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THE  
FURTHER  
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COUNCIL

CIRCULAR

Cheylesmore House  
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Arrangements for  
Students with Learning  
Difficulties and/or  
Disabilities Requiring  
Provision in 2000–01

To	Principals of colleges Hheads of external institutions Hheads of higher education institutions receiving Council funding Chief education officers Principals of specialist colleges outside the sector Hheads of careers services Directors of social services
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# Arrangements for Students with Learning Difficulties and/or Disabilities Requiring Provision in 2000-01

## Introduction

1 This circular sets out:

- the arrangements for students with learning difficulties and/or disabilities requiring Council-funded provision at sector institutions
- the arrangements by which the Council will secure provision for students with learning difficulties and/or disabilities at specialist colleges outside the sector.

## Background

2 The Council's arrangements for provision for students with learning difficulties and/or disabilities have been in place since 1993-94. They were first outlined in Circular 94/03. Since then a circular has been published annually detailing the arrangements for the following teaching year. The arrangements enable the Council to fulfil its legal duties under the *Further and Higher Education Act 1992* (the Act). Details of the legal context within which the Council works in relation to students with learning difficulties and/or disabilities are contained at **annex A**.

## Context of the Guidance

3 The overall procedures outlined in this circular remain largely unchanged from those of previous years. The majority of the changes relate to the introduction of the new approach to funding student placements at specialist colleges outside the sector. Any changes are sidelined in the margin, as this paragraph is.

4 An outcome of a review of Council procedures for considering recommendations for student placements outside the further education sector was to revise the timescale for the receipt of recommendations. For placements starting from the autumn term 2000, referring agencies are requested

to forward recommendations as soon as possible, and in any event **before the end of December 1999**.

5 The review highlighted the advantages of a revised timescale, which should facilitate advanced planning of student transitions, enabling an early decision on the student's future. It should assist all relevant agencies to focus on this and embed the recommendation process within their own procedures for student transition. These advantages include:

- for the student: a more realistic transition period and greater certainty about the future
- for the referring agency: an opportunity to bring the recommendation process in line with other student transition activities
- for specialist providers: a basis for extended planning
- for further education colleges: a chance to make an informed judgement about their likely capacity to provide
- for social services: adequate time to fit the recommendation process within their own planning arrangements
- for the Council: an opportunity to work more closely with local education authorities (LEAs).

6 Recommendations for student placements for 1999-2000 were requested by the end of March 1999. Initial analysis shows that whilst the number of recommendations received by the Council at the end of March 1999 had not significantly increased from previous years, there was an increase in those received by the end of April 1999.

7 The review highlighted the valuable contribution made by LEAs to the recommendation process and the opportunities for enhancing the existing collaboration between the Council and LEAs.

8 The consideration of recommendations by the Council may be delayed by the receipt of incomplete information. In the majority of cases the missing information relates to: the consideration of possible joint funding arrangements with other agencies or evidence of consultation with the sector. Referring agencies are reminded that the Council can fund placements outside the sector only where facilities within the sector are not adequate.

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## Provision for Students at Council-funded Institutions

### Information technology for students with disabilities

9 For 1998-99 the Council allocated additional funds to colleges totalling £5 million to provide additional information technology for students with disabilities. The majority of institutions indicated that they wished to take up this allocation. The funds enabled institutions to purchase equipment and software that could facilitate the enrolment of new students and enhance the learning experience of existing students.

### Non-schedule 2 pilot projects

10 FEFC Circular 99/16 invited applications for funding for pilot projects to develop non-schedule 2 provision in 1999-2000 for adults from disadvantaged backgrounds. This included people with mental health difficulties or with profound and multiple learning difficulties.

11 Around 100 applications were received from strategic lifelong learning partnerships to fund non-schedule 2 pilot projects. Of these the Council will support around 40 projects for over 20,000 students. Without prejudice to the secretary of state's decisions on future funding arrangements, the Department for Education and Employment (DfEE) will be in discussion with the Council about the possibility of future non-schedule 2 pilots in this area beginning in 2000-01.

### Inclusive learning

12 The Council is currently undertaking stage 2 of the inclusive learning quality initiative (ILQI), a major programme of staff and organisational development aimed at assisting colleges to adopt the principles and practices of inclusive learning, as described in the report of the Tomlinson committee. As colleges continue to develop inclusive learning strategies, the Council would expect them to provide suitable learning environments for increasing numbers of students.

13 Following the report of the Moser group, *Improving literacy and numeracy: A fresh start*, the Council has invited institutions to take part in an initiative to improve basic skills provision in the sector. The initiative will mirror the ILQI. In the

first year of the initiative, materials similar to those used in the ILQI will be developed by around 20 institutions that have demonstrated good practice in basic skills. It is intended that the materials will be available to all institutions for the 2000-01 teaching year.

### Funding methodology

14 The Council expects that colleges' funding applications will take account of an analysis of the need for further education in their area through their strategic planning process. This will include students with learning difficulties and/or disabilities. Institutions that are planning significant changes to the number of students requiring additional support are asked to contact their regional office. A list of regional office addresses is provided at **annex B**. Colleges' links with LEAs and, in particular, information from transition plans, should properly inform part of that analysis and should assist colleges in their strategic planning.

15 The Council attaches the following conditions to its funding:

- the institution shall endeavour to provide for at least the same number of students with learning difficulties and/or disabilities as it did in the previous year and at least to maintain the proportion of such students in its overall enrolment total
- as required by section 30(3) of the *Disability Discrimination Act 1995*, colleges shall publish a disability statement, as described in the *Education (Disability Statements for Further Education Institutions) Regulations 1996*.

16 Colleges are asked to send two copies of their updated disability statement to the Council's Coventry office by the end of October each year.

### Additional support

17 For 1997-98, approximately 130,000 students with learning difficulties and/or disabilities received support, through the additional support mechanism of the funding methodology, to assist them to access FE programmes in the sector.

18 As part of their application for funding, institutions may claim additional funding units for direct costs associated with the support needs of individual students. It is not envisaged that the

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arrangements for 2000-01 will change from those for 1999-2000 as set out in Circular 99/01, *Tariff 1999-2000*. It is the Council's intention that, as in 1999-2000, there will be seven cost bands for additional support. The Council will issue further guidance on the additional support mechanism for 2000-01 in due course.

19 Where an institution wishes to claim units for additional support, it should complete and retain for audit purposes the standard additional support costs form. Circular 99/01 includes guidance on how to complete the form; how additional support activities might be costed by institutions; and on audit evidence. The relevant sections of Circular 99/01 are: paragraphs 169-188, the tariff values at annex A and the additional support costs form at annex D.

20 As part of the fundamental review of the funding methodology, the Council has asked the Further Education Development Agency (FEDA) to evaluate the additional support mechanism. The Council is currently working with FEDA on the report's recommendations.

### **Sector college links with specialist colleges**

21 Some sector colleges offer provision on a part-time or full-time basis to students who are funded by the Council to attend specialist colleges. In such cases, the specialist college is expected to pay an agreed fee to the sector college for the student's educational programme. No funding units, including units for additional support, may be claimed by the sector college for such students, as they are already funded by the Council at the specialist college. Individual details of such students should not be recorded on the sector college's statistical returns to the Council. An aggregate number, however, should be returned on form ISRFRANIN of the individualised student record (ISR). The Council would not expect sector colleges to charge a fee to the specialist college which exceeds the level of funding the college would have calculated for the student had it included the relevant units within its funding application to the Council. Specialist colleges should inform sector colleges of any public funding for education being claimed for any student for whom the sector college is making provision.

22 Sector colleges may, where appropriate, purchase additional support for a student with learning difficulties and/or disabilities from, for example, a specialist college outside the sector. The Council welcomes initiatives which involve collaborative working between the sector and specialist colleges. The Council asked FEDA to undertake a survey on collaborative working between the two sectors as a result of a recommendation of the learning difficulties and/or disabilities committee. FEDA is to report its findings to the Council in autumn 1999.

### **Provision for Students at Non-sector Specialist Colleges**

23 The arrangements for Council-funded provision outside the sector for students with learning difficulties and/or disabilities for 2000-01 remain largely the same as for 1999-2000. At its meeting on 30 June 1999 the Council agreed a new approach to funding this provision. The new approach will apply to recommendations for new student placements for 2000-01. The main changes to the recommendation process arise from procedures relating to this new approach.

### **Referring agencies**

24 The Council has established its arrangements for securing provision for students at specialist colleges outside the sector in the context of the legal background described in **annex A** of this circular. The arrangements therefore reflect the respective roles and responsibilities of the Council and LEAs. The formal agreement between the Council and the Local Government Association (LGA) will remain in operation, subject to review of its operational aims as appropriate. The agreement, shown at **annex C**, recognises the important contribution made by local authorities, particularly in:

- assessing the educational needs of young people with learning difficulties and/or disabilities
- supporting their effective transition to further education, where that is appropriate.

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25 An internal review of the placement procedure in 1998 identified the importance of the LEA's role in assisting students to gain access to further education. Regional offices are encouraged to develop links with local authorities to effect a smooth transition for students. The review also recognised the importance of long-term planning for the transition of students to post-compulsory education and learning. Guidance from the DfEE (then the DFE) on effective transition is at **annex D**.

26 The agreement with the LGA indicates which agency would normally be expected to originate the recommendation to the Council. The recommendation process will usually be handled by the LEA, but in some circumstances it might be contracted out to the careers service. Where the originating agency is not the LEA, a relevant senior member of the LEA must sign the recommendation form. This will confirm that:

- the LEA has agreed to another agency's assuming the lead role in the recommendation process
- the LEA is satisfied that as far as it is aware the recommendation process has called upon the available documentation
- the information on the recommendation form is consistent with that held by the LEA
- where the LEA is not the originator of the recommendation and it has limited knowledge of elements of the recommendation, it would be helpful to indicate this and to clarify the LEA's position.

27 In all circumstances, the Council would expect a careers report to be included in the recommendation. This report should refer to:

- the student's details, including current/most recent education
- the student's involvement with the careers service and advisor
- details of any assessments/meetings, including dates and outcomes
- details of the education and training options considered
- the adequacy of sector college provision in meeting the student's needs
- the suitability of the recommended placement.

28 Where a student or their parents/advocates wish provision to be made in a specialist college but the LEA, after considering all the circumstances, does not believe that such provision is appropriate, the LEA is asked to complete the recommendation form and return it to the Council stating that it does not support the recommendation or has reservations about the necessity of an out-of-sector placement. In all cases, it would be helpful if the LEA clarified the basis of these reservations. The Council would expect the LEA or referring agency to keep the parents/advocates informed about its progress in preparing the recommendation.

### Scope of the agreement

29 The agreement between the Council and the LGA covers students who wish to attend a specialist college outside the sector:

- for whom the local authority currently has a responsibility
- for whom local sector provision is not adequate
- who come within the scope of the Council's legal duties.

30 Full details are given within the text of the agreement at **annex C**.

### Fast-track

31 The Council has undertaken to revise the placements procedure to include a fast-track approach to student recommendations. It is envisaged in this approach that participating referring agencies would forward to the Council an endorsement form confirming that all the Council's criteria and factors for funding have been met for a specific student placement.

32 Where referring agencies wish to participate in the fast-track approach, it is envisaged that they would have demonstrated over time their ability to forward appropriate documentation to the Council with regard to recommendations. In 1998-99, 60% of recommendations forwarded to the Council did not include all the information required to make a decision. The Council is implementing a new approach for funding student placements in 2000-01 and would therefore wish to develop a fast-track approach to recommendations beyond this date. The Council will brief the new Learning and Skills Council on the proposed fast-track approach should it wish to implement it.



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## Sector college consultation

33 The purpose of the agreement with the LGA is to enable the Council's decision to be based on the assessment of a student's educational needs carried out by professionals directly involved with the student. The assessment will underpin the recommendation made to the Council by the student's home LEA where it considers that, on the basis of the assessment, his/her educational needs cannot be met locally at a school or sector college.

34 **Under section 4 of the *Further and Higher Education Act 1992*, the Council can secure provision for a student outside the further education sector only if facilities within the sector are not adequate.**

35 Referring agencies are reminded that this applies to the sector in broad terms and not solely whether individual sector colleges can make provision for individual students. The Council would therefore expect that referring agencies consult sector colleges appropriately to reflect the broadest possible provision available in an area. Referring agencies may also wish to contact their local lifelong learning partnerships to discuss the availability of provision in the area.

36 Referring agencies are therefore requested to involve appropriate local sector colleges at an early stage in the transition planning process. This might be achieved by inviting representatives from sector colleges to individual student review meetings or through the student's routine involvement in link courses at the college. The Council encourages colleges to work closely on arrangements for students' transition.

37 The Council would normally expect sector college consultation to involve a visit by the student to the sector college (or colleges) for interview and assessment. Where exceptionally such a visit is not possible, the reasons for this should be made clear, as lack of consultation with the sector is likely to result in the recommendation being turned down.

38 The sector college is requested to forward a report to the LEA which would then be included with any recommendation to the Council. Colleges may find the form attached at **annex K** to the supplement to this circular helpful in providing the information required by the Council. Such a report would usually include the following information:

- background information on any previous involvement the college has had with the student including, for example, college link courses
- details of the arrangements made for the interview and assessment and the outcome of the assessment of the student's educational needs and additional support needs in the light of the student's educational and career aspirations
- a judgement as to whether the college can offer the student a place at the college with appropriate support, details of the programme and the additional support the college can provide
- if provision is not available, the college should give reasons why not, for example: whether the programme or the learning support was not available. It would be helpful to know whether the college could provide for the student at some future date, for example: in six, 12, or 18 months' time, and what conditions would need to be satisfied for the student to be supported at the college.

39 FEDA has undertaken a study on behalf of the Council to evaluate current practice in sector college assessments for specialist college placements. As a result of this study FEDA intends to produce a good practice guide during autumn 1999.

40 It is expected that a recommendation for a placement outside the sector should be made only where:

- there is evidence to satisfy the Council that adequate facilities are not available in the sector for the individual student. The Council does not fund placements on the basis of parental or student choice
  - the student's assessment includes a report of a visit to, or a stay at the recommended specialist college. Specialist colleges may find the form attached at **annex L** in the supplement to this circular useful in providing the information required by the Council. The Council expects that the costs of any assessments carried out by the establishment are within the overall fee structure
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- an alternative establishment has been considered. The Council will not normally consider recommendations which do not specify an alternative establishment. This gives an indication of the options considered by the student and provides the possibility of an alternative placement should difficulties arise with the first. It is not necessary that this alternative establishment should have been visited by the student, nor a full assessment carried out. It is expected that this alternative establishment will be currently in receipt of Council funds. Where an alternative establishment is not given on the recommendation form, the referring agency should explain why this is not appropriate.

41 Recommendations should be made on either: recommendation form: new student (**annex I**); or recommendation form: extension (**annex J**), as appropriate, and may be photocopied. Both annexes appear in the supplement to this circular. These forms are also available on disk and may be obtained by contacting Rita Boneham at the Council's Coventry office on 01203 863033.

42 For older students and those already attending specialist colleges, the local authority may have less comprehensive or up-to-date information, although it will probably have some information which could assist a thorough assessment. The local authority is asked to assemble the range of available professional views on the student's educational needs and how these might best be met. For students where little or no information is available, or where evidence is conflicting, the Council may make arrangements for an independent assessment. In such circumstances, local authorities should contact the appropriate regional director as early as possible. Regional office details appear at annex B to this circular.

## Recommendation procedure for new students

43 When the Council assumed responsibility for the placement of students with learning difficulties and/or disabilities in 1993 following the *Further and Higher Education Act 1992*, it inherited a range of fee structures associated with each individual specialist establishment. It recognised that comparable provision was being funded at different

levels and took measures to reduce the more extreme differences between fee levels at institutions. The funding of specialist establishments was considered by the learning difficulties and disabilities committee (the Tomlinson committee), which recommended that the Council should 'continue the policy of convergence between fees for comparable provision at specialist colleges'. PricewaterhouseCoopers (PWC) was commissioned to conduct a review of the funding arrangements.

44 PWC's report proposed a new approach: a funding matrix, linking the nature of a student's learning difficulty and/or disability with the support required to deliver the learning programme. Responses to consultation on the report were received from colleges representing 90% of student placements and the principles of the new approach were strongly endorsed. The matrix would establish a common framework for funding students at all specialist establishments, remove variations in funding for comparable provision, and provide greater transparency. The matrix and associated tariff values are set out at **annex E** to this circular. All new students, placed by the Council, commencing in the teaching year 2000-01, will be funded under the new matrix and tariff arrangements. These are explained in more detail below.

45 The Council will continue to rely, within the terms of its agreement with the LGA, on local authorities to act as referring agencies as they are best placed to assess the needs of a student. For placements under the new funding methodology, referring agencies are asked to continue to assess the student's needs and identify appropriate provision based on the documentation held in support of the recommendation. Part of this documentation will be a view from the specialist college on the appropriate funding level for the student within the new matrix and may be included within the initial assessment report. This view should take the form of a brief rationale, which makes detailed reference to the support descriptors in the matrix and how these match the profile of the needs of the student. The recommendation form (**annex I**) in the supplement to this circular, has been amended to allow referring agencies to comment on their view of the funding allocation identified by the specialist college and also provide their own assessment of the student's support needs.

46 Following agreement between the Council, specialist college and referring agency, the rationale will form part of the Council's schedule and purchase order. This will then be used by the Council's inspectorate during visits to specialist colleges and in the accountability arrangements (see paragraphs 51–55), to monitor the delivery of an individual student's agreed provision.

47 The Council will establish an advisory panel to resolve differences of opinion and advise the Council on an appropriate way forward. These arrangements need to be in place where:

- there appears to be disparity between the specialist college assessment and the views of the referring agency
- the regional office has concerns about the capacity of the specialist college to meet the needs of the student
- the needs and costs of provision for an individual student change during the period of the placement to the extent to which the originally allocated fee level may require adjustment and there is disparity between parties with regard to this adjustment.

48 The panel will comprise representatives from the Association of National Specialist Colleges (NATSPEC), the Association for Residential Care (ARC), referring agencies and the Council, including the Council's inspectorate.

## Length of student programmes

49 PWC also recommended that the length of students' programmes be standardised to 38 weeks a year and to two years with an additional third year dependent upon progress against the student's learning programme. The Council and specialist colleges, following consultation, agreed with these recommendations. The Council would not expect to receive recommendations for students whose programmes of study are in excess of three years.

50 The tariff reflects the comparable costs of support for a course of 38 weeks a year. Council funding levels are gross and any third party contributions towards the placement will be deducted from this gross level in accordance with the general conditions of purchase. Contributions made towards the 14 weeks over and above the Council's funding period will not, however, be deducted. Referring agencies should ensure that the

recommendation clearly denotes which period any third party contribution relates to.

## Accountability arrangements

51 The Council would wish to ensure that the procedures in place are adequate and it is not open to challenge on the selection and agreement of a matrix cell. It would further wish to ensure that controls are in place to verify the matrix cell selection in comparison with the student's needs and confirm that Council funds have been appropriately allocated.

52 The Council will visit each establishment with Council-funded placements, to review a sample of students and confirm and evaluate the support in place. This review will be carried out annually and the sample size will be approximately 10% with a minimum of 10 Council-funded students. Where the Council funds fewer than 10 students at an establishment, all Council-funded students will form part of the review. The review will also incorporate confirmation on student numbers.

53 It is proposed that the principal will sign a standard form yearly, to confirm that the support indicated by the matrix cell selection and rationale (detailed on the schedule and purchase order) has been provided. This document will be verified during the review as part of the evaluation exercise.

54 Where a discrepancy between the support noted on the form and the support in place at the time of the review is recorded, it is proposed to take the following action:

- a decision will be taken on the material content of the discrepancy noted and the action to be taken following this discovery. For example, if, following completion of the sample it is found that a small element of the support for one student has been incorrectly allocated, the decision may be that the originally planned sample size is satisfactory. If, however, a common misinterpretation of the matrix is found across several students in the review, the sample size may be increased. The size of the increase will depend on the nature of the error. Generally, the sample will increase to 20% but in extreme cases it may be necessary to carry out a 100% check

- where an incorrect funding allocation is identified, clawback procedures will apply. Fee recoveries will be backdated to the start of the teaching year or the date the student starts with the college if this occurred after the beginning of the teaching year. Recoveries will be made in accordance with the terms and conditions of the Council's contract
- if the review identifies a student for whom support should be provided at a higher level, increased funding will be paid from the date at which that support is provided.

55 The inspection cycle will continue to operate alongside the above processes, ensuring that the students are receiving the correct levels of support.

### First term and end of year review

56 For new students for 2000-01 and beyond colleges will be required to reaffirm a student's learning programme and matrix cell selection on the first term review report. This will allow colleges to identify those students who require a different level of support or programme. Colleges will be required to forward a brief rationale, with the review report, in support of their request and the regional office will confirm that:

- the new matrix cell selection will allow the student to receive the most appropriate level of support and the student's needs can be met at this level
- the college is able to meet the student's needs and provide the support indicated.

57 The college will also be able to review the support provided for a student at the end of the first year and this will be considered as detailed above.

### Extended provision at a specialist college

58 Some students currently at a specialist college outside the sector on a course which falls within the Council's duties may wish to extend their placement beyond the duration originally agreed by the Council.

59 The Council would only expect to receive a request to extend the originally agreed placement:

- for students currently funded by the Council for a period shorter than that originally requested; or

- where the student has completed their original course of study and wishes to undertake further study; or
- in very exceptional cases when a student may require a further period to complete a course of study. For example, as a result of illness the student may need to have a longer period to complete their course.

60 For students currently funded by the Council for a period shorter than that originally sought, the Council and the local authority should be sent a review report by the college detailing the student's educational progress and with a justification for extended funding. This should be received at the relevant regional office by the end of the penultimate term funded by the Council. If information in the review report is not adequate to enable the Council to make a decision using its criteria, an extension form (**annex J** in the supplement to this circular) may be requested. Only in exceptional circumstances (for example, prolonged or unexpected illness) would the Council consider an extension request where a final year of funding had previously been specified. Colleges in doubt should contact the relevant regional office.

61 Where the student has completed their original course of study and wishes to progress to another programme of study, **annex J** in the supplement to this circular contains a form for recommendations on behalf of students seeking an extension to their Council funding. This form allows the specialist college initially to complete the relevant parts. The form should then be sent to the local authority to be completed and forwarded to the Council. It is unlikely that information from the specialist college alone will be sufficient to enable the Council to reach a decision about students seeking an extension. The views of careers advisers and, where appropriate, social workers, may also be required. Evidence that sector college provision has been considered should also be included.

62 In very exceptional cases a student may require a further period to complete a course of study, for example, where a student has been away from college due to illness. To make a decision the Council will require:

- a summary of the progress made by the student



- an assessment of the student's achievements against the original objectives
- a detailed explanation of why the student requires extended provision, indicating, among other things, the new objectives to be achieved and why the proposed provision remains in the student's best interests
- evidence that sector college provision has been considered.

63 The Council is concerned that, for a significant number of students during 1998-99, no alternative arrangements appear to have been considered for those whose funding was to be concluded. No other agencies appear to have been involved to support the necessary transition from the specialist college. Specialist colleges are strongly encouraged to make early contact with appropriate agencies in order to support students completing their programmes.

64 It is expected that extension requests will be forwarded to the Council as early as possible before the start of the course extension or new course. In particular, the extension form should show that the student has been able to consider a range of options and that local sector colleges have been consulted to see whether provision is adequate to meet the requirements of the student. The Council would usually expect the student to have had the opportunity to visit relevant sector colleges.

65 Students currently funded by another agency whose funding period is coming to an end, but who now wish to be funded by the Council, are covered by the arrangements for new students, as they will be considered new to the Council.

66 Students continuing in 2000-01 will do so under the current funding arrangements in place during 1999-2000. This applies to all students seeking to extend provision at specialist colleges, as outlined above, either by review or by the procedures described in **annex J**. As in previous years, specialist colleges will be notified of funding levels for 2000-01 as soon as possible in the new year.

## Council considerations and timetable

67 The Council requires a minimum period in which to give full and proper consideration to the recommendations it receives. It would normally expect to reach a decision within six weeks (30

working days) where the recommendation contains all the information that is needed for the decision to be made. Incomplete recommendation forms, and those where supplementary information has not been attached, delay decisions.

68 The Council has noted that for a significant number of students who wished to start their programmes in 1998-99, recommendations were received in the period from June to August 1998. For students wishing to start their programmes in 1999-2000, an increase in recommendations received before May 1999 was noted, as detailed below, but a large number of recommendations were still received after this date. Recommendations forwarded to the Council for 1998-99 did not include all the information required to make a decision in 60% of cases. For 1999-2000 this figure decreased slightly to 55% but this is still a significant number of recommendations. In the majority of these cases, the missing information related either to: evidence of consultation with the sector or investigations into possible joint funding arrangements with appropriate agencies.

69 For placements starting from the **autumn term 2000**, referring agencies are requested to forward recommendations as soon as possible and, in any event, before the end of **December 1999**. This represents the next step in changing the timescale for the receipt of recommendations to ensure students are informed of decisions at an earlier stage in the teaching year and that they are provided with sufficient time, where necessary, to consider alternative arrangements.

70 The Council noted an increase to 47% in the number of recommendations received by 1 May 1999 compared to the same period in 1998. This is encouraging and the Council would wish to build further on this by revising the target for 2000-01. Local authorities are asked to liaise with regional offices on the implications for them of the revised target date.

71 In reaching a decision about a recommendation for a new student or about an extension for a student currently funded by the Council, the Council will have regard to:

- its legal duties under the *Further and Higher Education Act 1992* (the Act)
- the criteria for decisions and factors to be taken into account.

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72 In the light of its legal duties, the Council may wish to agree to joint funding for a student, for example: with the social services department, health authority, local education authority or other body. Whilst it is difficult to prescribe in advance the precise circumstances, experience to date and the duties of other agencies indicate that joint funding is likely to be applicable:

- where a student who is 19 or over wishes to pursue a full-time programme where only some of the components fall within schedule 2 to the Act
- where the Council considers that the student and/or the content of their proposed placement falls partially within the scope of the legal duties of other agencies:
  - i. joint funding might be indicated where the reasons for residential further education do not arise predominantly from educational needs related to the student's difficulty and/or disability
  - ii. the student is already a client of another agency, such as social services, and has a care plan which includes educational provision as part of an overall package to which other agencies are contributing
  - iii. the student receives social security benefits and allowances which might reasonably contribute to the overall costs of their provision, particularly the residential component.

73 To this end, the recommendation forms include reference to funding from, and the responsibility of, other agencies. The Council would expect that, wherever possible, referring agencies would explore the possibilities of joint funding and decisions taken by the relevant agencies before the recommendation form is forwarded to it. The moves to change the timescale of the recommendation process should allow for multi-disciplinary discussions to take place before the documentation is sent to the Council. For 1999-2000, 518 students from a total of 2,051 funded at specialist colleges are having part of their fees met from a source other than the Council. About 55% of these students are over 19 and in nearly all cases funding is met in part by social services departments or social security benefits.

74 The Council's consideration of its legal duties and the recommendations received may also lead it in the first instance to agree a shorter period of funding than originally requested. This is most likely to occur where the student becomes 19 during the time of the placement. The Council would then need to be satisfied that the course falls within schedule 2 and that the student is able both to access and progress on the course.

75 A list of specialist colleges at which Council-funded provision has been judged to have at least a balance of strengths and weaknesses: that is, a grade 3 or above, is attached at **annex F** to this circular. In April 1997, the Council notified principals of specialist colleges, heads of careers services and chief education officers that it is not prepared to consider recommendations for placements at colleges where Council-funded provision has been graded 4 or 5, until such time as provision has been reinspected and judged to have at least a balance of strengths and weaknesses.

76 The Council is prepared to consider extensions to the placements of existing students at colleges where Council-funded provision has been graded 4 or 5 if the student wishes to continue in the placement and the referring agency believes the placement is in the student's best interests. An alternative placement must, however, be specified. The list at **annex F** may not include the names of a small number of colleges where placements have recently been agreed by the Council and where an inspection visit is to be arranged during 1999-2000. Referring agencies are asked to contact Julie Lynes-Grainger at the Council's Coventry office on 01203 863031 if they have any queries.

77 Where a recommendation is received for a placement at an establishment the Council has not previously funded, the referring agency should be aware that the Council may require a considerable amount of time to carry out its new establishment procedures. This will involve a visit by the Council's inspectorate to review provision currently being made at an establishment, before consideration of an individual student recommendation. The Council will also wish to carry out an independent review of the financial and other internal controls of the establishment. The purpose of this review is to establish whether the establishment has adequate systems in place to safeguard and account for public funds, and to assess and report on the specialist establishment's financial health and viability.

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78 The Council funds a range of specialist provision nationally for students with learning difficulties and/or disabilities and does not expect to receive a significant number of recommendations for provision at new establishments. The Council would not normally fund provision at an institution that was in the process of being established, unless there was robust evidence of insufficiency or inadequacy. In this case the Council would be obliged to consider developing provision within the sector. As with all recommendations, an alternative choice of establishment must be specified, and this should be an establishment where the Council is already funding student placements.

### Status of non-sector establishments

79 The status of a specialist establishment may be relevant with regard to the Council's duties in respect of young people with statements of special educational need (further details are at **annex A** to this circular paragraph 16). A school is defined, under section 14 of the *Further and Higher Education Act 1992*, as an establishment providing secondary education, that is, there are students under 16. Specialist establishments which have separated the provision for people over 16 and named it an FE unit, or a college, may still be regarded as a school if they do not have a separate legal identity. Further information is set out at **annex G** to this circular.

80 Completed recommendation and extension forms should be forwarded to the appropriate regional office listed at **annex B**. Referring agencies are asked to obtain permission from the student and to send a copy of the completed form to the specialist college for which the recommendation has been made.

81 For 2000-01, the Council will communicate its decisions to the student, their parents or advocate, the specialist college, the sector college or colleges involved in the assessment and the referring agency at the same time. Where the Council agrees to fund a student's placement, a schedule and purchase order will be issued to the college. This purchase order will indicate the period for which funding has been agreed and will describe the student's programme as detailed in the recommendation form. It will also detail the agreed rationale which supports the student's funding allocation, as detailed in the recommendation form. The Council's

inspectorate will compare this rationale to the actual support received by the student as evidenced during the inspection visit.

82 Colleges are asked to forward to the Council a review of the student's progress at the end of the first term and at the end of each subsequent year of agreed Council funding. Colleges may find the form at **annex M** in the supplement to this circular useful for this purpose.

### Reviews of decisions

83 Where the Council decides not to fund the student's placement, it will explain its reasons in the light of its legal duties and the criteria and factors set out in **annex H** to this circular.

84 Where the student and their parents or advocate are dissatisfied with the Council's decision not to fund a placement, they may request, by writing to the regional director of the relevant regional office, that it is reviewed. Guidance will be issued to assist students and their parents/advocate who request a review of the Council's original decision.

85 The regional office will explain in writing the basis on which the decision not to fund has been taken. The student will be invited to send further information or to make representation on points not in their view adequately considered. The Council will continue to seek the views of the referring agency on the further information provided.

86 Where the regional office decides for a second time that the recommendation does not meet the Council's legal duties, criteria and factors, and this decision has been endorsed by the director of education and institutions, the student can ask for the decision to be considered by an independent appeals panel. The independent appeals panel comprises people from outside the Council's staff. The student and their parents/advocate will be invited to attend the appeals panel. The appeals panel will be able to commission additional expert advice where it considers this necessary.

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## Destination and achievement data

87 The Council has a duty under the *Disability Discrimination Act 1995* to produce an annual report to the secretary of state on progress made and future plans relating to provision for students with learning difficulties and/or disabilities. These arrangements have been enhanced to incorporate the collection and analysis of data on student achievements and destinations. Colleges are asked to complete the form at **annex N** in the supplement to this circular when a Council-funded student leaves the college or completes a course or period of Council funding. Any queries concerning the completion of this form should be directed to Julie Lynes-Grainger at the Council's Coventry office on 01203 863031.

88 The Council recognises that the information held on the destination data form duplicates that on the student's '**final**' review form. It is, therefore, no longer necessary for colleges to complete a final review form when the student has completed their course.

## Payments

89 Payments to specialist colleges will be made termly. As in 1999-2000, colleges will be required to verify enrolment and payment details as set out in the enrolment lists provided by the Council at the start of the college year. The returned enrolment lists will form the basis for calculating the termly payments. Fees will be paid at the start of each term, subject to confirmation of students' continued attendance at college. Colleges are reminded not to forward invoices, or any other form of payment request, to the Council.

90 As with previous years, the Council intends to adjust payments to colleges where students withdraw from an establishment before the agreed funding end date. Adjustments are made on a half termly basis and are effective where a student withdraws either permanently or temporarily.

91 As for the last five years, payments are subject to a general agreement (the general conditions of purchase) between the Council and the specialist college, copies of which are available on request. Colleges should note in particular the requirement to forward their audited accounts to the Council within six months of the end of their financial year. In the event that accounts are not received, payments may be suspended.

92 The new approach to funding applies to new student placements for 2000-01 and is outlined at paragraphs 43-57. Students continuing their course in 2000-01 will continue to be funded under the existing fee structure.

93 Geoff Daniels' letter of 23 July 1999 informed specialist colleges of the funding levels for 2000-01 under the new methodology. For those students continuing their course in 2000-01, specialist colleges will be informed of the funding levels, under the existing system, early in the spring term 2000. When considering the funding levels for 2000-01 for specialist colleges, the Council would expect to apply a similar efficiency squeeze as that required in the further education sector.

94 The Council and specialist college representatives have tried to ensure that the new funding methodology provides greater transparency, is fair and equitable, and enables students to be funded at comparable levels of provision across the specialist sector.

95 Based on evidence for the sector, the tariff has been set at comparable levels that the Council considers adequate to meet fully the needs of students. It accepts that various enhancements and additional facilities might be made available to students, but colleges should provide these from private resources. Funding from private or charitable sources will not be deducted from the Council's gross fee. Where funds from public sources are sought in support of a student's placement, the Council would consider this to constitute double funding and would deduct these from the gross fee.

96 The Council expects all new students, from 2000-01, to be funded within the matrix and associated tariff bands. Where Council funding has been requested, and a specialist college is unable to support a student within the funding matrix, a placement should not be offered to that student. In these circumstances, the Council would expect the referring agency to approach the alternative choice establishment identified in the recommendation form.



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## European social fund

97 Council funding for students with learning difficulties and/or disabilities provides a gross fee to fund all aspects of a student's placement. For the purposes of the European social fund (ESF), this provision should be regarded as fully funded. If a specialist college obtains ESF support for provision funded by the Council, the Council's fee should be reduced by the amount of ESF received. This is consistent with the approach adopted with sector colleges.

98 There may, however, be circumstances in which a specialist college may wish to enhance a student's programme above the level of provision purchased by the Council. It would be reasonable for the specialist college to seek ESF support for these additional activities and for the Council's fee to be used as match-funding for the claim. Therefore, the Council would expect that the total cost of the provision (the amount purchased by the Council and the additional activities) to be at least equivalent to the Council's fee plus the ESF contribution. Any queries concerning ESF should be directed to Patrick Rooney at the Council's Coventry office on 01203 863349.

## Quality of provision

99 The Council is concerned to ensure that all the students for whom it secures placements at specialist colleges benefit from educational provision which is of a high standard and which meets their educational needs. During 1999-2000, a small team of specialist inspectors is continuing with a programme to inspect the quality of the Council-funded provision at specialist colleges. This inspection covers the general quality of the educational context within which learning takes place and the individual learning programmes of students funded by the Council. Colleges are encouraged to address any weaknesses, identified in the inspection report, in an action plan.

100 The inspectorate's findings will influence future decisions about the funding of placements for students at individual colleges. The reports arising from the inspection visits are not currently published but are made available to the specialist college. Each college is encouraged to respond to requests for copies from interested parties. Referring agencies are strongly encouraged to refer to the inspection report, where provision has been

inspected, when considering recommendations. Referring agencies that experience difficulties obtaining copies of recent reports should contact the Council. The timetable of inspection visits for 1999-2000 is attached at **annex F**.

## Enquiries

101 In the first instance, please address enquiries about this circular to the relevant regional office. Telephone numbers and addresses are given at **annex B**.



# Legal Background

## Role and Responsibilities of the Council

1 The *Further and Higher Education Act 1992* (the Act) places a range of duties upon the Council to secure facilities for further education which are:

- sufficient for the needs of full-time students aged between 16 and 18
- adequate for the needs of full-time students aged 19 and over, and part-time students aged over 16, where the course of study falls within the scope of schedule 2 to the Act.

2 Schedule 2 to the Act sets out a range of courses which lead to vocational or other recognised qualifications, either directly or indirectly. Further guidance on schedule 2 is set out in Circular 99/10.

3 Colleges are reminded that programmes of literacy, numeracy, ESOL and those for students with learning difficulties and/or disabilities which fall under schedule 2(j) are not required to have external accreditation. Colleges, however, are expected to retain rigorous evidence of progression for students whose programmes fall within schedule 2(j).

4 The Council also has the duty, when securing facilities for further education, to avoid disproportionate expenditure; to make the most effective use of its resources; and to have regard to any similar provision made by LEAs, grant-maintained schools, non-maintained special schools, city technology colleges and city colleges for technology of the arts.

5 When discharging the general duties outlined above, the Council is required under the Act to have regard to the requirements of students with learning difficulties and/or disabilities. The Act states that a person has a learning difficulty if they have a significantly greater difficulty in learning than the majority of persons of their age; or they have a disability which prevents or hinders them from making use of facilities of a kind generally provided by colleges within the further education sector for people of their age. The Act also states that a person should not be taken as having a learning difficulty solely because the language, or form of language, in which he or she will be taught is

different from that which has at any time been spoken in their home.

6 The Council's general duty, under section 2 of the Act, to ensure that there are adequate facilities for further education, means that a reasonably broad range of options is available to students, not that a specific programme must be available. For example, the Council cannot secure an out-of-sector placement for an individual student solely because specific GCE A level choices are not available at a local college.

7 The Act states, in section 4(3), that the Council shall secure provision at a specialist college outside the sector for a student with learning difficulties and/or disabilities where the Council is satisfied that adequate facilities are not available at a college in the sector, where this is in the student's best interests. This duty applies to students up to the age of 25.

8 The Council's duties under the Act towards students with learning difficulties and/or disabilities and the ways in which these should be discharged have been further outlined in the secretary of state's letter of guidance to the Council, published in Circular 92/08. This asked the Council to ensure that wherever possible, learning difficulties should be no bar to access to further education. The secretary of state also emphasised the importance of assessing a student's educational needs and of inter-agency collaboration in contributing to arrangements that would meet those needs.

9 The Council is not permitted, by section 5(4) of the Act, to give funds to LEA-maintained schools, grant-maintained schools, city technology colleges and city colleges for technology of the arts. This means that it cannot pay funds to specialist colleges outside the sector where those funds are subsequently paid to such an institution, for example, through a subcontracting arrangement. This prohibition relates to section 4 of the Act, whereby the Council may secure provision for students with learning difficulties and/or disabilities because such students cannot be provided for at a sector college.

10 Further information on the law governing the provision of further education to students with learning difficulties and/or disabilities is available in *Duties and Powers: The law governing the provision of further education to students with learning difficulties and/or disabilities by Beachcroft Stanleys* (now Beachcroft Wansbroughs), Solicitors (The Stationery Office, October 1996).

## Role and Responsibilities of Local Education Authorities

11 DFE Circular 01/93, issued on 5 January 1993, outlines the continuing responsibilities of LEAs after colleges were given corporate status on 1 April 1993. These responsibilities cover:

- pupils over the age of 16 attending secondary schools
- where it is considered necessary, the provision of transport for students
- the power to provide discretionary awards to students in further education.

12 The secretary of state for education and employment announced in November 1998 a new further education student support package for 16–19 year olds in further education and in schools, as well as an expansion of support for adults in further education. These arrangements were outlined in the DfEE's letter to the Council of 8 December 1998 and will take effect from the 1999–2000 teaching year and include:

- a series of pilots to test the effectiveness of education maintenance allowances for young people aged 16–19
- new support directed to colleges through the Council: a significant increase in the further education access fund (Circular 99/27), more support for childcare (Circular 99/35) and specific support for students who need residence at a college.

13 Local authorities also have extensive duties and powers in respect of young people with learning difficulties and/or disabilities under other recent legislation, including the *Children Act 1989*, the *Disabled Persons (Services, Consultation and Representation) Act 1986* and the *Education Act 1996*.

14 The arrangements that LEAs must make for pupils with learning difficulties and/or disabilities

who have a statement of special educational need were altered by the *Education Act 1996*. The arrangements include a tribunal to consider complaints against an LEA over its decision not to assess a child for a statement or not to make a statement following an assessment, and over the provision for a pupil specified in the statement. They also place new emphasis on the annual review of a statement, particularly at the age of 14, and on the development of transition plans and transition planning arrangements to ensure that young people can make an effective transition from school to further education or to adult life. Statements continue after the age of 16 unless they are formally ceased. SEN circular letter 1/96 from the DfEE to LEAs' chief education officers, dated March 1996, sets out the circumstances in which LEAs should formally propose to cease to maintain a statement for children aged 16.

15 The *Education Act 1996*, the *Education (Special Educational Needs) Regulations 1994* and the *Code of Practice on the Identification and Assessment of Special Educational Needs* (the *Code of Practice*) set out the procedures to be followed by LEAs and schools for young people who have special educational needs, including those who do not have a statement. Copies of the *Code of Practice* are available from the DfEE. The government has indicated its intention to revise the *Code of Practice* and the DfEE is currently considering responses to consultation with a view to issuing a draft of the revised *Code of Practice* in autumn 1999 for further consultation and comment. The *Code of Practice* came into effect from 1 September 1994. This means that for all young people covered by the *Code of Practice* and considering leaving school in summer 2000, the LEA should now be putting in place a transition plan. LEAs are encouraged to contact local sector colleges to help them review the further education opportunities for individual young people.

16 Where pupils over 16 years of age with learning difficulties and/or disabilities are attending a school and also have statements of special educational need, they are the responsibility of their home LEA and not the Council. This includes pupils whose statements require provision to be made for them in an independent school. As defined in legislation, a school includes an establishment which provides secondary education for children below the statutory school-leaving age.

17 The Council understands that the local authority spending settlement for 2000-01 will be informed, as in previous years, by LEA spending responsibilities, including those for pupils over the age of 16 attending schools.

18 The Council has not been funded to provide for students who are enrolled full time in a school and wish to follow part of their programme in a further education establishment during school hours. In such circumstances, this provision should be treated as link provision and it is expected that the school will meet the costs of the provision.

## **Role of the Careers Service**

### **Extract from *Requirements and Guidance for Careers Services 1998***

19 Careers services must work with each other, parents and appropriate agencies, particularly LEAs and disability service teams (DSTs) (formally PACTs), to ensure the special needs of these clients are met. This applies to clients with disabilities as well as those with communication, learning and emotional/behavioural difficulties. Careers service staff must be proactive with these clients.

20 Where necessary, careers services must act as advocates in obtaining suitable placements; become involved in the 14+ transition planning process as set out in the former DFE's *Code of Practice* (see paragraph 20 of that *Code*); and undertake complementary career action planning in later years. Careers services must also contribute to clients' recommendations for FEFC funding. This will involve working with the LEA with which the careers service should seek a formal agreement.

21 Services must employ sufficient numbers of appropriately trained and qualified staff, including specialist staff, to provide a full service to clients with disabilities (including people with learning difficulties).

22 Clients with special needs, including those with disabilities and those who are disaffected, are entitled to the same outcomes as any other client. To achieve these outcomes they may require additional support and careers services must ensure that adequate and suitable resources are devoted to this. Careers service staff must be active both in trying to identify clients who need extra help and in offering it. In doing so, they can make a significant contribution to achieving equality of opportunity.

23 Clients who attend residential establishments in another careers service area must receive the full range of services. Effective links with the appropriate LEA will need to be established to ensure clients' needs are properly met. The careers service in the student's home area (the home service) and the service in the area in which the establishment is located (the host service) must agree a Special Needs Support Arrangement setting out what each service will do to deliver the entitlement. This arrangement must always be in the best interests of the client and must be clearly stated in writing. All parties, including home and host services, the educational establishments, the young person, parents/guardians and the LEA, must know what the arrangements are. The home service must keep its own records on those clients who are being educated out of the area, and maintain appropriate contact with the parents and with the client during the holidays.

24 The Careers Service National Association (CSNA) has produced a model Special Needs Support Arrangement which has been endorsed by the DfEE. The CSNA model must be adopted unless other local agreements meet the needs of clients more effectively.

25 Additional specialist advice should be available for clients with special educational or training needs. Where appropriate, careers advisers should obtain specialist assessment. The guidance should take into account any statement of special educational needs, transition plan or other report issued by the LEA or other relevant authority. It should also be conducted in consultation with the school or college special educational needs co-ordinator. Careers services must be available to make an appropriate input into pupils' transition plans in order to conform with the former DFE's *Code of Practice*, published in 1993.

26 The *Trade Union Reform and Employment Rights Act 1993* (TURER) changed the basis on which careers guidance is provided. It places a duty on the secretary of state for education and employment to secure the provision of services to certain persons in full- and part-time education. When making arrangements, the secretary of state is required by TURER to 'have regard to the requirements of disabled people'. The following client groups are eligible persons for the purposes of TURER and entitled to careers services free of charge:

- people in full-time education at any educational institution other than an educational institution within the higher education sector
- people in part-time education at any educational institution, other than an educational institution within the higher education sector, which is education commonly undertaken by people in order to fit them for employment
- people aged under 21 who have left education (other than higher education), or full-time training, up to two years earlier.

27 There is no age or time restriction in respect of people with disabilities, including learning difficulties. They remain part of the client group of the careers service until they are settled in their career intention.

28 The services provided by careers services and the standards which apply to them are specified in the document *Requirements and Guidance for Careers Services*. Copies are available from the DfEE Publications Centre, telephone 0845 602 2260. The *Requirements and Guidance for Careers Services* is given effect through contracts with careers service providers. These include the requirement, when placing or referring clients, to making representations on behalf of disabled or disadvantaged eligible persons and providing other relevant support and assistance where appropriate to enable eligible persons to secure suitable education, training or employment. 'Eligible persons' is defined in paragraph 13 of the *Requirements and Guidance for Careers Services 1998*.

## Other Relevant Legislation

### *Children Act 1989*

29 The secretary of state has made an order to bring sector colleges within the scope of sections 27 and 47 of the *Children Act 1989*. Sections 27 and 47 of the *Children Act 1989* place duties on a number of agencies to provide assistance to local authority social services departments acting on behalf of children in need or investigating allegations of child abuse.

30 The DfEE's guidance to the education service on child protection procedures is set out in Circular 10/95: *Protecting Children from Abuse: The role of the education service*. The DfEE has asked the Council to remind schools and colleges that they have a role to play in identifying cases of suspected or alleged abuse and referring them to the appropriate investigating agency, usually the local social services department as well as co-operating with subsequent investigations. The guidance refers to all children, not just those with disabilities and/or learning difficulties who may have needs within the terms of the *Children Act 1989*. All schools and colleges should have procedures in place for dealing with any suspicions or allegations of abuse which arise. It is important that they should be aware of and should follow local Area Child Protection Committee (ACPC) procedures. All schools and colleges should have one or more members of staff with designated responsibility for liaising with investigative agencies. A child is defined as a person below the age of 18.

### *Disabled Persons (Services, Consultation and Representation) Act 1986*

31 Colleges are asked to note sections 91 and 92 of schedule 8 to the *Further and Higher Education Act 1992* (F&HE Act). This amends the *Disabled Persons (Services, Consultation and Representation) Act 1986* in respect of duties towards students who are leaving full-time education. The Act requires college governing bodies to notify the local social services department when a disabled student (up to the age of 19) for whom it is making provision will be leaving full-time education.



## ***Disability Discrimination Act 1995***

32 The *Disability Discrimination Act 1995* amends the *Further and Higher Education Act 1992* to place a duty on the Council to:

- require sector colleges, as a condition of Council funding, to publish disability statements (containing information about the college's facilities for education for people with learning difficulties and/or disabilities); and
- produce an annual report to the secretary of state on its progress during the year and future provision for students with learning difficulties and/or disabilities.

33 Colleges are reminded that two copies of their annual statement should be forwarded to Rita Boneham at the Council's Coventry office by 31 October each year. A detailed analysis by FEDA of colleges' statements is under way and the Council will provide feedback and guidance to colleges in autumn 1999. Students who consider that the college has not delivered further education in accordance with the statement will be able to make a formal complaint to the college. Complaints will be referable to the Council in the same way as complaints under the *Charter for Further Education*.

34 The DfEE has asked the Council that colleges' attention also be drawn to statements made by the Minister of State, Department for Education and Employment, during the passage of the *Disability Discrimination Act 1995* in respect of students' expectations. The member stated on 18 July 1995 that once accepted by a college, students will be entitled to expect that they will enjoy the access and support necessary to pursue their studies.

## ***Education Act 1997***

35 The *Education Act 1997* contains the following provisions:

- colleges are required to provide appropriate access for students to guidance materials and a wide range of up-to-date information on careers education and careers opportunities
- colleges are required to work with careers services, providing reasonable access to students and to the information on students required by careers services to carry out their statutory duties.

36 Whilst this legislation does not currently apply to specialist colleges, the Council expects that appropriate careers education and guidance will be available to all Council-funded students.

## ***Teaching and Higher Education Act 1998***

37 The *Teaching and Higher Education Act 1998* (T&HE Act) clarifies the F&HE Act to give the Council the power to fund provision other than that which is specified under schedule 2 of the F&HE Act. In its letter to the Council of 8 December 1998, the DfEE indicated the newly clarified section of the T&HE Act could be used to provide a bridge back into learning for those who need it and that the secretary of state for education and employment sees a particular need for a modest amount of Council funding to be targeted on adults from groups whose background has disadvantaged them. In order to address this, the Council invited applications from local partnerships for funding for non-schedule 2 pilot projects (Circular 99/16).

38 For 2000-01, recommendations forwarded to the Council will continue to require evidence of schedule 2 content, where appropriate.

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# The Council’s Regional Offices and Corresponding Local Education Authorities

Regional office	LEA
<b>Eastern Region</b> Regional director <b>Martin Lamb</b> 2 Quayside Bridge Street Cambridge CB5 8AB Tel: 01223 454500 Fax: 01223 454535	Bedfordshire Cambridgeshire Essex Hertfordshire Luton Norfolk Peterborough Southend-on-Sea Suffolk Thurrock
<b>East Midlands</b> Regional director <b>Christine Anderson Frost</b> Cheylesmore House Quinton Road Coventry CV1 2WT Tel: 01203 863000 Fax: 01203 863359	Derby City Derbyshire Leicester City Leicestershire Lincolnshire Northamptonshire Nottingham City Nottinghamshire Rutland
<b>Greater London</b> Regional director <b>Jenny Burnette</b> Metropolis House 22 Percy Street London W1P 0LL Tel: 0171 312 4100 Fax: 0171 312 4134	Barking and Dagenham Barnet Bexley Brent Bromley Camden City of London Croydon Ealing Enfield Greenwich Hackney Hammersmith and Fulham Haringey Harrow Havering Hillingdon Hounslow Islington Kensington and Chelsea Kingston upon Thames Lambeth Lewisham Merton

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	Newham Redbridge Richmond upon Thames Southwark Sutton Tower Hamlets Waltham Forest Wandsworth Westminster
<b>Northern Region</b> Regional director <b>Susan Bickerton</b> Clough House Kings Manor Newcastle-upon-Tyne NE1 6PA Tel: 0191 211 2200 Fax: 0191 211 2235	Darlington Durham Gateshead Hartlepool Middlesbrough Newcastle-upon-Tyne North Tyneside Northumberland Redcar and Cleveland South Tyneside Stockton Sunderland
<b>North West</b> Regional director <b>Emily Thrane</b> 10 Brindley Road City Park Business Village Cornbrook Manchester M16 9HQ Tel: 0161 877 3811 Fax: 0161 876 2936	Blackburn with Darwen Blackpool Bolton Bury Cheshire Cumbria Halton Knowsley Lancashire Liverpool Manchester Oldham Rochdale St Helens Salford Sefton Stockport Tameside Trafford Warrington Wigan Wirral
<b>South East</b> Regional director <b>Marilyn Frampton</b> 3 Queens Road Reading RG1 4AR Tel: 0118 955 4200 Fax: 0118 955 4220	Bracknell Brighton and Hove Buckinghamshire* East Sussex Hampshire Isle of Wight Kent Medway



	Milton Keynes* Oxfordshire Portsmouth Reading Slough Southampton Surrey West Berkshire West Sussex Windsor and Maidenhead Wokingham
<b>South West</b> Regional director <b>Catherine Christie</b> Kempton House Blackbrook Park Avenue Taunton TA1 2PF Tel: 01823 444404 Fax: 01823 443815	Bath and North East Somerset Bournemouth Bristol Cornwall Devon Dorset Gloucestershire Isles of Scilly North Somerset Plymouth Poole Somerset South Gloucestershire Swindon Torbay Wiltshire
<b>West Midlands</b> Regional director <b>Celia Cohen</b> Cheylesmore House Quinton Road Coventry CV1 2WT Tel: 01203 863000 Fax: 01203 863358	Birmingham Coventry Dudley Herefordshire Sandwell Shropshire Solihull Staffordshire Stoke on Trent Telford and Wrekin Walsall Warwickshire Wolverhampton Worcestershire
<b>Yorkshire and Humberside</b> Regional director <b>Julia Lacey</b> 1 Blenheim Court Blenheim Walk Leeds LS2 9AE Tel: 0113 245 2644 Fax: 0113 245 2477	Barnsley Bradford Calderdale City of York Doncaster East Riding of Yorkshire Kingston-upon-Hull Kirklees Leeds

North East Lincolnshire  
North Lincolnshire  
North Yorkshire  
Rotherham  
Sheffield  
Wakefield

*\* from 1 January 1999*

# Agreement between the FEFC and the Local Government Association

**Assessing the educational needs of students with learning difficulties and/or disabilities wishing to attend specialist colleges outside the further education sector.**

## Introduction

1 The purpose of this agreement is to set out formally the respective roles of local authorities and the Further Education Funding Council (the Council) in respect of students with learning difficulties and/or disabilities for whom provision may be secured by the Council at a specialist college outside the further education sector under section 4 of the *Further and Higher Education Act 1992* (the Act).

## Background

2 Local authorities play a vital part in securing effective transition from school to further education for young people with learning difficulties and/or disabilities, as defined by the Act. This will include, in appropriate circumstances, offering advice about courses, location of study, additional support that may be required, equipment and other aspects relevant to the student's choices at 16 plus and beyond. The work of local authorities in this context means that they continue to be well placed to assess the educational needs of those students with learning difficulties and/or disabilities for whom further education provision needs to be secured outside the further education sector. Since 1994, it has been the duty of the secretary of state to provide impartial careers information, advice and guidance. This is carried out by a network of careers services, whose role in the recommendation process is set out in annex A.

3 In view of its legal duties, the Council is required to take decisions about individual students with learning difficulties and/or disabilities on the basis of a thorough assessment of their individual educational needs.

4 Accordingly, the Council and the Local Government Association (LGA) have reached an agreement which formally recognises both the

Council's needs and the continuing duty and role of local authorities. This agreement takes account of the role of local education authorities (LEAs) under the Act and the *Education Act 1996*, of social services departments and of the careers service under relevant legislation. The purpose of the agreement with the association is to ensure that the best possible advice is given both to individual students and the Council. The arrangements required by the *Education Act 1996* are set out in the *Code of Practice* published by the DfEE.

5 The agreement has the following parts:

- role of local authorities
- role of the Council
- scope of the agreement
- assessment arrangements
- information to be provided to the Council
- communications.

## Role of local authorities

6 Local authorities are asked for each student who comes within the scope of the agreement and for whom a placement at a specialist college is considered appropriate:

- to make available to the Council advice on the educational needs of the individual student and the supporting assessments carried out by the LEA in meeting its statutory duties, arising particularly under the *Education Act 1996*
- to identify, in the context of that advice and assessment, where possible, to what extent the required provision and support is unavailable at a sector college
- to recommend to the Council, in the context of that consideration, a placement which will meet the student's needs at an institution outside the sector.

7 In considering the recommendation, the local authority will take account of the student's own views. These will normally be available from their most recent annual review. Under the terms of the *Education Act 1996* these will be addressed in the student's transition plan.

8 In most cases the appropriate lead agency within the local authority will be the education department. It is open to the LEA to contract with the careers service to act as lead agency in the completion of the recommendation form. If it is the careers service which takes the lead, the recommendation must have the support of, and be signed by, the LEA.

## Role of the Council

9 The Council's role under this agreement is to:

- receive recommendations in respect of individual students, based on an assessment of their educational needs
- reach appropriate decisions about such recommendations against published criteria and in the light of its legal duties
- communicate these decisions appropriately and, wherever possible, in good time.

10 The Council will also play its part in securing effective transition arrangements for individual students, in securing sufficient and adequate facilities for further education; and in continuing to work with local authorities to these ends, within the context of its legal duties.

11 It is also necessary to make arrangements for those few cases where an LEA does not wish to make a recommendation and is challenged by the student and/or their parent/advocate. In such cases the student/parent/advocate should discuss the situation with the LEA, inviting it to forward a completed form to the Council and making it clear that the recommendation is not supported. If the LEA is not willing to do this it is requested to contact the relevant regional office. Where a student challenges the Council's decision on a recommendation received from the student's local authority, the Council's review procedures will apply. These will be explained to the student.

## Scope of the agreement

12 The agreement between the Council and the LGA extends to students wishing to attend a specialist college outside the further education sector for whom the local authority currently has a responsibility, for whom no sector provision is appropriate and who come within the scope of the

Council's legal duties. The agreement will apply largely to students whose educational needs were previously covered by a statement under the *Education Act 1996*. In some exceptional cases it will also apply to students whose educational needs are not covered by a statement, but whose educational needs nevertheless require provision to be secured for them at a specialist college outside the sector, where this is the recommendation of the student's local authority.

13 The scope of the agreement is as follows:

- a. students rising 16 or otherwise approaching the end of their schooling; recommendations to be received from their home LEA;
- b. older students and/or those who have had a break from education: recommendations to be received from their home LEA if possible. In other cases it might come from another agency within the authority or from the careers service and the Council might reasonably seek advice or information from the LEA and/or commission an independent assessment of the student's educational needs;
- c. students already attending specialist colleges outside the sector and currently supported by an LEA: recommendations to be received from their home LEA;
- d. students already attending specialist colleges outside the sector and originally placed by the Council: the Council might reasonably seek the views of the student's local authority social services department and/or the careers service. The LEA might be able to confirm historic information, or provide professional expertise if this was specifically invited.

## Assessment arrangements

14 In accordance with recognised best practice, the Council and the LGA consider that a thorough assessment of a student's educational needs will be based on:

- the young person and their parent/advocate receiving a full range of advice and information from the LEA regarding post-16 education and training choices, to inform their decision, as indicated in the parents' charter and *Charter for Further Education*. The careers service has a particular set of responsibilities towards such students in

this context and will often take the lead in offering advice and information

- the involvement of the young person and their parent/advocate in the assessment process
- the advice, wherever possible, of a range of professionals to ensure expert guidance and a thorough knowledge of the student's educational needs and how these might best be met. These professionals might include educational psychologists, specialist or other careers officers, or other specialist professionals with expert knowledge who have worked with the student during their earlier education.

15 Where the student has previously been the subject of a statement of special educational needs under the *Education Act 1996* it is likely that there will be extensive information available to the LEA about their educational needs and how these can best be met. In any exceptional cases where a student has not had a statement, it is possible that the information readily available to the local authority will be less extensive. In order to reach a decision, the Council will need a thorough assessment to be made so that it can take a soundly based decision in respect of that individual student. In certain circumstances, the Council may be prepared to commission additional information to supplement any information available from the local authority.

16 The Council expects that assessment arrangements made by specialist colleges outside the sector to assess whether they can appropriately provide for students wishing to attend them will be managed, as currently, by the specialist college. Wherever possible it would not expect a recommendation to be received or determined where the student has not visited the specialist college and had their educational needs assessed.

### Information to be provided to the Council

17 The Council and the LGA are aware of the need to ensure confidentiality of information and the student's views and, where appropriate, those of their parent/advocate must be sought before the information is offered to the Council. This can be particularly important where the recommendation arising from the assessment of educational need

involves information being passed on from a previous phase in the student's education.

18 Local authorities are asked to collate information relating to the student with learning difficulties and/or disabilities who requires provision to be secured for them at a specialist college outside the further education sector to meet their particular educational needs. The information should be drawn from statutory assessments prepared under the *Education Act 1996*; a transition plan, reviews of the student's progress; records of achievement; as well as advice from the careers service, teachers, and others who have worked with the young person. For a decision about its funding, the Council wishes the information provided to be only that which is relevant to the student's educational needs, although in cases where joint funding may be appropriate, medical or other information may also be necessary to inform a full decision.

19 The subsequent recommendation to the Council should include information about the student: their learning difficulty and/or disability; the resultant educational needs; the appropriate course and specialist college, and comments from the LEA.

20 Under the agreement, for students described in paragraphs 13(a) and 13(c), local authorities are asked to attach to the recommendation the following documents where they are available:

- a report from the student's current or most recent school
- a report from an educational psychologist who has worked with the student
- a report from the specialist, or careers officer who has worked with the student
- the assessment report from the specialist college at which a placement is recommended
- a copy of the student's transition plan, where applicable.

### Communications

21 The Council will inform the student, their parent/advocate, the local authority and the recommended specialist college of the outcome of its consideration. The Council will also inform the relevant sector college(s) that took part in the consultation. Where the Council does not agree to secure the recommended provision, reference will be made to the relevant criteria.

# Effective Transition

1 Much recent debate about education provision for young people with learning difficulties and/or disabilities has focused on the key role that effective transition can play in enabling the young person to make educational, social and personal progress. The emphasis in the *Code of Practice* published by the former Department for Education (DFE) to underpin the *Education Act 1996* (formerly part of the *Education Act 1993*) reflects this view. As an aid to colleges within and outside the sector and to those working with young people as they approach the end of their compulsory schooling, an extract from DFE evidence to the learning difficulties and/or disabilities committee is reproduced below. For its part, the Council is considering how it can best contribute to the objectives set out in the Code, in addition to publishing the DFE's evidence.

**Extract from the *Code of Practice: Paper for FEFC learning difficulties and/or disabilities committee*  
Department for Education**

## ***Post-16 Education Provision***

24 *A crucial aspect of the provision made by schools and LEAs for pupils with special educational needs (SEN), both with and without statements, is the regular review of each child's needs, progress and provision. For children without statements, this may take the form of a regular review of the child's individual education plan. Children with statements must have those statements reviewed at least once every 12 months. Such reviews should be thorough and comprehensive. Their conduct is now, for the first time, prescribed by Regulations. The review at 14+ is therefore an appropriate place for the question of the child's transition to adult life and post-16 educational provision to be considered.*

25 *Thus, as the impact of the Code of Practice is felt, further education colleges and all agencies concerned with transition to post-16 provision may expect to receive much fuller information about a young person with SEN, whether or not that young person has had a statement. All schools must set out in their SEN policies the arrangements they make to facilitate transition for young people with SEN. So far as the individual without a statement is concerned, schools will have full records of the action they have taken and the progress the young*

*person has made. Those records may include an informal transition plan. All young people with statements will have formal transition plans, drawn up at the review following their 14th birthday and updated thereafter.*

26 *The agreement of a transition plan by all parties should help to curtail if not eliminate problems which sometimes arise when a young person with a statement reaches 16 and there remains dispute between the LEA and the parents, or the LEA and the FEFC, as to the young person's future placement and responsibility for the funding of that placement. The work of the Tomlinson committee and discussions between DFE, the LEAs and the FEFC will clearly be important in resolving any remaining uncertainties as to the bodies responsible for young people at the boundaries of school and FE provision.*

## ***Children without statements***

27 *Paragraphs 6:61 and 6:62 of the Code of Practice deal specifically with the transition of students without statements but with SEN. Advice elsewhere in Part 6 of the Code is also relevant. Particular features of the Code's guidance are that schools should:*

- *draw up policies on transition, setting out those policies in their published SEN policy and reporting annually on their implementation. Those policies may entail the development of informal transition plans*
- *foster close links with local further education colleges. Link provision can provide opportunities for integration, extending the curriculum and offering an introduction to the adult environment of further education*
- *consult all other relevant agencies, such as the careers service and ensure that students have appropriate help and guidance*
- *seek and take into account wherever possible the views of young people themselves; and*
- *ensure that all relevant information, including, for example, Records of Achievement, are transferred, with the young person's consent, to FE colleges.*



28 At the same time, LEAs and colleges should provide schools with information on transition to the FE sector and with details of local and national voluntary organisations which may be able to help students and their families.

### **Children with statements**

29 Under the 1981 Act, LEAs were required to make a further statutory assessment of all young people with statements around the time of the 13th birthday. Under the 1996 Act, that 13+ reassessment is no longer obligatory. The more rigorous annual reviews required by the regime should ensure regular reflection on the child's needs and provision. Moreover, the 1993 Act introduced a new system, designed specifically to facilitate transition to post-16 provision, to the FE sector or elsewhere.

30 All annual reviews prior to the child's 14th birthday must, henceforth, be convened by the child's headteacher, who will also write the review report (the headteacher can, of course, delegate any of his [or her] duties to another teacher at the school). However, at the 14+ review, the LEA will take responsibility for convening the review and producing the report. The LEA must invite representatives of agencies which will play a role in the child's life following his or her transfer from school to adult life. Such agencies will include social services and the careers service and may also include representatives of a further education college which the child may wish to attend.

31 The 14+ review and all subsequent reviews, will produce a transition plan, which will draw together information from a range of individuals within and beyond the school in order to plan coherently for the young person's transition. The plan will build on the conclusions reached and targets set at previous reviews, and should focus on areas of strength and weakness, covering all aspects of the young person's development. As well as addressing the young person's own hopes and aspirations, it will also allocate clear responsibility for different aspects of development to specific agencies and professionals. This plan will be updated at all subsequent reviews until the young person leaves school. It is to be hoped that local FE colleges will seek to be involved in this process, preparing both themselves and the young person for his or her transfer to the sector.

32 LEAs should ensure that, with the young person's consent, a copy of the statement, together with a copy of the most recent annual review (including the transition plan), is transferred to the social services department and the FE college that the young person will be attending. Where a decision might need to be taken by the FEFC about the placement of a student in a specialist college outside the FE sector, a copy of the transition plan should be sent to the FEFC.

### **Other significant legislation**

33 The transition plan is to be drawn up at the first annual review after the young person's 14th birthday in part to ensure close co-operation between LEAs and social services departments in fulfillment of their duties under the 1993 Act and the Disabled Persons Act. Sections 5 and 6 of the latter Act require LEAs to seek information from social services departments as to whether a child with a statement is disabled and may require services from the local authority when leaving school whether at 16 or later. The LEA must inform the appropriate and designated officer of the relevant social services department of the date of the child's first annual review after his or her 14th birthday and must similarly inform the social services department (if it is agreed that the child in question is disabled) between eight and 12 months before the expected school-leaving date. Social services departments must be invited to attend the review at which the transition plan is first drawn up so that a parallel assessments under the Disabled Persons Act, the NHS and Community Care Act and the Chronically Sick and Disabled Persons Act can contribute to and draw information from the review process and the transition plan.

34 The Children Act 1989 and the NHS and Community Care Act 1990 require social services departments to arrange a multi-disciplinary assessment and provide care plans for children and adults with special needs. This may include the provision of further education facilities. This process of assessment may proceed in tandem with the review process under the 1993 Act. Any additional information will be valuable to FE institutions, and should be transferred with the young person's consent.

## **Conclusion**

35    *The 1996 Act (formerly part of the Education Act 1993), its associated Regulations and the Code of Practice seek to build on principles established by the 1981 Act, while addressing some of the practical problems associated with that Act. The legislation brings difficult questions into the open and in doing so, promotes greater clarity of responsibility, greater partnership and more systematic thinking on the part of all concerned. This should ensure not only that the pupils moving to further education have received more effective provision, but that the colleges to which they move are better informed and so in a better position to make their own contribution to the young person's progress.*

*Department for Education  
September 1994*



# Matrix of Learning Difficulties and/or Disabilities and Associated Support

Support Band A		
	Descriptor	Further information
Tuition	Access to specialist teaching support	This is for specific aspects of the curriculum over and above the base level of taught curriculum (for example, mobility).
	Some curriculum support	Student needs within group teaching context, an individualising of the learning style.
	Support with basic skills	Student has some basic literacy and/or numeracy skills, but will require some support and instruction within curriculum areas to improve/develop skills (for example, social literacy, numeracy, including forms, maps, time).
	Work experience support	Some supervision and/or encouragement required.
Independence training	Encouragement in independence	Student either has skills but little confidence or skills need to be encouraged. Student able to work with others on independence skills — reminders and encouragement only.
Personal care support	Access to medical care	Student will not routinely require medical intervention.
	Minimum care supervision	Levels of supervision consistent with safety of young people, little intervention anticipated.
Therapy and/or counselling	Occasional access to counselling and/or therapy	Student has an occasional requirement for sessions with counsellors and/or therapists (for example, anger, stress, psychological, speech, audiology or occupational).
Equipment	—	—
Notes	<div>1. not all of these descriptors will apply to one student. The use of the matrix requires selecting the cell which most closely reflects (in some or all of the descriptors) the profile of support received by the student</div> <div>2. support outlined within this band is in addition to that outlined in the core entitlement</div>	

Support Band B		
	Descriptor	Further information
Tuition	Specialist teaching support for one hour a week	Student requires specialist teaching support, either individually or in a small group setting, over and above base teaching hours for about an hour a week (for example, in key skills, communications or IT).
	Curriculum support (1:7)	The base level of curriculum staff:student support to be 1:7.
Independence training	Supervision in independence skills	Student requires monitoring to ensure lifeskill tasks are thorough/appropriate.
Personal care support	Some supervision in personal and/or medical care	Student requires support to ensure safe medication (or other procedures).
Therapy and/or counselling	Access to counselling and/or therapy	Student as part of their agreed programme has access to sessions with counsellors and/or therapists (for example, anger, stress, psychological, speech, audiology or occupational).
Equipment	Some equipment needs	Student requires access to specialist equipment either for learning or mobility (for example, radio hearing aids, CCTV).
Notes		
<div>1. not all of these descriptors will apply to one student. The use of the matrix requires selecting the cell which most closely reflects (in some or all of the descriptors) the profile of support received by the student</div> <div>2. support outlined within this band is in addition to that outlined in both the core entitlement and that in previous bands</div>		

Support Band C		
	Descriptor	Further information
Tuition	Specialist teaching support for three hours a week	Student requires specialist teaching support, either individually or in a small group setting, over and above base teaching hours for three hours a week (for example, in key skills, ESOL, Braille or social use of language).
	Curriculum support (1:5)	The base level of curriculum staff:student support to be 1:5.
Independence training	Regular independence training	Student requires daily oversight to develop independence skills.
Personal care support	Some help with personal care	Student requires some help with self-care and a degree of monitoring for safety purposes (for example, dressing, hygiene).
Therapy and/or counselling	Weekly therapy	Student requires weekly input from a therapist in order to support their continued presence on the course (for example, anger, stress, psychological, speech, physiotherapy, audiology or occupational).
	Regular counselling support	Regular counselling support is built into the student's programme.
Equipment	Standard equipment requires modifications	Equipment that is widely available requires some modifications for the student's personal use.
Notes	<div>1. not all of these descriptors will apply to one student. The use of the matrix requires selecting the cell which most closely reflects (in some or all of the descriptors) the profile of support received by the student</div> <div>2. support outlined within this band is in addition to that outlined in both the core entitlement and that in previous bands</div>	

Support Band D		
	<i>Descriptor</i>	<i>Further information</i>
Tuition	Specialist teaching support for three hours a week	Student requires specialist teaching support, either individually or in a small group setting, over and above base teaching hours for three hours a week (for example, in key skills, ESOL, Braille or social use of language).
	Curriculum support (1:4)	The base level of curriculum staff:student support to be 1:4.
Independence training	Structured independence training	Student requires a structured programme to develop independence skills.
Personal care support	Regular help with personal care	Student requires regular help with self-care, supervision for medical requirements and a degree of monitoring for safety purposes (for example, dressing, hygiene).
Therapy and/or counselling	Weekly therapy	Student requires weekly input from a therapist in order to support their continued presence on the course (for example, anger, stress, psychological, speech, physiotherapy, audiology or occupational).
	Immediate access to counselling support	Student has immediate access to counselling support.
Equipment	Standard equipment requires modifications	Equipment that is widely available requires some modifications for the student's personal use.
Notes	<div>1. not all of these descriptors will apply to one student. The use of the matrix requires selecting the cell which most closely reflects (in some or all of the descriptors) the profile of support received by the student</div> <div>2. support outlined within this band is in addition to that outlined in both the core entitlement and that in previous bands</div>	

Support Band E		
	Descriptor	Further information
Tuition	Specialist teaching support for more than three hours a week	Student requires specialist teaching support, either individually or in a small group setting, over and above base teaching hours for more than three hours a week (for example, in key skills, ESOL, Braille or social use of language).
	Curriculum support (1:3)	The base level of curriculum staff:student support to be 1:3.
Independence training	High level of support for independence training (up to two hours a day)	Student requires a daily (up to two hours) structured programme to develop independence skills (for example, specific supervision or guidance to facilitate living skills and social development).
Personal care support	Daily support with personal care (up to one hour)	Student requires daily (up to one hour) support for self-care (for example, from a care assistant for personal hygiene, bathing, toilet).
	Daily medical support	Student requires daily medical support (for example, access to nursing staff).
Therapy and/or counselling	Therapy twice a week	Student has input from a therapist twice a week (for example, anger, stress, psychological, speech, physiotherapy, audiology or occupational).
	Immediate intervention for emotional and/or behavioural support	Student may require immediate intervention for support with emotional and/or behavioural problems.
Equipment	Equipment requires significant adaptations	Student requires equipment to be adapted in order to access curriculum (for example, special keyboards, joystick mouse).
Notes	<div>1. not all of these descriptors will apply to one student. The use of the matrix requires selecting the cell which most closely reflects (in some or all of the descriptors) the profile of support received by the student</div> <div>2. support outlined within this band is in addition to that outlined in both the core entitlement and that in previous bands</div>	

Support Band F		
	<i>Descriptor</i>	<i>Further information</i>
<b>Tuition</b>	Specialist teaching support for more than three hours a week	Student requires specialist teaching support, either individually or in a small group setting, over and above base teaching hours for more than three hours a week (for example, in key skills, ESOL, Braille or social use of language).
	Curriculum support (1:2)	The base level of curriculum staff:student support to be 1:2.
<b>Independence training</b>	High level of support for independence training (more than two hours a day)	Student requires a daily (more than two hours) structured programme to develop independence skills (for example, specific supervision or guidance to facilitate living skills and social development).
<b>Personal care support</b>	Daily support with personal care (more than one hour)	Student requires daily (more than one hour) support for self-care (for example, from a care assistant for personal hygiene, bathing, toilet).
	Daily access to nursing staff	Student requires daily medical support.
<b>Therapy and/or counselling</b>	Therapy more than twice a week	Student has input from a therapist more than twice a week (for example, anger, stress, psychological, speech, physiotherapy, audiology or occupational).
	Structured and immediate emotional and/or behavioural support	Student requires a weekly structured programme and may require immediate intervention for support with emotional and/or behavioural problems.
	Equipment requires significant adaptations	Student requires equipment to be adapted in order to access curriculum (for example, special keyboards, joystick mouse).
<b>Notes</b>		
<div>1. not all of these descriptors will apply to one student. The use of the matrix requires selecting the cell which most closely reflects (in some or all of the descriptors) the profile of support received by the student</div> <div>2. support outlined within this band is in addition to that outlined in both the core entitlement and that in previous bands</div>		

Support Band G		
	Descriptor	Further information
Tuition	Curriculum support (1:1) in most areas	Student is taught 1:1 for the majority (75%) of the learning programme.
Independence training	Personal facilitation for independence	Student has 1:1 worker for independence training.
Personal care support	1:1 care to meet personal needs	Student requires support for all aspects of personal care for at least three hours a day.
Therapy and/or counselling	Daily programme of therapy	Student has daily input from a therapist (for example, anger, stress, psychological, speech, physiotherapy, audiology or occupational).
	Daily programme of emotional and/or behavioural support	Daily emotional and/or behavioural support is built into the student's programme.
Equipment	Dedicated but standard equipment	Student has been allocated equipment for personal use to aid learning (for example, laptop, Lightwriter, Keystone).
	Care equipment	Student requires specialist individual equipment for care needs (for example, hoists, baths, toilet chairs).
Notes		
<div>1. not all of these descriptors will apply to one student. The use of the matrix requires selecting the cell which most closely reflects (in some or all of the descriptors) the profile of support received by the student</div> <div>2. support outlined within this band is in addition to that outlined in both the core entitlement and that in previous bands</div>		



Support Band H		
	<i>Descriptor</i>	<i>Further information</i>
Tuition	Curriculum support (1:1) at all times	Student requires constant support for learning.
Independence training	One or more staff to facilitate independence	May require one or more staff for independence training.
Personal care support	More than one staff member for care needs	Student requires high level of support for self-care.
	24-hour specialist support	Continual access to specialist care support (for example, night care staff on awake duty).
	Specialist medical staff and/or equipment	Instant access to high levels of specialist medical care (for example, nursing staff on night duty).
	Continual intervention to ensure student safety	Constant staff oversight to attain required personal safety levels.
Therapy and/or counselling	Constant support for emotional and/or behavioural difficulties	Student is constantly supported.
	Individual counselling and/or psychiatric support	Concentrated periods of counselling, daily support from more than one therapist (for example, anger, stress, psychological, speech, physiotherapy, audiology or occupational).
Equipment	Dedicated personal equipment	Equipment allocated for student's personal use (for example, liberator).
Notes		
<div>1. not all of these descriptors will apply to one student. The use of the matrix requires selecting the cell which most closely reflects (in some or all of the descriptors) the profile of support received by the student</div> <div>2. support outlined within this band is in addition to that outlined in both the core entitlement and that in previous bands</div>		





# Support Bands: Tariff for 2000-01

<b>Tuition</b>		
<b>Independence training</b>		
<b>Personal care support</b>		
<b>Therapy and/or counselling</b>		
<b>Equipment</b>		
1	Moderate learning difficulties Specific learning difficulties Sensory impaired Partially disabled but ambulant Emotional and/or behavioural difficulties Medical condition - little supervision	Day Residential
2	Moderate learning difficulty - compounded by one other difficulty Sensory impaired - compounded by one other difficulty Physically disabled - mobility difficulties Mild autism Aspergers syndrome Emotional and/or behavioural and/or mental ill health Speech & language disorders Medical condition - some supervision	Day Residential
3	Severe learning difficulty Sensory impaired with moderate learning difficulty Physically disabled - affecting upper body and mobility, manual wheelchair user Autism Aspergers syndrome with moderate behavioural difficulties Moderate emotional and/or behavioural difficulty Complex speech and/or language disorders Medical condition - requiring input	Day Residential
4	Severe learning difficulty with challenging behaviour Severe learning difficulty with communication difficulty Sensory impaired with severe learning difficulty Physically disabled (as 3) compounded by moderate learning difficulty and/or communication difficulty, manual wheelchair user Aspergers syndrome with disturbed behaviour Vulnerable through child abuse and/or mental illness Debilitating medical condition	Day Residential
5	Severe learning difficulty and partial disability and behavioural difficulties Autism with behavioural difficulties Sensory impaired with severe learning and/or behavioural difficulty Vulnerable and disturbed due to child abuse and/or mental illness Severe emotional and behavioural difficulties Multiple disabilities, electric wheelchair user Uncontrolled medical condition	Day Residential
6	Severe learning difficulty compounded by other complex difficulties Deaf/blind Vulnerable, disturbed and volatile as a result of child abuse and/or mental illness Physically disabled - no independent movement or speech, electric wheelchair user Permanently disabled with significant sensory loss Uncontrolled life threatening medical condition	Day Residential

A	B	C	D
<ul style="list-style-type: none"><li>• access to specialist teaching support</li><li>• some curriculum support</li><li>• support with basic skills</li><li>• work experience support</li></ul>	<ul style="list-style-type: none"><li>• specialist teaching support for one hour a week</li><li>• curriculum support (1:7)</li></ul>	<ul style="list-style-type: none"><li>• specialist teaching support for three hours a week</li><li>• curriculum support (1:5)</li></ul>	<ul style="list-style-type: none"><li>• specialist teaching support for three hours a week</li><li>• curriculum support (1:4)</li></ul>
<ul style="list-style-type: none"><li>• encouragement in independence</li></ul>	<ul style="list-style-type: none"><li>• supervision in independence skills</li></ul>	<ul style="list-style-type: none"><li>• regular independence training</li></ul>	<ul style="list-style-type: none"><li>• structured independence training</li></ul>
<ul style="list-style-type: none"><li>• access to medical care</li><li>• minimum care supervision</li></ul>	<ul style="list-style-type: none"><li>• some supervision in personal and/or medical care</li></ul>	<ul style="list-style-type: none"><li>• some help with personal care</li></ul>	<ul style="list-style-type: none"><li>• regular help with personal care</li></ul>
<ul style="list-style-type: none"><li>• occasional access to counselling and/or therapy</li></ul>	<ul style="list-style-type: none"><li>• access to counselling and/or therapy</li></ul>	<ul style="list-style-type: none"><li>• weekly therapy</li><li>• regular counselling support</li></ul>	<ul style="list-style-type: none"><li>• weekly therapy</li><li>• immediate access to counselling support</li></ul>
	<ul style="list-style-type: none"><li>• some equipment needs</li></ul>	<ul style="list-style-type: none"><li>• standard equipment requires modifications</li></ul>	<ul style="list-style-type: none"><li>• standard equipment requires modifications</li></ul>
£3,600	£5,600	£8,400	£10,200
£11,100	£13,100	£16,600	£19,600
£3,700	£5,750	£8,600	£10,400
£11,200	£13,250	£16,800	£19,800
£3,800	£5,850	£8,700	£10,500
£11,300	£13,350	£16,900	£19,900
£3,900	£5,950	£8,800	£10,600
£11,400	£13,450	£17,000	£20,000
£4,000	£6,050	£8,900	£10,700
£11,500	£13,550	£17,100	£20,100
£4,100	£6,150	£9,000	£10,800
£11,600	£13,650	£17,200	£20,200

<b>Tuition</b>		
<b>Independence training</b>		
<b>Personal care support</b>		
<b>Therapy and/or counselling</b>		
<b>Equipment</b>		
1	Moderate learning difficulties Specific learning difficulties Sensory impaired Partially disabled but ambulant Emotional and/or behavioural difficulties Medical condition - little supervision	Day Residential
2	Moderate learning difficulty - compounded by one other difficulty Sensory impaired - compounded by one other difficulty Physically disabled - mobility difficulties Mild autism Aspergers syndrome Emotional and/or behavioural and/or mental ill health Speech & language disorders Medical condition - some supervision	Day Residential
3	Severe learning difficulty Sensory impaired with moderate learning difficulty Physically disabled - affecting upper body and mobility, manual wheelchair user Autism Aspergers syndrome with moderate behavioural difficulties Moderate emotional and/or behavioural difficulty Complex speech and/or language disorders Medical condition - requiring input	Day Residential
4	Severe learning difficulty with challenging behaviour Severe learning difficulty with communication difficulty Sensory impaired with severe learning difficulty Physically disabled (as 3) compounded by moderate learning difficulty and/or communication difficulty, manual wheelchair user Aspergers syndrome with disturbed behaviour Vulnerable through child abuse and/or mental illness Debilitating medical condition	Day Residential
5	Severe learning difficulty and partial disability and behavioural difficulties Autism with behavioural difficulties Sensory impaired with severe learning and/or behavioural difficulty Vulnerable and disturbed due to child abuse and/or mental illness Severe emotional and behavioural difficulties Multiple disabilities, electric wheelchair user Uncontrolled medical condition	Day Residential
6	Severe learning difficulty compounded by other complex difficulties Deaf/blind Vulnerable, disturbed and volatile as a result of child abuse and/or mental illness Physically disabled - no independent movement or speech, electric wheelchair user Permanently disabled with significant sensory loss Uncontrolled life threatening medical condition	Day Residential

E	F	G	H
<ul style="list-style-type: none"> <li>specialist teaching support for more than three hours a week</li> <li>curriculum support (1:3)</li> </ul>	<ul style="list-style-type: none"> <li>specialist teaching support for more than three hours a week</li> <li>curriculum support (1:2)</li> </ul>	<ul style="list-style-type: none"> <li>curriculum support (1:1) in most areas</li> </ul>	<ul style="list-style-type: none"> <li>curriculum support (1:1) at all times</li> </ul>
<ul style="list-style-type: none"> <li>high level of support for independence training (up to two hours a day)</li> </ul>	<ul style="list-style-type: none"> <li>high level of support for independence training (more than two hours a day)</li> </ul>	<ul style="list-style-type: none"> <li>personal facilitation for independence</li> </ul>	<ul style="list-style-type: none"> <li>one or more staff to facilitate independence</li> </ul>
<ul style="list-style-type: none"> <li>daily support with personal care (up to one hour)</li> <li>daily medical support</li> </ul>	<ul style="list-style-type: none"> <li>daily support with personal care (more than one hour)</li> <li>daily access to nursing staff</li> </ul>	<ul style="list-style-type: none"> <li>1:1 care to meet personal needs</li> </ul>	<ul style="list-style-type: none"> <li>more than one staff member for care needs</li> <li>24-hr specialist support</li> <li>specialist medical staff and/or equipment</li> <li>continual intervention to ensure student safety</li> </ul>
<ul style="list-style-type: none"> <li>therapy twice a week</li> <li>immediate intervention for emotional and/or behavioural support</li> </ul>	<ul style="list-style-type: none"> <li>therapy more than twice a week</li> <li>structured and immediate emotional and/or behavioural support</li> </ul>	<ul style="list-style-type: none"> <li>daily programme of therapy</li> <li>daily programme of emotional and/or behavioural support</li> </ul>	<ul style="list-style-type: none"> <li>constant support for emotional and/or behavioural difficulties</li> <li>individual counselling and/or psychiatric support</li> </ul>
<ul style="list-style-type: none"> <li>equipment requires significant adaptations</li> </ul>	<ul style="list-style-type: none"> <li>equipment requires significant adaptations</li> </ul>	<ul style="list-style-type: none"> <li>dedicated but standard equipment</li> <li>care equipment</li> </ul>	<ul style="list-style-type: none"> <li>dedicated personal equipment</li> </ul>
£13,800	£17,400	£25,500	£35,000
£23,300	£27,500	£36,300	£50,000
£14,050	£17,650	£25,800	£35,350
£23,550	£27,750	£36,600	£50,350
£14,150	£17,750	£25,900	£35,500
£23,650	£27,850	£36,700	£50,500
£14,250	£17,850	£26,000	£35,650
£23,750	£27,950	£36,800	£50,650
£14,350	£17,950	£26,100	£35,800
£23,850	£28,050	£36,900	£50,800
£14,450	£18,050	£26,200	£35,950
£23,950	£28,150	£37,000	£50,950

# Inspection of Council-funded Provision in Specialist Colleges outside the Sector

FEFC-funded provision has been graded 3 or above at the following currently FEFC-funded specialist colleges outside the sector. A description of the FEFC grading system appears at the end of this annex.

Arden College	Minstead Training Project
Ashleigh College	Nash Further Education Centre
Banstead Place	National Star Centre
Beaumont College	Oakwood Court
Birkdale School for Hearing Impaired Children*	Pengwern College of Further Education
Bridge College	Pennine Camphill Community
Coleg Elidyr	Portland College
David Lewis Centre*	Queen Alexandra College for the Blind
Derby College for Deaf People	Robinia Advantage
Derwen College	Royal National College for the Blind
Dilston College of Further Education	Royal School for the Deaf, Manchester*
Doncaster College for the Deaf*	Royal West of England School for the Deaf*
Dorincourt Educational and Residential Centre	Ruskin Mill Further Education Unit
Dorton College of Further Education	RNIB, Condover Hall*
Fairfield Opportunity Farm	RNIB, Redhill College
Fortune Centre of Riding Therapy	RNIB, Vocational College
Green Laund	Sense (East)
Henshaw's Society for the Blind	South Hill College
Hereward College of Further Education†	St Piers, Lingfield*
Hinwick Hall College of Further Education	Strathmore House
Homefield College of Further Education	The Interact Centre
Ivers House Ltd	The Mount Camphill Community
Kisharon Senior Centre	The Richmond Fellowship
Landmarks	The West of England School for Children with Little or No Sight*
Langdon College	Thornbeck College
Lindeth College of Further Education	Toynton Hall Further Education College
Loppington House Further Education Unit	Weelsby Hall Further Education College
Lord Mayor Treloar College	Westgate College*
Lufton Manor College	Whitegates Autistic Community
Meldreth Manor School*	William Morris Camphill Community

*\*schools making post-16 provision*

*†incorporated college*



Please note:

- this list of establishments primarily includes colleges and in some instances, schools making post-16 provision (marked\*)
- inclusion in this list does not guarantee Council funding for new placements. Each recommendation will be considered against the requirements of individual students and the Council’s legal duties and criteria
- this list does not include a small number of colleges where Council-funded provision may be inspected for the first time in 1999-2000. Referring agencies with queries are advised to contact Julie Lynes-Grainger at the Council’s Coventry office on 01203 8633031.

### Inspection Schedule 1999-2000

<i>College</i>	<i>Date</i>
Ashleigh and Southill Colleges	Nov 1999
Mount Camphill Community	Jan 2000
Minstead Training Project	Jan 2000
Fairfield Oppportunity Farm	Jan 2000
Arden College	Feb 2000
The Interact Centre	Mar 2000
Hereward College of Further Education	Mar 2000
Royal West of England School for the Deaf	May 2000
Bridge College	Jun 2000
Oakwood Court	Jun 2000
The West of England School for Children with Little or No Sight	Jun 2000
Kisharon Senior Centre	Jul 2000
Robinia Advantage	TBA

### Grade descriptors

- grade 1      outstanding provision which has many strengths and few weaknesses
- grade 2      good provision in which the strengths clearly outweigh the weaknesses
- grade 3      satisfactory provision with strengths but also some weaknesses
- grade 4      less than satisfactory provision in which the weaknesses clearly outweigh the strengths
- grade 5      poor provision which has few strengths and many weaknesses.

# Status of Non-sector Establishments

1 Pupils over 16 years of age who have learning difficulties and/or disabilities are the responsibility of their home LEA and not the Council where they have statements of special educational need. This includes pupils whose statements require provision to be made for them in an independent school.

2 Independent schools are required to register with the Department for Education and Employment (DfEE) under the *Education Act 1996*.

Non-maintained special schools are schools catering for students with learning difficulties and/or disabilities which are approved under the *Education Act 1996*. If a non-maintained special school approved under section 342(1) of the 1996 Act wishes to reduce its upper age limit from, for example, 19 to 16 it must seek the approval of the secretary of state. This requirement also applies to those independent schools approved under section 347(1) of the *Education Act 1996* to cater for students with statements of special educational need.

3 The redesignation of the age-range of a school from, for example: 11 to 19, to 11 to 16 by the DfEE does not necessarily mean that the post-16 component of the school automatically acquires the separate legal status of a college. The Council will look, on an individual basis, at any requests from schools for their post-16 unit to be regarded as a separate establishment. There are certain characteristics which the Council would expect to see to indicate that a further education unit may be considered a separate legal entity. These may include the following:

- a separate constitution, for example, separate arrangements in place to record and regulate how the college is managed, how it occupies its premises, employs its staff, separate curriculum
- a separate charity registration, if applicable
- a separate governing body
- separate accounts.

4 Any non-maintained or independent special school planning such a change of status is encouraged to contact the Council's Coventry office before formal proposals are sent to the Department for Education and Employment.

# FEFC's Criteria and Factors for Consideration

1 The Council will take decisions regarding funding for an individual student based on the recommendations of local authorities and in the context of its legal duties. Before reaching a decision the Council will consider whether or not the individual and the proposed course of study fall within the scope of those duties. In reaching a decision the Council will take account of the following criteria and factors which are unchanged from 1995-96:

## Criteria

- the student's educational needs have been adequately assessed, in particular that the individual and his/her advocate have been involved in the process and that up-to-date professional advice is available
- that the facilities available in the sector are not adequate to meet the individual's needs
- that the recommended placement is in the student's best interests
- that appropriate educational provision cannot be secured for the individual either in the sector or through an alternative placement which would represent better value for money.

## Factors

- the qualification/progression aim of the course and the extent to which this meets the educational needs and aspirations of the student
- the additional or specialist learning support required by the student to complete the course
- the arrangements in place for recording and reviewing the student's progress
- the physical suitability of buildings, including residential facilities
- the availability of additional or specialised personal and/or physical support and care arrangements
- opportunities for social and recreational activities

- travelling requirements
- joint funding of the placement with other agencies has been considered in the light of the above criteria
- reasonable account has been taken of the student's expectations of a further education placement
- the schedule 2 content of the course where appropriate
- the likely educational benefits to the student and the costs of the proposed provision.











