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# Funding for Students with Learning Difficulties and/or Disabilities Aged 19-24 in 2013/14

Joint Education Funding Agency and Skills Funding Agency  
Position Statement

April 2013

Of interest to Training Organisations who support students with Learning Difficulties  
and/or Disabilities

## Introduction

1. The purpose of this document is to set out the duties of the Secretary of State (Education Funding Agency ('the EFA') acting on his behalf) and 'the Chief Executive of Skills Funding' ('the Chief Executive') in relation to securing the provision of funding for Learners with Learning Difficulties or Disabilities (LD/D) aged 19-24 and the arrangements agreed between the EFA and the Chief Executive to ensure that the respective duties of the Chief Executive and Local Authorities ("LAs") are fulfilled.
2. This document must be read in conjunction with the [EFA 2013/14 Funding Guidance](#) and the Chief Executive's [2013/2014 Funding Rules](#) documents.

## Summary

3. From September 2013, the EFA will only pass funds (elements 1 and 2 to institutions and element 3 'top-up funding' to local authorities) in relation to young people aged 19-24 starting a new course in further education if they are subject to a statutory Learning Difficulty Assessment (LDA).
4. EFA will continue to pass funds as set out at (1) above in relation to any High Needs Student (HNS) currently in learning, regardless of whether they are subject to a LDA, until their expected end dates on their Individualised Learner Record (ILR) or 31<sup>st</sup> July 2014 whichever date is sooner. A HNS is defined as a student who requires £6,000 or more of additional learning support.

## Statutory duties

5. Section 15ZA of the Education Act 1996 places a duty on LAs in relation to young people who are aged 16-18 and 19-24 who are subject to a LDA. The EFA will pass funds to Institutions and LAs in accordance with the commissioning decisions of LAs.
6. The Chief Executive has a duty to secure the provision of reasonable facilities for education and training (particular qualifications) suitable to the requirements of young people who are over 19, other than those who are under 25 and subject to a LDA.
7. The phrase "Subject to learning difficulty assessment" covers both those persons in respect of whom a LDA has been conducted and or in respect of whom arrangements for one to be conducted have been made or are required to be made. They are required to be made if the child had a statement of SEN at school and is leaving to enter further education, (although there is power to make them in wider circumstances).

## Transitional arrangements for academic year 2013/14

8. The EFA has not had reliable data on the number of students subject to a LDA. For the last three years therefore, a 'proxy' has been used to transfer funding for these students from BIS to DfE on an annual basis. The proxy uses the number of students aged 19 -24 who attract high level Additional Learning Support (ALS) (currently defined as above £5,500) as the basis of the annual transfer. To support greater clarity for the sector and simplify this process, BIS and DfE have agreed to move to a budget cover transfer from the financial year 2013-14 onwards.
9. For 2013/14 the EFA is introducing a new fairer, simpler and more transparent funding system for HNS. These arrangements will enable LAs to make cost effective commissioning decisions by encouraging collaboration between education institutions and across health and social care services. For students, funding decisions as part of the new funding methodology will be easier to understand. In line with LA statutory duties, from September 2013 the EFA will only pass funds (as set out in 1 above) in respect of young people aged 19-24 starting a new

course in further education if they are subject to a LDA (or, in the SEN Pathfinder areas, an Education, Health and Care Plan).

10. Part of the transitional arrangements requires LAs to continue with existing placements when the new arrangements come into effect. In some circumstances this arrangement may relate to young people aged 19-24 who are not subject to a LDA. The EFA has agreed to honour the following continuing placements for 2013/14:
  - a. the EFA will continue to pass funds for any HNS (a student who requires £6,000 or more of additional learning support) currently in learning until the expected end date recorded on their ILR or 31 July 2014 whichever is the sooner, and
  - b. students aged 19-24 who are subject to a LDA (with under £5,500 ALS) but are currently funded by the Chief Executive. These students will be funded by the EFA for the academic year 2013/14.
11. In addition to the transitional arrangements above for continuing students, where a provider is seeking to claim exceptional Learning Support above £19,000 for a new 2013/14 learner aged to 24 who do not have a LDA or EHCP or is not undertaking an Apprenticeship, the Chief Executive will want confirmation from the College that the student does not have a LDA or EHCP, supported by evidence from the student's local authority.

### **Academic year 2014/15**

12. For the academic year 2014/15, the EFA does not expect to pass funds in relation to any young person aged over 19 who is not subject to a LDA or an Education, Health and Care Plan.

### **Fee Remission**

13. All HNS funded by the EFA (where funds are either passed directly to the institution or the LA) are fully funded and therefore will not be required to pay tuition fees. This includes those students detailed at (10b) above.

### **Information Authority Guidance**

14. Due to the complexity of data recording in this area, providers should refer to the ILR 2013/14 Provider Support Manual, due to be published April 2013, regarding how to record both new and continuing learners correctly.

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