

Report
from the

Forum on Learning
Difficulty and
Disability



Learning+Skills Council

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Report from the Forum on Learning Difficulty and Disability

Introduction

This report summarises the discussions held by the forum on learning difficulty and disability set up by the Further Education Funding Council. It makes recommendations to the LSC about how it might best meet its statutory duties towards learners with difficulties and/or disabilities.

One of the forum's main concerns, reflected in the recommendations was to build on the work on inclusive learning undertaken by the FEFC.

At the time the forum was meeting, the Department was known as the Department for Education and Employment. Its responsibilities have now been taken over by the Department for Education and Skills.

Context

1 In the Secretary of State's remit letter to the Chairman of the Learning and Skills Council, David Blunkett set the Council the following task:

Clear and robust arrangements must be put in place to ensure that this disadvantaged group of learners have access to suitable provision which meets their needs and, where appropriate, to the additional support they require to undertake it. ... I look to the Council to address the needs of this group of learners in a flexible and innovative way.

2 The Secretary of State makes clear that this work is set in the context of an equal opportunities strategy:

I expect the Council to draw up an equal opportunities strategy and action plan (at national and local level) with equal opportunities targets and performance indicators to tackle under representation and under achievement. The Council should consult widely on this strategy, including with ethnic minority communities and groups representing gender, disability and age diversity interests.

The purpose and work of the forum

3 This forum was convened by the Further Education Funding Council (FEFC) in the autumn of 2000 to help take forward the interests of learners with learning difficulties or disabilities, and the FE sector inclusive learning agenda, in the transition to the Learning and Skills Council (LSC) in 2001.

4 Inclusive learning is an approach to teaching and management that has been developing strongly in the FE sector for the past few years and that was described in the report of a Committee of Inquiry chaired by Professor John Tomlinson. It is applicable to all students and curriculum areas and includes provision for people with learning difficulties or disabilities. The approach seeks to provide for every student the best possible match of learning environment, support and teaching strategies with their own learning styles,

personal learning goals and the nature of the subject area.

5 Our work focussed on smoothing the transition to the new funding Council, on the creation of a common culture across the post 16 sector and its partners and on possible next steps in the further development of high quality and timely provision for learners.

6 We shared information and perspectives from the different organisations represented and debated current issues and concerns. We also identified some questions (and proposed some answers) about possible action and future development by the LSC and its partners. It is this latter part of our discussions which now forms the basis of the advice set out in this brief report.

7 The forum considered:

- the need for the LSC to publish a vision statement and strategic framework for this field of work
- the development of a common culture across all post-16 provision
- the importance of target setting and the measurement of achievement
- the need for a partnership approach with other agencies
- the role of inclusive learning
- the link between the Office for Standards in Education (Ofsted) and the Adult Learning Inspectorate (ALI) and the LSC locally/nationally.

8 Details of the forum's remit and membership are provided at annex A.

9 The forum's report contains recommendations for the LSC about the ways in which it might respond to the challenges of the *Learning and Skills Act 2000* and to the new disability rights legislation.

10 The discussion and recommendations which follow are grouped under five themes:

- vision statement
- strategic framework and the planning process
- carrying forward the principle of inclusive learning
- targets for funders and providers and the measurement of learner achievement
- collaboration and interface within the LSC and with partner bodies.

Theme 1 – Vision Statement

11 The LSC must make clear its stance on the right to access to education and training for all post-16 learners, regardless of their age or the nature of their disability. It must provide a steer for its providers about the necessity of making reasonable adjustments to provision to ensure access.

12 An early task for the Council should be the drafting of a vision statement about what it wishes to achieve in terms of equality of opportunity and raised standards for those learners who have a disability. The Tomlinson report documents the range of interpretation that exists within the field of learning difficulty and disability, with a corresponding range of responses.

13 Such a vision statement should refer to:

- what equality of opportunity means for people with learning difficulties or disabilities
- what characterises quality provision in education and training
- an understanding of the concept of achievement as complex and individual
- how standards of achievement can be raised
- the particular needs of those who have profound and complex needs

- how the work of the LSC fits with government strategies on employment and health.

14 The forum took the view that much valuable work had already been undertaken particularly through the work of the Tomlinson committee and the subsequent inclusive learning quality initiative. The task for the LSC is to draw on existing thinking, synthesise it into their vision for all LSC providers, and develop policy and guidance for good practice in a variety of contexts.

15 The vision statement will provide the basis for the LSC's policy developments in relation to learners with learning difficulties and/or disabilities. A set of aims should be derived from the statement.

16 The forum was clear that provision for people with learning difficulties or disabilities required a specific focus within the wider context of equal opportunity. Without a specific focus, the forum expressed concern that the gains already made in FE and work-based training in this field might be lost.

Recommendation

1.1 The Council should publish its vision statement for this field.

Theme 2 – Strategic Framework and the Planning Process

17 Strategies for raising the quality of provision and the achievement of students will include:

- good practice
- curriculum plans
- information and guidance
- feedback and consultation
- funding regimes
- targets
- inspection and self assessment
- policy commitments
- research and innovation
- staffing structures
- staff development
- codes of practice
- disputes and complaints
- specialist advisory groups.

18 The table shown on the opposite page expands on these strategic areas and shows that responsibility for them is shared between a range of bodies and teams both within the Learning and Skills Council and outside it.

19 There is a need for a coherent approach. The establishment of networks

involving professionals who are in contact with individual learners is vital.

20 The classic cycle of planning, implementation, evaluation and review should be employed by the LSC and shared with partner organisations so that they too might adapt and adjust. This cycle will need to involve several directorates within the LSC.

21 Local LSCs and providers will need to provide information for the annual report to the Secretary of State. The form of the report needs to be established as a matter of urgency so that providers can be given guidance on the information to be collected in 2001/02.

Recommendations

2.1 The forum recommends that the LSC should develop and publish a series of strategies for the achievement of its aims in relation to learning difficulty and disability.

2.2 The Council centrally should set targets for a five and ten year period. It should require local Councils to do likewise and should use the annual reports from each local LSC to respond to the requirement of the Secretary of State to account annually for progress made in the promotion of equality of opportunity.

2.3 Guidance on data required from local LSCs and providers in 2001/02 should be provided as soon as possible.

Strategy	Contributors
Good practice to be identified, described and spread through direct contacts, reports, training and study materials.	LSC, Inspectorates LSDA, Providers*
Curriculum plans to include content, learning environments, support, teaching methods, assessment and certification of achievement, and to be matched to the assessed and agreed learning styles and goals of the individual and to the relevant subject area.	Providers
Information and guidance based on assessments of prior learning, identification of new learning objectives and of longer term social, academic and vocational goals, to be provided for individual learners in consultation with them and if appropriate with family or other advocates.	Providers, Connexions service
Feedback and consultation to be sought systematically from learners and others involved with them in order to create better provision for the individual and to inform future development of provision more generally.	Providers, Skill, AOC and advocacy groups, LSC, Social Services
Funding regimes to be used which encourage and reward good practice and which are systematically reviewed for unintended obstacles.	LSC
Targets to be set at national, local, individual provider levels and monitored for success by data collection and analysis followed by publication of outcomes.	DfEE, LSC, Providers
Inspection and self-assessment to be undertaken using published criteria, specialist observers and consultants and with appropriate publication of reports.	Inspectorates
Policy commitments via development plans and funding bids, to be a requirement for funding.	LSC, Providers
Research and innovation to be sought, supported, evaluated and disseminated.	LSC, LSDA, Skill, AOC and others
Staffing structures to make this area part of the accountability of a senior manager responsible for the work of specialist staff.	LSC, Providers
Staff development – The LSC/LLSCs and organisations funded by them to demonstrate good practice in provision, take up and outcomes of relevant staff training programmes.	All
Codes of practice to be published and compliance monitored where common procedures and criteria are desirable across the sector.	DfEE/LSC
Disputes and complaints about assessment and provision to be handled by student and family friendly procedures with local resolution wherever possible and with independent review and appeals facilities.	Providers
Specialist advisory groups to be used by the LSC/LLSCs to act as sounding boards and to aid communication with relevant parties and networks.	LSC

*Providers include: schools and FE colleges, LEA, private and voluntary sector training providers (including employers and trades unions), specialist residential colleges.

Theme 3 – Carrying Forward the Principle of Inclusive Learning

22 In 1993, the FEFC set up a learning difficulties and disabilities committee, under the chairmanship of Professor John Tomlinson of the University of Warwick. The committee collected evidence of good practice, and commissioned a number of enquiries and publications. Its major and seminal report, *Inclusive Learning* was published in 1996.

23 The chairman's introduction to that report sets out the concept of inclusive learning in detail. It is much more than inclusion. A central part of it is the practice of creating, through the learning programme and the learning environment and its management, the best possible match with the assessed goals, learning styles and needs of each individual learner. Such an approach is applicable to all students, not only those with learning difficulties or disabilities.

24 In the next few years, the FEFC and its partners worked closely with colleges in an inclusive learning quality initiative. A steering group was set up by the FEFC under the chairmanship of a college principal, Sid Hughes of Newham Sixth Form College, to encourage and monitor progress in the implementation of the many recommendations in the Tomlinson report.

25 The forum recognised that good practice exists in other provision coming under the LSC umbrella. While this has not been expressed in the same way as in the FE sector,

the forum believes that these strengths should be identified and should form the basis of an inclusive learning approach within the LSC funding arrangements.

26 The forum observed that one of the important issues that the FEFC had had to address was to ensure that funding arrangements worked in harmony with the drive for inclusive learning. In drawing up new arrangements for funding, LSC staff within the funding team will need to have an understanding of the aims of the inclusive learning approach as well as other equal opportunities issues. While work on arrangements for additional support will clearly address the needs of those learners with learning difficulties and disabilities, it is essential that 'mainstream' funding arrangements do not have unintended consequences for these learners and hence are monitored with this in mind.

27 The LSC has powers and duties in relation to work experience under sections 8 and 13 of the *Learning and Skills Act 2000*. Learners with learning difficulties and disabilities should have equal access to the full range of work experience provision from short tasters to extended placements. Too often, learners with disabilities end up in specialist placements, because other environments, which would provide a wider range of experience and role models, are not available to them.

28 The forum expressed concern about the relative lack of progress made since the Tomlinson report in provision for learners with emotional, behavioural or mental health difficulties. It will be important to work collaboratively in this area with representatives from health, social services, the prison education service and the private and voluntary sectors.

Recommendations

3.1 The LSC should ensure that staff in all parts of the organisation develop an understanding of its vision, its aims and the concept of inclusive learning.

3.2 The forum proposes that the drive for inclusive learning is maintained in the FE sector and is introduced appropriately in other LSC-funded provision.

3.3 The Council should consider the levers available to it (particularly funding) to ensure that providers adopt an inclusive learning approach.

3.4 The LSC should investigate, possibly through use of the standards fund, the issues that must be addressed to improve both the quantity and quality of provision for learners with emotional and behavioural needs.

3.5 The learning programmes directorate should draw up, with the Quality and Standards directorate, arrangements for the monitoring of inclusive learning in all providers.

3.6 The LSC should consult with representatives of employers, education/training providers, the trades unions, voluntary sector and local authorities in order to draw up national guidelines for securing work experience placements for 14 to 19 year olds and supporting young people in them.

Theme 4 – Targets for Funders and Providers and the Measurement of Learner Achievement

29 There were several strands to this aspect of the forum's discussion which included:

- national targets set for the LSC by the DfEE to which each local LSC will contribute
- measurement of the LSC's achievement locally
- measurement of providers' achievement against their own targets and targets set for them
- the measurement of individual student achievement.

30 The forum's discussions on national targets covered well-rehearsed arguments about labelling of learners with disabilities, their perception of the label and their consequent willingness to identify with it. The forum had concerns about the accuracy of global figures of learners with disabilities. However, the forum understood the need to have some data against which providers' increasing accessibility might be measured. In the future, such a forum would be able to look at and comment on plans for performance indicators.

31 The forum's view is that local LSCs could usefully begin target setting by mapping available provision, both specialist and mainstream and in consultation with the local careers/Connexions service identify gaps either in types of provision or for particular client groups.

32 The forum takes the view that one of the conditions of funding for any provider could be the existence of a development plan to increase participation by under-represented groups. This may include curriculum or programme developments, adaptations to the physical environment and staff development. The inspectorates and the Quality and Standards directorate will have significant parts to play in supporting providers with target setting and self-assessment.

33 Success in qualification-bearing courses is the most common way of recording educational outcomes. For many learners with a learning disability such a course may not be appropriate and/or achievable. For learners with the most complex needs, often without established systems of communication, the purpose of education and training is to help them achieve the greatest possible degree of independence in their adult life.

34 The government has made clear its determination that people wishing to undertake a programme of education or training should not be prevented from doing so on the basis of a learning difficulty or disability.

35 A major cause for concern under the terms of the *Further and Higher Education Act, 1992* was the need, for the purpose of funding eligibility, for students to have the capacity to progress from courses designed for those with learning difficulties and/or disabilities to other provision.

Recommendations

4.1 The LSC should continue, with other relevant bodies, to find ways of recognising for funding purposes achievements against individual learning goals. Measures that record 'distance travelled' by individual learners should also be devised.

4.2 Local LSCs should set their targets in the light of existing provision and monitor performance against them.

4.3 Providers should set their own targets and regularly review their performance against these.

4.4 Specialist advisory/user groups should be established to support the organisations in setting realistic and purposeful targets.

Theme 5 – Collaboration and Interface within LSC and with its Partner Bodies

36 The forum discussed the need for clarity in terms of roles, not only for the purpose of smooth operating procedures but also to project to learners, employers and the public at large the commitment of LSC to this area of work.

37 We highlighted a number of areas where we considered the need for a quality interface to be of particular importance to the inclusive learning agenda:

- while recognising that the Council has different responsibilities towards learners of different ages, the forum would wish the Council to bear in mind that the age of 19 has no particular significance in the life of a young person with learning difficulties and/or disabilities. Developmental delay may mean that transition to further education is not possible until a later age. The LSC should work closely with local authorities to ensure smooth transition for learners out of school provision and later into adult and community-based provision
- health and social services as part of their statutory responsibilities support adults with learning difficulties and/or disabilities. It is not often easy to determine where the duties of different government bodies meet and overlap. The LSC should initiate discussions with other relevant public bodies and government departments
- the forum acknowledges the work of the FEFC's specialist inspection team and the part it has played in driving up standards. It is confident that under the new dual arrangements for inspection by OFSTED and ALI a united voice on inclusive learning will be developed. The forum also considers there remains a need for inspectors with this specific area of expertise.

Recommendations

5.1 The forum recommends that the Council, while acting in line with its powers and responsibilities, takes full account of the needs of adult learners with learning difficulties and/or disabilities.

5.2 The forum recommends that at national level the LSC develops a close dialogue with colleagues from other relevant departments to ensure a clarity and coherence of approach. At local level, LSCs should be expected to develop a partnership approach with local health and social services.

5.3 The forum recommends that within each inspection report inspectors comment on the provider's approach to inclusive learning.

5.4 The LSC should convene and service a national forum on post-16 provision for learners with learning difficulties and/or disabilities.

5.5 The Council should consult widely on its central development plans amongst learners, providers and interested agencies.

Concluding Comments

There is nothing more difficult to take in hand, more perilous to conduct, more uncertain in its success than to take the lead in the introduction of a new order of things.

So said Machiavelli, but in their task in taking the lead in the new order of things in post-16 education and training, the members of the Learning and Skills Council are certainly not short of advice on what to do and how to go about it! Nor is there a shortage of good practice relevant to adults and young people with learning difficulties and/or disabilities, whether from the viewpoint of equality of opportunity or from the viewpoint of teaching and learning.

Our aim for young people and adults with disabilities or learning difficulties is that they should live and work on equal terms with the rest of society. This means that they must have as good an opportunity as anyone else for lifelong learning in which to develop their intellectual, vocational and social skills as fully as they can and within an approach to education and training which is appropriate for all learners. It involves helping those who provide or fund education and training to create a good match between the means, style and environment for learning and the personal attributes, goals and assessed needs of the individual.

We recognise that reaching such a position for all learners with disabilities or learning difficulties does not happen overnight but we know that there has been some progress

towards it over the last few years. We commit ourselves to maintaining the momentum and to working in collaboration with those who can help this vision to be achieved.

The Council's statutory responsibilities to such learners are likely to be met if the inclusive learning approach is pursued. Furthermore, overall standards of achievement post-16 are most likely to be raised if, through national and local initiatives, the approach continues to be developed as a fundamental concept for all learners.

The powers and duties set out in the new legislation provide the LSC with the authority to take good practice forward and to be innovative in developing it in partnership with other bodies. Most of the agencies represented in this forum will continue their work within the new national and local arrangements. They and their staff will continue to work with vigour in the interests of quality provision and raised achievement.

At this transitional stage it is hoped that the various elements of this brief report, based on the discussions and documents of the forum, will be helpful to the Learning and Skills Council in shaping its vision, its strategies and its programmes of work as it takes up its leadership role.

Annex A – Forum on Learning Difficulty and Disability: Terms of reference and membership

Terms of reference

1 The government has called for 'joined up' thinking in this area where traditionally many agencies, voluntary and statutory have operated. It has developed an agenda for disability, which is rapidly changing the legislative framework and consequently the roles expected of other bodies.

2 In the months leading up to the establishment of the Learning and Skills Council, the forum will enable those organisations with a shared interest in the provision and delivery of high quality learning opportunities to make a co-ordinated contribution to emerging policy. While the Council is willing to convene the group, it envisages the business of the group being determined by the membership as a whole.

3 The purpose of the forum will be:

- to provide advice to the Council on policy matters relating to learning difficulty and disability
- to share information and perspectives from different organisations
- to debate current issues and concerns and to make appropriate representation on the views on the group
- to co-ordinate activities relating to learning difficulty and disability
- to progress the inclusive learning agenda.

Membership

4 The group will draw together representation from those agencies, voluntary and statutory that are partners in delivering and supporting learners with learning difficulties and disabilities. It will also seek to involve representation from work-based training providers.

5 The group will be chaired by Jo Stephens, former chief education officer for Oxfordshire and will meet 3 times per year. The secretariat will be provided from the Council students' team.

6 The forum was attended by:

Andrew Cartwright – Residential Training Unit

Brenda Mullen – The Association of National Specialist Colleges

Chris Hutchings – Connexions

David Croll – Derby Tertiary College

David Kendall – The Association of National Specialist Colleges

Jeremy Crook – Department for Education and Employment

Jo Stephens – Chair

John Sweeting – The Association of National Specialist Colleges

Judith Norrington – Association of Colleges

Kevin O'Brien – Association of Residential Care

Lesley Agar – Hull College

Liz Maudslay – Skill: National Bureau for Students with Disabilities

Margaret Kingsford – Hopwood Hall College

Peter Lavender – National Institute of Adult Continuing Education

Peter Little – Birmingham Rathbone Society

Sally Faraday – Further Education Development Agency

Sheila Brown – Office for Standards in Education

Sid Hughes – Newham Sixth Form College

Toni Beck – Oaklands College

Yola Jacobson – National Institute of Adult Continuing Education

Zoe Ollerenshaw – Local Government Association

Merillie Vaughan-Huxley – FEFC Inspectorate

Joyce Deere – FEFC Inspectorate

FEFC representatives

Anita Hallam

Jim Douglas

Joan Fludder

Julie Lynes-Grainger

Lynn Macqueen

Mary Heslop

Annex B – Summary of Themes and Recommendations

Theme 1 – Vision statement

Recommendation

1.1 The Council should publish its vision statement for this field.

Theme 2 – Strategic framework and the planning process

Recommendations

2.1 The forum recommends that the LSC should develop and publish a series of strategies for the achievement of its aims in relation to learning difficulties and/or disabilities.

2.2 The Council centrally should set targets for a five and ten year period. It should require local Councils to do likewise and should use the annual reports from each local LSC to respond to the requirement of the secretary of state to account annually for progress made in the promotion of equality of opportunity.

2.3 Guidance on data required from local LSCs and providers in 2001/2002 should be provided by August 2001.

Theme 3 – Carrying forward the principle of inclusive learning

Recommendations

3.1 The LSC should ensure that staff in all parts of the organisation develop an understanding of its vision, its aims and the concept of inclusive learning.

3.2 The forum proposes that the drive for inclusive learning is maintained in the FE sector and is introduced appropriately in other LSC-funded provision.

3.3 The Council should consider the levers available to it (particularly funding) to ensure that providers adopt an inclusive learning approach.

3.4 LSC should investigate, possibly through use of the standards fund, the issues that must be addressed to improve both the quantity and quality of provision for learners with emotional and behavioural needs.

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3.6 The LSC should consult with representatives of employers, education/training providers, the trades unions, voluntary sector and local authorities in order to draw up national guidelines for securing work experience placements for 14 to 19 year olds and supporting young people in them.

Theme 4 – Targets for funders and providers and the measurement of learner achievement

Recommendations

4.1 The LSC should continue, with other relevant bodies, to find ways of recognising for funding purposes achievements against

individual learning goals. Measures that record 'distance travelled' by individual learners should also be devised.

4.2 Local LSCs should set their targets in the light of existing provision and monitor performance against them.

4.3 Providers should set their own targets and regularly review their performance against these.

4.4 Specialist advisory/user groups should be established to support the organisations in setting realistic and purposeful targets.

Theme 5 – Collaboration and interface within LSC and with its partner bodies

Recommendations

5.1 The forum recommends that the Council, while acting in line with its powers and responsibilities, takes full account of the needs of adult learners with learning difficulties and/or disabilities.

5.2 The forum recommends that at national level the LSC develops a close dialogue with colleagues from other relevant departments to ensure a clarity and coherence of approach. At local level, LSCs should be expected to develop a partnership approach with local health and social services.

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