in terms of provision for learners with learning difficulties and/or disabilities.

177 Capital funding has been available to FE colleges, ACL providers and more recently to specialist colleges. Much of this funding has been related to the significant capital monies provided by the DfES to the LSC to support providers in making the necessary changes as required under the Disability Discrimination Act Part 4. Evidence from national projects within the work of *The Disability Discrimination Act: taking the work forward 2003-05* demonstrates that the resources made available have not only improved access, but have made a difference to practice.

178 Whilst much has been done to improve the accessibility of provision, we recognise that offering a different pattern of provision locally, regionally and nationally is likely to require future capital investment. The Chief Executive of the LSC has indicated that the plans for the whole FE estate are to be modernised or renewed by 2012/13. This will clearly require considerable levels of funding. This funding level would also be a major issue if expanded to include other areas of the learning and skills sector.

179 Co-location of learning and skills providers represents a viable means to ensure public funds are spent effectively. The *agenda for change* programme has noted that capital investment can increase efficiency. In addition, it is important to consider the relation of capital to quality. Inspection findings from colleges indicate that inappropriate accommodation and lack of specialist resources often characterise weak provision. Co-location will support a collaborative use of resource and we would expect it to support greater efficiency. Co-location work should also consider and where appropriate link to the extended schools agenda.

180 It should be acknowledged that a co-location policy would have to be balanced against a need to recognise that learners with learning difficulties and/or disabilities will benefit from different learning environments and locations. For example, there may be transport issues if providers were concentrated in one site. Furthermore, there are some learners for whom large sites and traditional learning environments are either intimidating or not conducive to encouraging their participation.

Recommendation: The LSC, the inspectorates and the Quality Improvement Agency and other funding partners should investigate, as appropriate, the benefits to the learner and any financial benefits associated with provider co-location.

181 Linked to the agenda of widening access to capital grants, the Steering Group has highlighted the need for clear eligibility criteria. Potential longevity of the provider, its level of quality and whether they address gaps in provision should be the primary criteria for capital funding to support provision for learners with learning difficulties and/or disabilities. Along with quality measures for the sector, the LSC has in place risk measures to consider providers' ability to deliver to plan. This measure along with the new inspection grade for "capacity to improve" will enable the decisions regarding capital investment to be informed by the likely assurance that the provider has a long-term role in the sector.

182 The increase in access to local provision, including the rebuilding of the FE sector is unlikely to replace the need for some learners with high level support requirements to access provision at specialist colleges for learners with learning difficulties and/or disabilities. There are, in addition, likely to be other people who wish to access learning whose support requirements are

such that "mainstream" provision, in the short term, does not have the capacity, staff expertise and/or associated resources to meet their needs.

183 Specialist colleges for learners with learning difficulties and/or disabilities may wish to develop day provision. We would also anticipate that this would enable specialist colleges, in collaboration with other providers and agencies, to offer a more flexible mix of residential and day packages tailored to individual requirements. We expect that the LSC national capital strategy will take account of the investment needs of those specialist colleges it expects to support in the short, medium and long term.

184 The introduction of a common funding approach (including targeted funding for low incidence learners with high support requirements), a common contracting approach and equitable access to capital funds for quality providers will improve the parity of experience of learners with learning difficulties and/or disabilities, whatever learning route they choose. The Steering Group also considers that these changes would offer improved parity of experience for all learners, regardless of in which part of the sector they are participating in learning.

# Working with Partners

185 If we consider the numbers of people that would be classified as having learning difficulties and/or disabilities under the *Learning and Skills Act*, it is evident most, if not all people will be involved with a multitude of agencies. It is estimated that there are 210,000 people with severe and profound learning disabilities (*Valuing People 2001*). One in six of the general population has common mental health problems at any one time (*Mental Health and Social Exclusion 2004*). In each of these circumstances, people with learning difficulties and/or disabilities will be supported by a range of agencies.

186 The concept of working in partnership is central to the Steering Group's vision of provision that is learner-centred and appropriate to the needs of those with learning difficulties and/or disabilities. The need for inter-agency and collaborative working is well documented (Sutcliffe & Jacobsen 1998, Jacobsen 2002, James 2002). It has synergy with other Government policies and strategies (*Valuing People 2001, Removing Barriers to Achievement 2004*), which support a multi-agency/collaborative approach to the development of provision for people with learning difficulties and/or disabilities that is learner-centred. Collaboration with other agencies is also identified by the LSC in its Annual Statement of Priorities as a key action.

187 The intention to work collaboratively with other agencies with responsibility towards young people with learning difficulties and/or disabilities in the development of learner-centred provision is particularly timely in the light of the *Children Act 2004*. The legislation places a duty on Local Authorities to make arrangements through which key agencies co-operate to improve the well-being of children and young people and joint budgets in support of this. The list of "key agencies" in the legislation includes the LSC. As previously indicated, a result of the *Children Act* is that Local Authorities will become the key facilitator for multi-agency funding packages for learners aged 16 to 25, who have learning difficulties and/or disabilities. It is worth noting that currently, Connexions Partnerships have a pivotal role for these learners.

188 The introduction of integrated children's services is to be welcomed. This development, however, is not applicable to the majority of adults with learning

difficulties and/or disabilities. A greater integration of services for adults has been enhanced by the highly successful work of Valuing People and person-centred planning which considers on a multi agency basis the holistic needs of the individual. More work needs to be done to ensure that the principles of Valuing People are embedded further. LSC planning of education/training provision for adults with learning difficulties and/or disabilities needs to be performed in a collaborative local context of joint planning with local social services and NHS Trusts and making use of baseline data available through person centred planning.

189 Increased integration of delivery and co-working will result in better outcomes for all individuals. Locally, regionally and nationally the LSC and its partners are beginning to forge co-working and collaborative relationships. Critically, however, multi-agency planning and funding approaches need strengthening. It is envisaged that, in the spirit of the *Children Act 2004*, this may be a model to adopt to enable more cost-effective use of LSC and wider public funds for adults with learning difficulties and/or disabilities.

Recommendation: The LSC should liaise with key partners, as appropriate, on transition planning for individual learners to help facilitate effective transition both into further education and training and, later, from that provision into employment (where appropriate) and/or their communities.

190 Clarification of the statutory funding responsibilities is highly pertinent in the context of this review in the light of the removal of schedule 2<sup>5</sup>, (which existed in the *Further and Higher Education Act 1992*), from the *Learning and Skills Act 2000*. This action has broadened the definition of what is learning for a learner with learning difficulties and/or disabilities and now enables more people to participate in learning opportunities. This, in tandem with the LSC's clear legislative duty, appears to have led to a blurring of which agency is responsible for funding the provision. Learners with learning difficulties and/or disabilities do not have needs which fit "neatly" into the agency parameters (Byers et al 2002). They are likely to require

<sup>5</sup> A requirement that, for the FEFC to be able to fund a programme for a learner over the age of 19, the learner had to be able to demonstrate their ability to be able to progress (eventually) to a qualification such as a GCSE or NVQ

holistic programmes, which require multiple agencies to take responsibility for supporting these individuals. The issue of clarity of responsibility is further clouded by differing interpretations and priorities of other agencies. This has meant that the LSC is solely funding provision that would previously have attracted funding from other agencies.

191 As previously indicated, the finance allocated to the LSC to secure placements for learners with learning difficulties and/or disabilities at specialist colleges comprises less than half of the actual spend. The low level of contributions from other agencies exacerbates this shortfall. Recent work on the LSC's funding of packages of provision for learners with learning difficulties and/or disabilities placed at specialist colleges has indicated that it is possible to separate out the costs of each element of a package, that is, education, health and care. This evidence and the increasing trend of the LSC being the sole funder of packages of provision in the specialist colleges and across other parts of the FE sector is likely to mean that funding that could be targeted at meeting wider LSC priorities or meeting the LSC's equality and diversity agenda to include more learners outside the current system, is being diverted.

192 On the basis of 2003/04 data regarding the LSC's funding of placements for learners at specialist colleges for learners with learning difficulties and/or disabilities, such an agreement could release approximately £54 million of LSC funds to secure education and training for learners who are not currently able to access provision. As noted earlier, there are learners with similar needs across the rest of the sector, and as such there is a need to consider that there may be a similar situation wherever the learner is located.

193 As the sponsoring department of the LSC, the DfES should agree, with other Government departments, a framework outlining clear shared funding responsibilities for particular provision. We would anticipate that agreements should be made locally, but that this should be facilitated by a national agreement to support inter-agency discussions. Alternatively, there may be a need for legislative change to facilitate greater levels of co-funding, particularly in relation to adults with learning difficulties and/or disabilities. Linking to the earlier recommendation for the Minister of Lifelong Learning, Further and Higher Education to raise the issue of LSC's spend on health/care costs with appropriate ministers in other Government departments, there is a need for an outcome of these discussions to secure a national agreement/memorandum of understanding with other Government departments and with the Local

Government Association. This national agreement/memorandum of understanding should be underpinned by local agreements to ensure it is enforced.

194 Cost-effectiveness should not be simply seen in terms of financial savings for the LSC. The Steering Group considers that there is great potential in creating cost efficiencies across all funding bodies through collaborative planning and funding of packages for learners with learning difficulties and/or disabilities underpinned by the principles of Children's Trusts and person centred planning. It will prevent unnecessary duplication and ensure increased use of shared resource. We would anticipate that this would also improve the services received by learners with learning difficulties and/or disabilities.

195 There already exists some considerable good practice both pre- and post-16 in multi-agency working to plan and fund provision appropriate to the needs of learners with learning difficulties and/or disabilities; e2e delivery that requires involvement from a range of providers and agencies is just one example (GHK 2005). Also Learning Disability Partnership Boards have been established to bring together people from social services and health services, people with learning disabilities, family carers, people from housing, education and other organisations. There is a further need to recognise that working with partners doesn't just mean financial contributors. There are roles for the voluntary sector and also for communities. Community groups could play an important role supporting learners with learning difficulties and/or disabilities. This may be particularly the case for learners from an ethnic minority group. Ethnic minority community groups and bodies will have a better understanding of the multiple barriers faced by this group of learners and the extent to which mainstream practices fail to address their needs or sufficiently recognise their cultural values and backgrounds, including perceptions of learning difficulties and/or disabilities (Mir 2001, Maudslay 2003).

196 There are, however, key issues concerning partnership working which require further consideration and action by agencies to support appropriate packages for learners with learning difficulties and/or disabilities. These are

- Data collection and sharing remains an area of major concern for organisations linked with this cohort. Data need to be shared readily, appropriately and in a timely fashion. The operation of self-declaration underpins data used in the sector, and this impacts on the transition process and the interface with partners, and is discussed elsewhere in the report.

- Many organisations conduct effective initial assessment of learners, identifying a range of needs. However, all too often these needs are not then met. The reasons for this are many but largely centre on organisations that simply do not know where to access a partner to support a learner's specific needs or do not have the funds. Additionally, organisations focused upon qualifications or with a single aim or securing employment may not choose to offer additionality to learners, as it may not be funded or recognised as an indicator of performance.
- The LSC regards the achievement of qualifications as a key measure. However, for learners at Level 1 or below, most employers value employability skills much more. The reality of this can be a young person with a clutch of diverse qualifications and little hope of securing and sustaining employment. As discussed elsewhere, there are highly significant proposals to develop the Foundation Learning Tier. It will be enormously important to achieve wide support and buy-in from a wide range of partners, including employers, so that the Framework for Achievement works.
- As individuals grow older there is an increased lack of clarity about which agencies have a duty towards the individual, in particular, which has the lead responsibility.

197 The issue of reduced clarity of agency responsibility is also a factor during transition. Learners with learning difficulties and/or disabilities often face complex and multiple barriers to progression. Few single organisations are able to support individuals with the full range of needs and therefore the need for groups, individuals and organisations to work together to provide a holistic approach to learning and progression is a key to success (Morris 2002, Dean 2003). Many of the issues that negatively affect transition stem from a lack of synergy and communication between these groups (Routledge 2001, PMSU 2005). The impact on the individual learner can be devastating, leaving them in a stage of regression and damaging their confidence and self-esteem.

198 Where an individual is being fully supported and is progressing well, it will often be at the point of transition into alternative provision or employment that they are at risk of dropping out. This can be evidenced across the whole sector and is particularly evident at the point of leaving school and again later upon progression to employment or higher education. There are, however, many examples of effective

partnership working between organisations to the clear benefit of individual learners. All too often, however, this can be attributed to an individually focused group or individual professional. The work survives for the time the individual remains allocated to the project.

199 There is considerable evidence of good practice across the sector in preparing learners with learning difficulties and/or disabilities for transition. In adult and community learning, FE colleges and specialist colleges for learners with learning difficulties and/or disabilities:

"The focus of the programmes for learners with moderate learning needs on discrete programmes, is preparation for progression to mainstream or the community. This involves training teachers in vocational areas and making productive community links. Teachers have high expectations of learners:".

"Progression routes are signposted at each centre, and specialist support and equipment is available no matter where the learner attends".

"Learners receive high levels of specialist support, often in conjunction with other aspects of provision or other agencies. The focus of the programme is that learners are fully prepared for the next stage of their lives. Full use is made of the opportunity provided by the residential component of the provision. Learning programmes are meaningful and practical, and do not simply follow the confines of a traditional timetable".

200 Learner transitions occur throughout life at all ability levels (Bradley et al 1994, Dee et al 2002). Yet a DfES longitudinal study of young people with disabilities and learning difficulties (Dewson et al 2004) reported that that only half of young adults in their study could recall attending a transition meeting; this number fell to one third when the young adults did not have a statement of Special Educational Needs. Skill's Aasha project found in 2003 that information about transition opportunities was singularly failing to reach all members of South Asian communities. Transition could become more problematical for young people due to the potential lack of clarification of responsibility for the conduct and use of a range of overlapping statutory assessments.

201 The green paper, *Independence, well being and choice – the future of adult social care in England* has also highlighted that the transition period between child and adult service provision can be poorly managed. For children and young people with learning difficulties and/or disabilities, Joint Area Reviews (JARs) will evaluate how well all services in a local area, taken together, improve their well-being. There is however,

not the same process to gain the same breadth of understanding of the experiences of adults with learning difficulties and/or disabilities. Ideally, a review of services for adults with learning difficulties and/or disabilities, similar in nature to JARs, could be performed to understand better the adult perspective. This may be something that the new Office for Disability Issues, a strategic unit responsible for coordinating Government work on disability could consider. The LSC would need to provide input and advice on learning as appropriate.

Recommendation: The LSC should engage with the Office for Disability Issues to discuss the learning aspect of any review of services for adults with learning difficulties and/or disabilities.

202 We must conclude that despite the best efforts of numerous professional partners, including the Connexions Partnerships, many individuals are not getting the service, particularly in planning for their transition, that they have come to expect or need (PMSU 2005).

## Work Related Learning

203 Exposure to the workplace in order to learn and refine vocational skills is essential. Without this, learners learn theory that they struggle to transfer into the real world of work. A vocational course without a work placement will not provide the employee with the skills they require and many employers do not see these courses as credible.

204 A good example of learners working in real working environment is seen at Lewisham College, which has excellent provision for students with learning difficulties and disabilities, with basic skills learning embedded into practical programmes. Examples of pre-Entry Level provision include flower arranging and shop, Premises, Cleaning and Car Valeting and Access to Horticulture. These programmes develop learners' literacy, numeracy and problem-solving skills in a practical environment. Learners are encouraged to work with each other. The courses involve working in a real working environment, both on and off the college site. Examples include the running of a fresh flower service to the college and beyond, and the Access to Horticulture provision has the grounds maintenance contract for the college.

205 These learners do not access vocational courses in the same volume as others (Anderson et al 2003, Lockton 2003). Only five per cent of Advanced Apprentices are disabled and the LSC has no targets to increase this. Again, this message is reinforced by the LSDA Research and Literature Review, and we would urge the LSC and its partners to respond.

Recommendation: The LSC, DfES and DWP to investigate how Access to Work funds can be used to increase participation of disabled people in employment opportunities, including Apprenticeships.

206 Workforce development is of particular relevance to disabled people, and the National Employer Training Programme needs to have specific targets for them, which recognise the proportion of disabled people at each employer participating. This includes the workforce development needs of people who are below Level 2, including those at Entry Level.

Recommendation: The LSC to introduce appropriate performance indicators for participation and achievement of learners engaged in Apprenticeships and in the National Employer Training Programme.

207 Many successful examples of employment of disabled people focus on recognising the value of direct experience in work rather than training for work, and a large base of research and practical examples, including the LSDA suite of DDA projects, supports this. Of particular relevance in this context is the well-established work of supported employment providers. Typically working on the margins of LSC funding, they have the potential to contribute towards uniquely cost-effective expert, collaborative provision. Often based in the voluntary and local Government sectors, supported employment providers are a neglected collaborative partner. They have great expertise in job brokering and job-coaching and could further the workforce development agenda. As such, there is a need to ensure that, in addition to the current programmes of Apprenticeships, e2e and NVQ learning, the LSC recognises and funds, preferably in collaboration with Jobcentre Plus, programmes that offer pedagogical work-based learning for people with learning difficulties and/or disabilities.

Recommendation: The LSC to ensure that employment-related provision is accessible and actively encourages participation of those with learning difficulties and/or disabilities.

208 The development of the e2e programme over the past two years was seen as a huge opportunity for this cohort, and the e2e Framework is a fully "inclusive" one, catering for young people below Level 2. The percentage of starts on the e2e programme has averaged, from the outset, over 30 per cent of learners self-declaring a learning difficulty and/or disability. Although there are grounds for querying the accuracy of the self-declaration, this makes this programme a key potential component in the choices open to these young people, especially 16–18 year olds at a key point of transition.

209 However, the combination of budgetary pressures and outcome targets are a problem, and the review has received a great many expressions of concern about local variations in eligibility criteria and interpretations. An example would be feedback from the DDA action research projects, in particular project 14 (Little 2004). What should be noted, however, is the most recent data for the full year (2004-5), which shows that 42 per cent of these self-declared learners have achieved positive outcomes, only marginally less than the average. These include employment destinations, and this underlines that transition to employment is a key motivator for these learners with learning and other difficulties. Indeed, at the national e2e conference in May 2004, the then Skills Minister, Ivan Lewis MP, said: "It is important to have structures in place that enable those learners who are capable of progressing to Level 2 to do so, and it is just as important to ensure there is a valid learning experience for those young people whose learning will enable them to make progress towards sustainable employment below Level 2 (supported or otherwise)". The alignment of e2e with other provision below Level 2 in the Foundation Learning Tier could have great potential, but needs to be handled with great care, so that the highly sensitive nature of this fledgling provision, including its provider infrastructure, is protected.

Recommendation: The LSC to explore with partners, using its e2e Advisory Group where appropriate, how best to develop e2e opportunities for learners with learning difficulties and/or disabilities as part of its development of the Foundation Learning Tier.

210 Many learners have the ability to achieve an NVQ following an e2e programme. On the WBL route, most LSC's have converted their NVQ only provision to Apprenticeships, including Programme Led Pathways. Many of these learners may not achieve the full framework and taking them onto an Apprenticeship programme would certainly be a business risk for a training provider. This will be felt more keenly from August 2005 as the full framework achievement is more closely linked to funding. The review has received concerns that outside FE funding streams, those learners with, for instance, moderate learning difficulties will face greater barriers to the achievement of vocational Level 2 qualifications. There is a further need to ensure that the LSC adheres to the demand-led approach as outlined in *Skills: Getting on in business, getting on at work* (2005).

211 The figures show that many e2e learners do secure employment after an e2e programme. For this group to have an NVQ as well would further enhance their chances of sustaining employment and support long-term employment progression. The system can appear to discourage this and therefore push down achievements for young people below Level 2, creating an even greater gap between those "not in education, employment and training" and Level 2 attainment. This appears to many contributors to be at odds with the Government policy around Skills for Life and first Level 2s.

212 Equally, learners can progress to college where they can access a range of NVQ only provision at Level 1 and Level 2. If independent providers were able to offer NVQ only programmes and as much of the framework as possible (without suffering funding cuts or damaging the Apprenticeship achievement rates) the young person would genuinely achieve their full potential, secure employment and in some cases learners would exceed expectations and achieve the full framework. A key consideration must be that learners with learning difficulties and/or disabilities do not face artificial and bureaucratic barriers, reflecting different entitlements in different funding silos, which can prevent their transition to their next stage, including, where appropriate, employment.

Recommendation: The LSC to consider how their reformed planning and funding arrangements can safeguard and strengthen access to Level 2 achievements and employment outcomes for these learners.

## The LSC and Jobcentre Plus

213 A learner with complex needs may require training and support beyond the limits of LSC funding. An apparent gap between the funding bodies LSC and Jobcentre Plus leaves learners exposed and at risk. In many cases, they are required to undertake repetitive initial assessments and learning aims agreed with often fail to build on progress to date. Jobcentre Plus funds employment as an outcome rather than broader learning aims. The Government's commitment to extra investment in New Deal for Disabled People, made in the Chancellor's pre-budget announcement at the end of 2004, has recently been extended for an extra year until March 2007. It is essential that these important initiatives be more effectively "joined up" with LSC and other partners.

214 The National Employment Panel report, *Welfare to Workforce Development (2004)* recommended a need for joint LSC and Jobcentre Plus local delivery plans with measurable objectives for key collaborative activities. This led to local LSC's receiving mandatory requirements in respect of joint approaches and activities from LSC National Office. We should like to see evidence that this approach has been widely adopted with significant joined up working between Jobcentre Plus and LSC to the benefit of this cohort. In our interim report, the Steering Group observed "that in relation to these learners, it is vitally important for LSC, as a matter of urgency and priority, to establish and strengthen its financial and working relationships with key partners".

Recommendation: The LSC, DfES, Department for Work and Pensions and Jobcentre Plus to examine joint working with regard to the transition from further education and training (where appropriate) to employment of people with learning difficulties and/or disabilities including those on Incapacity Benefit.

215 Providers must do more to ensure that they engage more disabled people on programmes and ensure that they achieve at an appropriate level and rate. Enabling all providers to access the same programmes will allow all learners equitable opportunities. The LSC should contract with providers that enable learners to progress into employment, and should recognise that many learners, particularly those with learning difficulties, are on work preparation college courses but do not move into employment (Jacobsen 2002, Vickers 2003, LSC/DoH 2005). This is a

great potential area for local and regional collaborative work between providers. A number of specialist providers could make a real contribution to the development of innovative, quality local provision, if the funding arrangements are reformed accordingly.

## Barriers to Employment

216 Individuals with learning difficulties and/or disabilities are at a significant disadvantage to others. They are more likely to be unemployed and more likely to have lower levels of qualifications than others without a disability of learning difficulty

*"On average the skill levels of disabled people are significantly lower than those of non-disabled people. Almost 40% of disabled people aged 19 lack a level 2 qualification, compared with 23% of non-disabled 19 year olds; over 40% of disabled people have no qualifications at all" (Able to Work – Report of the National Employment Panel's Working Group on Disability 2005).*

217 This group of learners will often suffer from poor self-esteem and a lack of confidence. Raising their aspirations is critical as long as the system is then committed to supporting the learners to reach them. A poor understanding of the capacity of providers and colleges by LSCs, Connexions Partnerships and others will lead to false hopes being raised, despite the overwhelming desire of most disabled people to enter paid employment. It is also the case that the business case needs to be made even more convincingly to employers. As the economy continues to grow, it will be important to increase labour supply, and economically inactive disabled people represent a large cohort of unused potential.

218 Increasing the number of people attaining a Level 2 or Level 3 qualification should remain a key LSC priority. People with no or few qualifications are more likely to become disabled than more highly qualified peers. In addition, compared to households with no disabled members, households with individuals with impairments face an increase in the risk of entering poverty, and a decrease in the risk of leaving poverty (Burchart 2003). Thus, we should also note the valuable role the LSC has in wider social justice.

219 The UK has an ageing population. The likelihood is that people will continually develop disabilities. Vast numbers of people will, therefore, acquire a disability during their working lives. Approximately three quarters of disabled adults become disabled during working life (Burchart 2003). As such, staff retention becomes a highly important issue.

220 For some, a lack of appropriate support can result in them leaving employment and becoming dependent on state benefits, such as Incapacity Benefit. It has been established that if people are on Incapacity Benefit for more than one year the average length of claim is eight years (DWP 2002). This is an area where learning can sometimes be an essential "first step" back to employment. Mental health issues can often be best supported in this way, for example.

221 The LSC can lead on agreeing the role of education and training in supporting, where appropriate, local NHS Trusts and Jobcentre Plus to improve retention of newly disabled jobseekers and employees. The proposed Incapacity Benefit reforms and related activity represent a potential growth area for the LSC, as appropriate education and training programmes may be required to support the transition from Incapacity Benefit to employment.

## Other Key Areas of Transition

222 Offenders with learning difficulties and/or disabilities are discussed elsewhere in the report. However, it is worth saying that there is a lack of synergy for offenders in the transition on release. The high proportion of offenders who have a learning difficulty, including, for instance, dyslexia, emotional and behavioural difficulties, as well as mental health issues, calls for particular care in the interface between custody, community and employment agencies and providers.

223 Continued support is a key requirement throughout the transition period, which for these learners may be an extended one. *The Learning and Skills Act, 2000* recognised that for people with learning difficulties and/or disabilities, transition arrangements involving Connexions Partnerships would be available, where required, until the individual reached the age of 25. This notion of "continued support" is a key ingredient of successful transition, "enabling all learners to achieve their goals and progress to the maximum possible level of independence and activity in their communities and in employment", in the words of our vision statement. Continuing "after-care support in the early stages of work" can make all the difference to embedding and developing learning and retaining employment.

## Transition to Higher Education

224 For some disabled young people transition to higher education is one of the most important moments in their life. In 2004, UCAS recorded 16,746 student admissions with a self-disclosed learning

difficulty and/or disability. Interestingly, 9,238 of these declared a learning difficulty. This amounts to around five per cent of all 334,295 admissions. There are established means of support at this stage, including *Into Higher Education*, the annual higher education guide for people with disabilities, produced by Skill.

225 There are, however, major transition issues, including significant changes in benefit and support arrangements, compared to FE. For instance, a learner may not be aware that they were "supported" through ALS funding in FE or, as demonstrated through Skill's learner consultation, in school sixth form provision, and that they will need to be proactive to obtain the required support. This is particularly challenging when it involves the student living away from home. Equipment and support that they may have relied on during the FE stage does not move with them. Sometimes, there is poor liaison between staff in FE/school sixth form and HE sectors, and this has been documented (Sanderson 2001). To ensure continuity of support for the learner, it is essential that these staff liaise with staff in the higher education institution.

226 If Government targets on participation levels in higher education are to be reached, then LSC needs to work closely with AimHigher and HE generally to encourage more disabled people to participate in HE. There are some excellent examples of good practice in HE in relation to disabled students. The LSC also needs to liaise with the Higher Education Funding Council for England (HEFCE) as it prepares to mainstream its disability support at the end of 2005, including the need for HE institutions to be aware of the challenges for these students in transition.

Recommendation: HEFCE, with support from the LSC and other appropriate agencies, such as Skill, should encourage smoother transition and increase numbers of disabled people entering HE.

# Conclusion and Recommendations

227 The overarching recommendation of the review is that in order to take forward the vision outlined in this review:

**The LSC should develop a national strategy for the regional/local delivery, through collaboration with partners, of provision for learners with learning difficulties and/or disabilities across the post-16 learning and skills sector that is high quality, learner-centred and cost-effective.**

228 There are 40 recommendations, which arise from this review of the LSC's planning and funding of provision for learners with learning difficulties and/or disabilities. These are listed below. The following are, however, considered to be the five key recommendations:

*The LSC should commit to policy of "investment for change" to achieve systemic transformation and increased supply of high quality, local provision for learners with learning difficulties and/or disabilities.*

*The LSC, through its Regional Directors, should put in place consistent regional staffing structures to enable strategic and operational oversight of the development of appropriate, coordinated, collaborative and consistent provision for learners with learning difficulties and/or disabilities. In particular, there should be a designated individual at a senior level whose role it is to provide the necessary operational oversight.*

*The LSC should consider the development, in line with agenda for change, of a common funding approach across the whole of the post-16 education and skills sector.*

*The Minister for Lifelong Learning, Further and Higher Education to raise the issue of the LSC's spend on health/care costs with appropriate ministers in other Government departments and seek to reach an agreement about appropriate funding responsibilities and partnership working.*

*The DfES in its Grant Letter to the LSC for 2006/07 and, LSC in its Annual Statement of Priorities, should give greater prominence and clarity to provision for learners with learning difficulties and/or disabilities being a priority.*

229 The majority of the recommendations arising from the review are for the LSC. This is unsurprising given the remit of the review, that is, to review the LSC's funding and planning of provision for learners with learning difficulties and/or disabilities, that for which it has a statutory duty under the Learning and Skills Act 2000. Recommendations also relate to the duties of other partners and reflect the fact that as per the LSC's Annual Statement of Priorities, it needs to work collaboratively. The issue of collaboration is particularly pertinent to this review.

230 There are in addition recommendations for the Department for Education and Skills, where issues need to be dealt with at departmental level, and of course recommendations involving providers across the post-16 sector.

231 In summary, whilst there is a need for transformational change of the provider landscape, there is already evidence of emerging good practice, for example, regional/local interagency collaboration and of existing good practice. This good practice should be built upon and extended to enable increased choice of high quality post-16 provision (appropriate to their assessed needs) for learners with learning difficulties and/or disabilities, which is learner-centred and cost-effective in the use of LSC funds. It should also enable learners to progress to the maximum possible level of independence and activity in their communities and employment.

# Bibliography and References

- ALI (2004). *Entry to Employment: looking back over the first year and forward to the future*. Coventry, ALI.
- ALI and Ofsted inspection and annual reports (2001-2005). Coventry/London, ALI/Ofsted.
- Anderson, Faraday, Prowse, Richards and Swindells (2003). *Count Me in FE*. London, LSDA.
- Berkeley (2004). *Literature Review: Learners with Learning Difficulties and/or Disabilities Since 1997*. Leicester, NIACE.
- Bradley, Dee, and Wilenius (1994). *Students with Disabilities and/or Learning Difficulties in Further Education: A review of research carried out by the National Foundation for Educational Research*. Slough, NFER.
- Burchardt (2003). *Being and Becoming: Social Exclusion and the Onset of Disability – A Report Prepared for the Joseph Rowntree Foundation*. London, London School of Economics.
- Byers, Dee et al (2002). *Enhancing Quality of Life-Facilitating Transitions for People with Profound and Complex Learning Difficulties: Staff Development Guide*. London, Skill.
- Cabinet Office/DfES (2004). *Special Educational Needs – Bureaucracy Project Summary Report*. London, Cabinet Office/DfES.
- Children's Society (2003). *Ask Us 2*. London, Department of Health and Joseph Rowntree Foundation.
- Dean (2003). *Disabled Young Adults and the Parental Home*. York, Joseph Rowntree Foundation.
- Dee, Byers et al (2002). *Enhancing Quality of Life - Facilitating transitions for people with profound and complex learning difficulties*. A Literature Review. London, Skill.
- Deere (2004). *Provision for learners with learning difficulties and or disabilities*. Report based on Adult Learning Inspectorate findings in 2001/04. Unpublished.
- Dewson, Aston, et al (2004). *Post-16 Transitions: A longitudinal study of Young People with Special Educational Needs: Wave Two*. Nottingham, DfES.
- DfEE (2000). *Freedom to Learn: Basic Skills for Learners with Learning Difficulties and/or Disabilities*. London, DfEE.
- DfES (2002). *Success for All: Reforming Further Education and Training*. London, DfES.
- DfES (2004a). *Removing Barriers to Achievement: The Government's Strategy for SEN*. Nottingham, DfES.
- DfES (2004b). Department for Education and Skills: *Five Year Strategy for Children and Learners*. Norwich, TSO.
- DfES (2005a). Statistical First Release 04/2005. *Youth Cohort Study: The Activities and Experiences of 16 Year Olds: England and Wales 2004*. London, DfES.
- DfES (2005b). *Youth Matters: Youth Green Paper*. Norwich, HMSO.
- DfES, DTI, DWP, HMT (2005). *Skills: Getting on in business, getting on at work*. London, TSO.

DoH (2005). *Independence, well being and choice – the future of adult social care in England*. Norwich, TSO.

DWP (2002). *Pathways to Work: Helping People into Employment*. Hayes, DWP.

DWP (2004). *Households Below Average Income Average Income 2002/03*.  
[www.dwp.gov.uk/asd/hbai/hbai2003/chapters.asp](http://www.dwp.gov.uk/asd/hbai/hbai2003/chapters.asp)

Faraday, Macqueen, Maudslay, Tissot (2005). *Moving From Policy to Practice: a literature and research review*. London, LSDA.

Fletcher & Owen (2005). *The Funding Gap: Funding in schools and colleges for full-time students aged 16–18*. London, LSDA.

Foster and Hassell (2004). *The Learning Alliance National E2E Offender Pilot – Final Evaluation Report*. Youth Justice Trust, London.

GHK (2004). LSDA and LSC National Office: *Evaluation of the National Establishment of E2E – Final Report*. Coventry, LSC.

Her Majesty's Government (2005). *Government Response to the House of Commons Education and Skills Select Committee Report – Prison Education*. London, TSO.

Heslop, Mallet et al (2002). *Bridging the divide at transition: What happens for young people with learning difficulties and their families?* British Institute of Learning Difficulties, Glasgow.

House of Commons Education and Skills Select Committee (2005). *Prison Education – Seventh Report of Session 2004-05 Volume 1*. TSO, London.

HMG (2004). *Every Child Matters: Change for Children*. London, DfES.

HMI document 716. *Guidance on inspecting provision for students with learning difficulties and or disabilities*. London, Ofsted.

HMI handbook document 966. *Handbook for the inspection of learners with learning difficulties and or disabilities and for those with special educational needs in post 16 education*. London, Ofsted.

HMT, DfES, DWP (2005). *Supporting Young People to Achieve: the Government's Response to the Consultation*. London, HMT.

HMT, DfES, DfES, DTI, DWP (2004). *Skills in the Global Economy*. London, HMT.

Jacobsen (2002). *Making the Jump: Transition to work*. Leicester, NIACE.

Jacobsen (2004). *Project 15: Promoting Access to Employment for Adults with Learning Disabilities. Disability Discrimination Act: taking the work forward*.

Jacobson (2005). *Person-centred planning and post-16 education*. Leicester, NIACE.

James (2002). *Learning and Skills for people experiencing mental health difficulties – Briefing Sheet*, NIACE & DfES.

James and Nightingale (2004). *Discovering Potential: A Practitioners Guide to Supporting Improved Self Esteem and Well Being through Adult Learning*. Leicester, NIACE.

LSDA (2002). *Access for All: Guidance on Making the Adult Learning and Numeracy Core Curricula Accessible*.

Little (2004). *Project 14: Promoting access to employment for young people. Disability Discrimination Act: taking the work forward*. Research and development projects 2003/5. London, LSDA.

Lockton (2003). *Mapping the Provision of Learning for Learners with Learning Disabilities in Nottingham City and Nottinghamshire*. Nottingham, LSC.

LSC Local. *Strategic Area Reviews (including dedicated reviews of provision for learners with learning difficulties and/or disabilities)*. (2003-05).

LSC (2004a). *Additional Learning Support: Confirmation of Funding Arrangements for the Post-16 Sector from 2004/05*. Coventry, LSC.

LSC (2004b). *Funding Guidance for Further Education in 2004/05*. Coventry, LSC.

LSC (2004c). *Funding Guidance: Placement for Learners with Learning Difficulties and/or Disabilities at Specialist Colleges 2005/06*. Coventry, LSC.

LSC (2004d). *School Sixth Forms: Funding Guidance for 2004/05*. Coventry, LSC.

LSC (2004e). *Requirements for Funding Work-Based Learning for Young People 2004/05*. Coventry, LSC.

LSC (2005a). *agenda for change*. Coventry, LSC.

LSC (2005b). *Arrangements for the Annual Planning Review, and Agreeing New Three-Year Development Plans for 2005/06-07/08*. Coventry, LSC.

LSC (2005c). *Funding Guidance for Further Education in 2005/06*. Coventry, LSC.

LSC (2005). *Quality Improvement and Self-Assessment*. LSC, Coventry.

LSC (2005d). *Recognising and Recording Progress and Achievement in Non-Accredited Learning*. LSC, Coventry.

LSC (2005e). *Requirements for Funding Work-Based Learning for Young People 2005/06*. Coventry, LSC.

LSC (2005f). *School Sixth Forms – Funding Guidance for 2005/06: Updated Information to the 2004/05*. Coventry, LSC.

LSC with ALI, DfES and Ofsted (2004). *New Measures of Success: Priorities for Development*. Coventry, LSC.

LSC, DoH et al (2005). *Valuing People and Post - 16 Education*. LSC, Coventry.

Maudslay (2003). *Aasha: Working with young people with a learning difficulty from a South Asian background*. London, Skill.

Mir, Nocon, Ahmad, with Jones (2001). *Learning Difficulties and Ethnicity*. London, Department of Health.

Morris (2002). *Moving into adulthood: Young disabled people moving into adulthood*, Joseph Rowntree Foundation: 12

Moser (1999). *A Fresh Start: Improving Literacy and Numeracy*. London, DfEE.

National Disability Team & Skill (2004). *Aspiration raising and transition of disabled students from further education to higher education*. London, National Disability Team & Skill.

National Employment Panel Skills Advisory Board (2004). *Welfare to Workforce Development*. National Employment Panel/DWP, London.

National Employment Panel Employer's Working Group on Disability (2005). *Able to Work: Report of the National Employment Panel's Employers' Working Group on Disability*. London, National Employment Panel/DWP.

NIACE (2003). *Valuing People: Briefing Paper for Learning Disability Partnership Boards*. Briefing Sheet 37. Leicester, NIACE.

Nightingale (2004a). *Transport to Learning: Issues, barriers and solutions to transport for adult learners with learning difficulties and/or disabilities*. Leicester, LSC/NIACE.

Nightingale (2004b). *Project 20: Developing inclusive provision for people with acquired disability and illness*. Accessed 1/6/ Disability Discrimination Act: taking the work forward. Research and development projects 2003/5.

- Nightingale (2005). *Getting there and back again – guidelines for Learning Providers on: Travelling to Learning for Adults with Disabilities*. Leicester, NIACE.
- Parsons (2002). *Basic Skills and Crime*. London, Basic Skills Agency.
- Parsons and Bynner (2002). *Basic Skills and Social Exclusion*. London, Basic Skills Agency.
- Pinney (2004). *Reducing Reliance on Statements: An investigation into Local Authority Practice and Outcomes*. R. 508. Nottingham, DfES.
- PMSU (2005). *Improving the Life Chances of Disabled People – A Joint Report with DfES, DoH, DWP, ODPM*. London, Prime Minister's Strategy Unit.
- QCA (2004). *An evaluation of Entry level qualifications*. A joint project by QCA, ACCAC, CCEA and LSC. QCA, London.
- Rack (2005). *The Incidence of Hidden Disabilities in the Prison Population: Yorkshire and Humberside Research*. Egham, LSC/Dyslexia Institute.
- Reader (2004). *The Joint LSC, UK Youth and ASDAN Project on the Validity of Informal Learning in Providing Progression Towards Key Skills Achievement, Project Manager's Report*. Coventry, LSC.
- Reay, Geraghty and Vaughan Jenkins (2004). *Social and Educational Inclusion: evidence from an action research project 2003/04*. (Unpublished HMI report).
- Roberts (1995). *Youth and Employment in Modern Britain*. Oxford, Oxford University Press.
- Routledge (2001). *Transition and Person Centred Planning*. London, Department of Health.
- Sanderson (2001). *Disabled learners in transition: a tale of two sectors' failure to communicate* Journal of Further and Higher Education Vol. 25 No. 2.
- Social Exclusion Unit (2002). *Reducing Re-offending by Ex-prisoners*. London, Office for the Deputy Prime Minister.
- Social Exclusion Unit (2004). *Mental Health and Social Exclusion*. London, Office for the Deputy Prime Minister.
- Social Exclusion Unit, (2005). *Transitions – A Social Exclusion Unit Interim Report on Young Adults*. London, Office for the Deputy Prime Minister.
- Smith, Middleton, Ashton-Brooks, Cox, Dobson with Reith (2004). *Disabled Peoples Costs of Living – More Than You Would Think*. York, Joseph Rowntree Foundation.
- Sutcliffe & Jacobsen (1998). *All things being equal? A practical guide to widening participation for adults with learning difficulties in continuing education*. Leicester, NIACE.
- Sutcliffe (1998). *Training for Change*. Leicester, NIACE.
- Tomlinson (1996). *Report of the Learning Difficulties and or Disabilities Committee*. Coventry, FEFC.
- Various (2003-05). *Disability Discrimination Act: taking the work forward. Research and development projects 2003/5*. London, LSDA.
- Vickers (2003). *'Can further education offer supported employment as part of the curriculum for learners with learning difficulties and/or disabilities?'* SKILL November (77), London.

## Annex A

### Steering Group Membership

#### Steering Group for the Strategic Review of LSC provision for Learners with Learning Difficulties and/or Disabilities across the Post-16 Sector

<b>Chair – Peter Little, OBE</b>	
Stephanie Baslington	Association of Learning Providers
Dr Beverley Burgess	LSC National Office
Deborah Cooper	Milton Keynes Council
Roger Crouch	LSC Gloucestershire
Mark Dawe	Department for Education and Skills
Joyce Deere	Adult Learning Inspectorate
Jeannette Essex	Local Government Association
Sally Faraday	Learning and Skill Development Agency
Dr Peter Lavender	National Institute of Adult Continuing Education
Liz Maudslay	Skill, the National Bureau for Students with Disabilities
David McClusky	Secondary Heads Association
Jennifer Mullis	Department for Education and Skills
Judith Norrington	Association of Colleges (July 2004 – March 2005)
Kevin O’Brien	Association of National Specialist Colleges
Sue Preece	Ofsted
Gillian Reay	Ofsted (May 2005 – September 2005)
Maggie Scott	Association of Colleges (March 2005 – September 2005)
Ruth Silver, CBE	Lewisham College (March 2005 – September 2005)
Christine Steadman	Ofsted (July 2004 – May 2005)
Nick Wilson	LSC Surrey (September 2005)
<p>Review Secretariat: Jonathan Price-Marlow (LSC National Office) with assistance from Amy Coole and Dan Wu.</p> <p>Observers:</p> <p>Melanie Hunt – Director of Young People’s Learning  Caroline Neville – National Director of Learning  John Ratcliff – Interim Director of Young People’s Learning  Joan Richardson – Director of Foundation Learning  Kit Roberts – Director of Equality and Diversity</p>	

## Annex B

### Terms of Reference

#### Outcome

To produce a set of recommendations to LSC National Council on the future planning and funding of provision for learners with learning difficulties and/or disabilities<sup>6</sup>, which is learner-centred, cost effective in the use of LSC funds, enables learners to access appropriate provision across the post-16 sector and operates in context of continuing developments across the 14–19 agenda.

#### Objectives

1. To review the current supply of LSC provision for learners with learning difficulties and/or disabilities (across LSC post-16 funded provision) and assess the profile of need.
2. To produce a statement of the current and proposed future duties and powers of the LSC, its contracted providers and other relevant agencies in relation to provision for learners with learning difficulties and/or disabilities.
3. To develop an LSC policy which enables and supports the LSC's commitment to the flexible funding and planning of provision for learners with learning difficulties and/or disabilities, which is responsive to the needs of individuals, the DDA and in line with the statutory duties of the LSC.
4. To engage with other key agencies, for example, DfES: Connexions and the Regions, Department of Health, Social Services, Department for Work and Pensions, Jobcentre Plus to enable the effective implementation of LSC policy.
5. To model the various options for the delivery of LSC-funded provision for learners with learning difficulties and/or disabilities (taking account where appropriate, of the views of learners). To consider the budget implications and budget management models of delivery by presenting costed options for consideration by the LSC.

<sup>6</sup> The definition of a learner with a learning difficulty and/or disability is taken from section 13 of the *Learning and Skills Act 2000*. A person has a learning difficulty if-

- (a) he has a significantly greater difficulty in learning than the majority of persons of his age, or:
- (b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions providing post-16 education or training.

### Context

In undertaking the strategic review, the Steering Group will be mindful of existing legislation and Government strategies.

#### Legislation:

- *Learning and Skills Act 2000* – sections 13, 14 and 140
- *Disability Discrimination Act part VI*
- *Every Child Matters*
- *Care Standards Act.*

#### Government strategies:

- *Success for All*
- *The Skills Strategy*
- *Valuing People: A New Strategy for Learning Disability for the 21st Century*
- *Removing Barriers to Achievement: The Government's Strategy for SEN*
- *14-19 Curriculum and Qualifications Reform.*

#### Steering Group Arrangements

A Steering Group has been appointed to oversee the review. Members of the group include:

- Representatives from all post-16 sectors that is, FE, School Sixth Forms, Specialist Colleges, Work-Based Learning and ACL.
- Representatives from other key agencies: Skill, LSDA, NIACE
- LSC – both national and local representation
- Connexions
- Education Inspectorates
- Department for Education and Skills.

Other key partners and agencies (namely the Department of Health, Department of Work and Pensions, Office of the Deputy Prime Minister, social services and so on). will be consulted and involved in the review as appropriate.

## Annex C

### Membership of Sub-Groups

#### Common Funding Approach

<b>Chair – Sally Faraday</b>	Learning and Skill Development Agency
Elaine Carabok	LSC National Office
Sandra Durkin	LSC Coventry and Warwickshire
Gaynor Field	LSC National Office
Richard Jackson	Association of Learning Providers
Sara Jackson	LSC National Office
David Kendall	Association of National Specialist Colleges
Chris Lewis	LSC National Office
Dave McClusky	Secondary Heads Association
Alan Newbold	ACL Provider – Coventry LEA
Kevin O'Brien	Association of National Specialist Colleges
Jonathan Price-Marlow	LSC National Office
Rebecca Smith	LSC National Office
Kevin Street	LSC National Office
Alex Sutherland	LSC National Office
Stewart Thomas	LSC National Office
Chris Trotter	Association of National Specialist Colleges

## LSC Operations and Structure

<b>Chair – Roger Crouch</b>	LSC Gloucestershire
Clare Arnold	LSC London West
Ellen Atkinson	LSC Hertfordshire
Geoff Baldry	LSC Nottinghamshire
Clare Boden	LSC National Office
Amy Coole	LSC Gloucestershire
Sandra Durkin	LSC Coventry and Warwickshire
Atkinson Ellen	LSC Hertfordshire
Stuart Ellis	LSC Tees Valley
Linda Gooch	LSC London West
Peter Holmes	LSC London West
Dianne Hunt	LSC Tees Valley
Sara Jackson	LSC National Office
Rebecca Lewis	LSC National Office
Sue Little	LSC Cumbria
Elaine McWilliam	LSC London Central
Jonathan Price-Marlow	LSC National Office
Margaret Pritchard	LSC Cheshire and Warrington
Sarah Rusby	LSC Milton Keynes, Oxfordshire and Buckinghamshire
Leander Sanderson	LSC South Yorkshire
Alex Sutherland	LSC National Office

Additional advice on the group's findings was further provided by the provider representatives on the main Steering Group.

## Quality

<b>Chair March to May – Christine Steadman</b>	Ofsted
<b>Chair May to July – Gillian Reay</b>	Ofsted
Ann Berger	Ofsted
Vivienne Berkeley	National Institute of Adult Continuing Education
Joyce Black	National Institute of Adult Continuing Education
Rosemary Clarke	Association of Colleges
Joyce Deere	Adult Learning Inspectorate
Sally Faraday	Learning and Skill Development Agency
Charlie Henry	Ofsted
Dr Peter Lavender	National Institute of Adult Continuing Education
Julie Lynes-Grainger	LSC National Office
Maureen Mellor	Liverpool Community College
Kevin O'Brien	Association of National Specialist Colleges
Ruth Perry	Qualifications and Curriculum Authority
Ela Piatrowska	Adult Learning Inspectorate
Susan Preece	Ofsted
Jonathan Price-Marlow	LSC National Office
Helen Sexton	Association of National Specialist Colleges
Eileen Visser	Ofsted

With grateful thanks to the independent specialist colleges' inspectors of Ofsted and ALI whose quality statements formed the basis of definitions of quality improvement. Sue Preece, Charlie Henry, Kath Smith, Gill Reay, Joyce Deere, Isabella Jobson, Diane Stacey, Stella Cottrell and Margaret Hobson. The Chairs also offer grateful thanks to Bill Massam HMI, Stella Butler HMI and Jan Bennet HMI who provided evidence from current inspections and surveys in progress on Youth Offending Teams and the prison service.

**Working with Partners – Learner Transition**

<b>Chair – Steph Baslington</b>	Association of Learning Providers
Chris Berry	Association of National Specialist Colleges
John Bradbury	Rathbone Training
Mike Cox	Royal National Institute for the Deaf
Angela Davey	Connexions Oldham
Huw Davies	Association of Supported Employment
Tracey De Bernhardt Dunkin	Association of National Specialist Colleges
Mike Dennis	Fern Training
Paul Fletcher	Rathbone Training
Cherry Hughes	Connexions Oldham
Peter Little, OBE	
Jonathan Price-Marlow	LSC National Office

**Working with Partners – Local Collaboration**

<b>Chair – Jeanette Essex</b>	Local Government Association
Dr Beverley Burgess	LSC National Office
John Gush	Association of National Specialist Colleges
Claire Lazarus	Department for Education and Skills
Alison Martin	Peterborough Adult Learning Service
Jonathan Price-Marlow	LSC National Office
Ian Threlfall	Association of Learning Providers

## Annex D

### Terms of Reference for Sub-groups

To advance the work identified in phase 1 of the review, five sub-groups have been created to examine areas and issues relating to the themes outlined in the interim report. The findings from the sub-groups will feed into the main Steering Group through a combination of advice, information and recommendations for consideration and use in the final report.

Five members of the steering group had been identified to lead the sub-groups. The table below lists the sub-group theme and the corresponding Chairs.

Sub-group	Chair/Leads
Common Funding Approach	Sally Faraday (LSDA)
Quality	Christine Steadman/Gill Reay (Ofsted)
LSC Operations and Structures	Roger Crouch (LSC)
Working with Partners – Learner Transition	Stephanie Baslington (ALP)
Working with Partners – Local Collaboration	Jeanette Essex (LGA)

The broad areas of focus of each sub-group are outlined below. It is however, acknowledged that the sub-groups focus will crossover.

#### Common Funding Approach

- To ensure the LSC's *agenda for change* review of FE funding considers the implications of proposals for future provision for learning difficulties and/or disabilities
- To examine how the LSC's different funding streams can provide flexibility to facilitate a learner-centred approach
- To identify the barriers in the inherent differing learner entitlements across the LSC funding streams, and to offer solutions to address them.

#### LSC Operations and Structures

- To examine the potential of LSC regionalisation agenda to better meet the needs of learning difficulties and/or disabilities
- To examine internal and external LSC operations and planning for learning difficulties and/or disabilities and to explore how to reduce any associated bureaucracy.

#### Quality

- To define quality provision for learning difficulties and/or disabilities across 16-adulthood in schools, colleges, independent specialist colleges, adult and community learning and work-based learning, including e2e
- To review the outcomes of inspections to identify issues related to quality for learning difficulties and/or disabilities.

#### Working with Partners – Learner Transition

- To examine issues relating to learners transitions through their further education experience
- To examine how the LSC can support sustainable employment opportunities for learning difficulties and/or disabilities.

#### Working with Partners – Local Collaboration

- To examine issues of shared funding responsibility
- To examine how the LSC can work better with local agencies to offer holistic provision for learning difficulties and/or disabilities.

### **Structure and Methodology of the Sub-Groups**

The Chair of each sub-group, in consultation with the Chair of the Steering Group, will determine its activities. However, it is anticipated that the sub-groups will consist of between one and three long meetings or workshops.

Membership of each sub-group will be sourced from the main Steering Group and will further include representatives from wider agencies, additional practitioners and, where appropriate, colleagues from agencies already represented on the main Steering Group.

## Annex E

## Table of Recommendations

Recommendation	Lead Responsibility
<b>Legislative</b>	
DfES in its Grant Letter to the LSC for 2006-07 and, LSC in its Annual Statement of Priorities, should give greater prominence and clarity to provision for learners with learning difficulties and/or disabilities being a priority.	DfES, LSC
DfES and Connexions Partnerships to ensure that assessment processes are sufficient to guarantee that section 140 reports comply fully with statutory requirements.	DfES, Connexions Partnerships
DfES should provide additional dedicated funds to the LSC to support the sector in meeting the statutory requirements of the <i>Disability Discrimination Act 2005</i> .	DfES
Minister for Lifelong Learning, Further and Higher Education to raise the issue of the LSC's spend on health/care costs with appropriate ministers in other Government departments and seek to reach an agreement about appropriate funding responsibilities and partnership working.	Minister for Lifelong Learning, Further and Higher Education
DfES and other Government departments to consider and propose appropriate transport legislation for those learners over the age of 19, with learning difficulties and/or disabilities.	DfES, other Government departments
<b>Planning</b>	
The DfES and the LSC in collaboration with appropriate partners, and in consultation with the Disability Rights Commission, should agree to share common data sets based on common definitions and terminology to be used throughout compulsory education and into post-16 education and training and accelerate work already underway, that is, i.e. <i>agenda for change</i> and Managing Information Across Providers.	DfES, LSC and partners
The LSC, through its Regional Directors, should set up arrangements to review the capacity of the system, to meet the current and future needs of learners with learning difficulties and/or disabilities within their region.	LSC – regional
The LSC, through its Regional Directors, should put in place consistent regional staffing structures to enable strategic and operational oversight of the development of appropriate, coordinated, collaborative and consistent provision for learners with learning difficulties and/or disabilities. In particular, there should be a designated individual at a senior level whose role it is to provide the necessary operational oversight.	LSC – regional
Executive Directors of local LSCs should ensure that work and resources related to provision for learners with learning difficulties and/or disabilities, is fully integrated into local LSC business planning.	LSC – local

**Table of Recommendations (Continued)**

<b>Recommendation</b>	<b>Lead Responsibility</b>
<b>Planning</b>	
The role of the national National office Office team with responsibility for provision for learners with learning difficulties and/or disabilities team should focus on national policy developments and annual planning arrangements, liaison with national agencies and stakeholders and coordination of this work at a national and regional level, including ensuring consistency at both local and regional level.	LSC – national office
<b>Quality</b>	
Providers should consider the quality improvement needs of their provision for learners with learning difficulties and/or disabilities during their self-assessment and development planning processes.	Providers
LSC should commit to policy of “investment for change” to achieve systemic transformation and increased supply of high quality, local provision for learners with learning difficulties and/or disabilities.	LSC
LSC in conjunction with other key agencies such as the Quality Improvement Agency should develop a culture of self-improvement and peer referencing and actively support provider networks as ways of developing and improving quality of provision.	LSC, QIA
DfES, LSC and the Quality Improvement Agency should investigate the formal recognition of providers of high-quality provision for learners with learning difficulties and/or disabilities, as “centres of excellence”	DfES, LSC, QIA
LSC to collaborate with LLUK and CEL in the development of occupational standards and appropriate qualifications for all staff working with learners with learning difficulties and/or disabilities.	LSC, LLUK, CEL
LSC to consider how it might work with the Valuing People Support Team in its partnership working with Skills for Care and Skills for Health.	LSC, Valuing People Support Team, Skills for Care, Skills for Health.
QCA and LSC are urged accelerate work to ensure fit for purpose and appropriate units and qualifications at pre-Entry level within the Foundation Learning Tier.	QCA, LSC
Regional Directors should consider the participation levels of, and outcomes for, learners with learning difficulties and/or disabilities when assessing the performance of local LSCs.	LSC – regional
LSC, to develop and propose to the DfES appropriate performance indicators with regard to participation and achievement for learners with learning difficulties and/or disabilities.	LSC, DfES

Table of Recommendations (Continued)

Recommendation	Lead Responsibility
<b>Quality</b>	
LSC to develop inclusive measures of success, to be used by providers, and to be used by LSC in agreeing, monitoring and reviewing provider plans.	LSC
In line with the requirements under the Disability Equality Duty, providers should introduce more effective means of capturing and taking account of the views and experiences of people with learning difficulties and/or disabilities.	Providers
In line with the requirements under the Disability Equality Duty, the LSC should ensure that its measures of success include the outcome of qualitative research on the learning experience of people with learning difficulties and/or disabilities.	LSC
<b>Funding</b>	
LSC should consider the development, in line with <i>agenda for change</i> , of a common funding approach across the whole of the post-16 education and skills sector.	LSC
LSC should ensure that the impact of the proposed changes on learners with learning difficulties and/or disabilities is considered during further development of the new funding model and its potential implementation	LSC
The LSC in its new funding approach should: <ul style="list-style-type: none"> <li>• retain ALS and identify a sum for ALS to be used flexibly by all providers within their allocation, and</li> <li>• explore the implications of holding a unified, regional budget, which would include exceptional costs (currently above £19,000), the placement budget and ALS for learners with the most severe learning difficulties and/or disabilities.</li> </ul>	LSC
The LSC and DfES to clarify planning arrangements for schools to enable a single planning process for providers delivering to post-16 learners.	LSC, DfES
DfES, with appropriate input from the LSC, should undertake a review of statements of Special Educational Needs in relation to post-16 learners.	DfES
LSC should be provided with appropriate resource to apply an ALS funding approach to offender education.	DfES, Treasury, Home Office
The LSC explores the possibility of allowing "not for profit" providers to opt for "grant in aid" status, or, if this is not feasible, the LSC, to ensure parity, should explore a new contracting system for "not for profit" providers.	LSC

Table of Recommendations (Continued)

Recommendation	Lead Responsibility
<b>Funding</b>	
DfES, and in turn the Treasury, to ensure that, through the next spending review, the LSC is able to meet the capital needs of the whole learning and skills provider network in terms of provision for learners with learning difficulties and/or disabilities.	DfES
LSC, the inspectorates and the Quality Improvement Agency and other funding partners should investigate, as appropriate, the benefits to the learner and any financial benefits associated with provider co-location.	LSC, the inspectorates, QIA and other funding partners
<b>Working with partners</b>	
The LSC should liaise with key partners, as appropriate, on transition planning for individual learners to help facilitate effective transition both into further education and training and, later, from that provision into employment (where appropriate) and/or their communities.	LSC and partners
The LSC should engage with the Office for Disability Issues to discuss the learning aspect of any review of services for adults with learning difficulties and/or disabilities.	LSC, Office for Disability Issues
LSC, DfES and DWP to investigate how Access to Work funds can be used to increase participation of disabled people in employment opportunities, including Apprenticeships.	LSC, DfES, DWP
LSC to introduce appropriate performance indicators for participation and achievement of learners engaged in Apprenticeships and in the National Employer Training Programme.	LSC
LSC to ensure that employment-related provision is accessible, and actively encourages participation of those with learning difficulties and/or disabilities.	LSC
LSC to explore with partners, using its E2E e2e Advisory Group where appropriate, how best to develop E2E e2e opportunities for learners with learning difficulties and/or disabilities as part of its development of the Foundation Learning Tier.	LSC
LSC to consider how the reformed planning and funding arrangements can safeguard and strengthen access to Level 2 achievements and employment outcomes for these learners.	LSC
LSC, DfES, Department for Work and Pensions and Jobcentre Centre Plus to examine joint working with regard to the transition from further education and training (where appropriate) to employment of people with learning difficulties and/or disabilities including those on Incapacity Benefit.	LSC, DfES, DWP, Jobcentre Plus
HEFCE, with support from the LSC and other appropriate agencies, such as Skill, should encourage smoother transition and increase numbers of disabled people entering HE.	HEFCE, LSC

## Annex F

### Additional Input

The Chair and the Steering Group would further like to express thanks to the following individuals for their input and advice.

Kevin Connell	Royal National Institute for the Blind
Jaine Clarke	LSC National Office – Skills Group
Nicola Croden	Social Exclusion Unit
Paul Dale	Youth Justice Board
Sian Davies	National Union of Students
John Dumelow	Department for Work and Pensions
Mick Farley	LSC Cumbria
Sir Andrew Foster	Review of the Future Role of FE Colleges
Julian Gravatt	Association of Colleges
Margaret Goldie	Association of Social Services Directors
Rob Grieg	Valuing People
Steve Haines	Disability Rights Commission
Dr Martin Hill	Department of Work and Pensions
Professor Alan Hurst	University of Central Lancashire
Linda Jordan	Valuing People
Vince Keddie	Apprenticeship Task Force Secretariat
Peter Lauener	Department for Education and Skills
Isabella Moore	CILT, the National Centre for Languages
Nick Wilson	LSC Surrey

## **Annex G**

### **Accompanying Literature**

1. Easy read version of report
2. Learner Consultation
3. LSC Duties and Powers
4. LSDA Literature Review
5. NIACE Literature Review
6. Improving Quality, Improving Practice –  
Implementing the Disability Discrimination Act:  
Summary of Issues
7. Targeted Consultation Response Paper

# Notes

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This publication is available in electronic form on the Council's website:  
[www.lsc.gov.uk](http://www.lsc.gov.uk)

Publication enquires: 0870 900 6800  
Publication reference: LSC-P-NAT-050586