

Through Inclusion to Excellence:

A Summary and Consultation Document

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.

The Summary and Consultation 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.

For further information on the report and the consultation process please email LLDD@lsc.gov.uk

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This document provides a brief summary of the issues and themes raised in the report of the strategic review of the planning and funding of LSC provision for learners with learning disabilities and/or disabilities. It further offers an opportunity for interested parties to comment on the report and a series of recommendations arising from it.

A consultation form is also included. This is to be completed and returned to the LSC by 31 January 2006.

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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Foreword

The Learning and Skills Council's (LSC) *agenda for change* programme outlines the LSC's vision for a transformed sector. The accompanying *agenda for change* Prospectus, along with the Foster Review and the Leitch Review - are significant steps in constructing a world class network of quality learning for employers and learners alike.

It is vital that all learners, including learners with learning difficulties and/or disabilities, are able to benefit from these changes to the sector. Our commitment for this group of learners is more than just one of statutory obligation. The effective participation and success of these learners, in all areas of the sector, is an ongoing priority that we consider to be of great importance.

In 2004, we asked Peter Little, OBE, to lead a strategic review of the planning and funding of all LSC provision for learners with learning difficulties and/or disabilities. The aim of the review was to inform and shape our work so we can better meet growing demand and secure the very best education and training for learners with learning difficulties and/or disabilities.

The LSC welcomes the report. It mirrors our aspiration for a balance of national consistency and local flexibility to deliver provision that is both innovative and offers parity of experience for all people wherever they access learning.

People with learning difficulties and/or disabilities access many government-funded services, from many agencies, and in many environments. The LSC is excited about the opportunity to work with our partner agencies across health, care and employment services to deliver holistic provision for people with learning difficulties and/or disabilities, of which post-16 learning will play its part.

It has been evident to those involved in the review that all our providers and partners are equally committed to delivering quality provision for people with learning difficulties and/or disabilities. I hope that you take the opportunity to read the report and respond, so that we can all begin the process of delivering excellence for all.



Mark Haysom
Chief Executive, Learning and Skills Council

Summary

1 This document provides a brief overview of the issues and themes raised in the main report of the strategic review of the planning and funding of LSC provision for learners with learning difficulties and/or disabilities. It further offers an opportunity for interested parties to comment on the report and a series of recommendations arising from it. Both the Steering Group and the LSC would strongly encourage that before responding, all interested parties read and consider the full report, its findings and the complete list of recommendations.

2 In March 2004, the Learning and Skills Council's (LSC) 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. 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 both timely and significant.

3 This review has been the first major, comprehensive review of this provision since the landmark 1996 report, *Inclusive Learning*, produced by the Further Education Funding Council (FEFC) Committee, chaired by the late Professor John Tomlinson, CBE. 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.

4 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. 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, Further Education, 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.

5 The review has been informed by direct feedback from learners. A structured learner feedback exercise involving 300 learners drawn from all five¹ funding streams, was carried out by Skill, the National Bureau for Students with Disabilities. From this it is clear, that overall 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 their learning programmes 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. In addition, there has been a significant amount of consultation, and collection of information and evidence. Detailed literature reviews have been conducted. The Steering Group had eight formal meetings, and five sub-groups, which included wider representation, operated between February and June 2005.

6 LSC National Council received the report on 21 September 2005 and endorsed it. Central to the report is the vision of the review's Steering Group and outlined in its 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

¹FE, school sixth forms, work-based learning, ACL and specialist colleges

possible level of independence and activity in their communities and in employment.”

7 The report’s commentary and recommendations are all related to this vision, whose underpinning principles are fundamentally the same as those expressed in *Inclusive Learning*. Namely, that the focus must be on the provider’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 (2001) and Improving the Life Chances of Disabled People (2005)*. The report recognises that people’s awareness and expectations of post-compulsory education has 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.

8 The sector must recognise both these contexts and as such, the report identifies 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 report highlights the belief 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.

9 From the outset the review has been 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. 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.

10 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 (2004)*. Central Government’s

visionary approach to collaborative packages of provision, better able to meet individual needs, will also require proactive involvement by the Department for Education and Skills (DfES) in supporting and developing the essential cross-departmental approach, implicit in the *Valuing People* initiative, and in the development of Children’s Trusts.

Regional Development

11 Since publication of the review’s 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 LSC regional structure and in 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 The report presents a clear view that the diversity of the post-16 sector is a potential source of strength in meeting individual needs, but that distinct funding streams, continue to act as “silos” and hinder the progressive, collaborative efforts of many specialist and mainstream providers at local level. The report welcomes the impetus created by *agenda for change*, and there is a significant synergy. The Steering Group welcomes the LSC’s intention to explore the extension of this work to all parts of the post-16 sector. The report however, emphasises 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. 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

13 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 the public discussion this year regarding the impact of changes in LSC funding levels for adult learning, on-going Government priorities and the potential for impact on provision for adults with learning difficulties and/or disabilities in FE institutions.

14 The report notes that whilst the focus of the review is on the longer-term implications for planning and funding of this provision, there is a need to learn lessons from the current context, and for the LSC to be clear about its expectations of providers regarding provision for learners with learning difficulties and / or disabilities. It further recommends that, in future, greater prominence and clarity be attached to this priority area, both by DfES and the LSC. This should encompass any future developments in fee policy, 'purchasing' of provision and Additional Learning Support (ALS) funding. The report also highlights that the LSC will have a responsibility under the new Disability Equality Duty to assess the impact of its actions, and must ensure that its guidance is clear and unambiguous.

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 to meet individual needs. 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 front-line of delivery.

Employment

16 The report considers the importance of progression to employment and other positive learning outcomes. The report identifies 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 report notes 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 not seen as an integral part of the provider network. It is essential that local plans address the need to integrate the support that such agencies can offer.

17 The report indicates that there has been 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 and urges 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, the report urges 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 to Employment (e2e) programme 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 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. However,

quality of provision for these learners remains highly variable and a fundamental change in provider capacity and capability is called for. 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. There is a clear need to listen to learners and ensure the sector responds accordingly. This is particularly important with regard to the Disability Equality Duty. All these issues are discussed in the report, and it is emphasised that as 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 the report should be the basis of the next significant phase of progress. The Steering Group 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 which arise from this review and the following represent 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, 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.

Next Steps

21 The LSC's National Council received and considered the report on 21 September 2005. The Council fully endorsed the report and requested its publication (including relevant supporting evidence, documents and materials) and, following engagement with key stakeholders, that the LSC should implement the recommendations. The report is published alongside this document and it is strongly advised that all interested parties read and consider the full report, its findings and the complete list of recommendations.

22 The majority of the recommendations arising from the review are for the LSC. This is unsurprising given the remit of the review. Some of these recommendations evidently relate directly to the internal structures and processes of the LSC and as such are being considered in context of the seventh theme of *agenda for change* of internal LSC transformation.

23 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 the LSC will work collaboratively with them – as stated in the

Annual Statement of Priorities. These other recommendations will be taken forward following consultation and collaboration with partner agencies.

24 As part of the wider dissemination of the report, the LSC wishes to engage and confer with the sector on the themes raised by the review. This process will include national, regional and local dialogue regarding the issues and importantly the opportunity for interested parties to comment directly. The LSC has identified a series of recommendations from the report it particularly wishes to invite views on. These are outlined below. The LSC would further welcome and encourage views on the themes from the report and recommendations that are not listed below. This may include comments on issues such as LSC internal structures, appropriate funding responsibilities, assessment processes, quality improvement and partnership working.

25 If you wish to fax your comments please send to 024 7682 3284. If you wish to e-mail your comments please send them to LLDD@lsc.gov.uk. Alternatively comments maybe sent to:

Review of Planning and Funding of Provision for
Learners with Learning Difficulties and/or Disabilities
LSC National Office
Cheylesmore House
Quinton Road
Coventry, CV1 2WT

The information you send us may need to be passed to colleagues within the LSC and/or published in a summary of responses received in response to this consultation. We will assume that you are content for us to do this, and if you are replying by email, your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system, unless you specifically include a request to the contrary in the main text of your submission.

Consultation

Please insert 'X' if you want us to keep your response confidential

Name

Organisation
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Please insert 'X' in **one** of the following boxes that best describes you as a respondent.

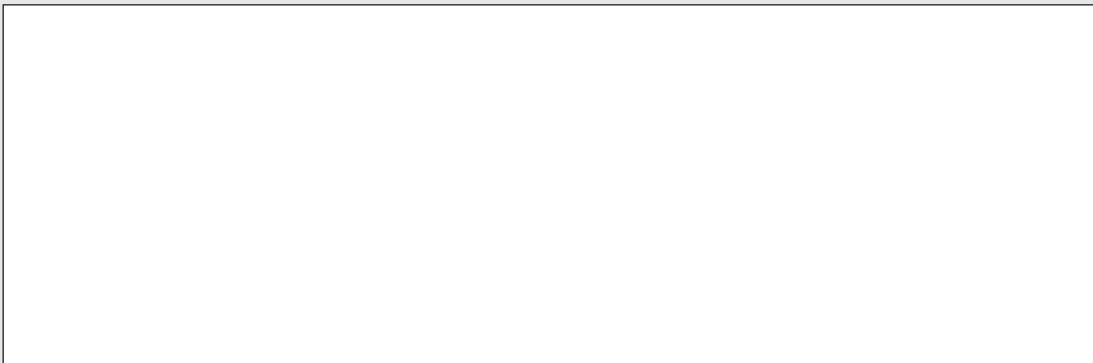
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| <input type="checkbox"/> Further Education College | <input type="checkbox"/> Further Education Institution |
| <input type="checkbox"/> School | <input type="checkbox"/> Adult Learning Provider |
| <input type="checkbox"/> Specialist College/School | <input type="checkbox"/> Work-Based Learning Provider |
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| <input type="checkbox"/> Local Social Services | <input type="checkbox"/> Higher Education Institution |
| <input type="checkbox"/> Employer | <input type="checkbox"/> Representative Body |
| <input type="checkbox"/> Sectoral Body | <input type="checkbox"/> National Organisation |
| <input type="checkbox"/> Regional Body | <input type="checkbox"/> Local NHS Trust |
| <input type="checkbox"/> Voluntary Organisation | <input type="checkbox"/> Individual |
| <input type="checkbox"/> Other (Please specify below) | |

Recommendations for Comment

1. Please provide any comments you may have on the key recommendations from the report.



2. 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.



3. 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.

4. 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.

5. 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.

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

7. 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.

8. 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.

9. 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.

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

11. DfES, with appropriate input from the LSC, should undertake a review of statements of Special Educational Needs (SEN) in relation to post-16 learners.

12. 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

13. 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.

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

15. 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.

16. Please provide any comments on the findings of the report and any recommendations that are not outlined above.

Notes

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