



Llywodraeth Cymru
Welsh Government

Review of Welsh Government-funded post-16 specialist placements

Information

Information document no: 190/2016
Date of issue: October 2016

Review of Welsh Government-funded Post-16 specialist placements

Audience	This document is aimed at all those with an interest in the Welsh Government funded post-16 specialist placements process.
Overview	This is a review of the current processes that lead to Welsh Ministers' decisions on the funding of placements at specialist further education establishments.
Action required	None – for information only.
Further information	Enquiries about this document should be directed to: Additional Learning Needs Branch Support for Learners Division The Education Directorate Welsh Government Cathays Park Cardiff CF10 3NQ e-mail: additionallearningneedsbranch@wales.gsi.gov.uk
Additional copies	This document can be accessed from the Welsh Government's website at http://gov.wales/topics/educationandskills/publications/guidance/?lang=en
Related documents	<i>Securing provision for learners with learning difficulties at specialist further education establishments (2015).</i>

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

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1. Introduction

The purpose of this document is to set out, for the benefit of interested parties, the outcome of an internally commissioned process and policy review of the Welsh Government funded post-16 specialist placements process.

This independent review was commissioned as an examination of the system(s) in order to identify changes and improvements that could be made to the efficiency and effectiveness of the processes that lead to Welsh Ministers decisions on the funding of placements at specialist further education establishments. The review also included a focus on the role of key external stakeholders and their interactions with the Welsh Government.

For 2015/16, 299 learners were funded by the Welsh Government at 30 specialist further education establishments. Of these 30 colleges, 7 (including Weston House at Bridgend College) are located in Wales (with 184 learners) whilst 23 (with 115 learners) are located in England.

The current cohort of funded learners includes 193 on a residential basis with 106 accessing day provision. The number of learners accessing day provision has increased to the current level from a much lower base of 27 in 2010/11. This has largely occurred as a result of expanded presence and provision by a single provider.

2. Statutory background and placement process

Welsh Ministers are responsible for securing places for individuals with learning difficulties and/or disabilities at specialist post-16 provision in accordance with their duties under the Learning and Skills Act. The statutory background is set out in **Appendix A**. The practical affect of these statutory duties is to require Welsh Ministers to consider whether they should fund the placement of a learner with learning difficulties at a specialist further education establishment, and to provide funding (where that is necessary).

The starting point for the consideration of funding for specialist placements is the conduct of an assessment under section 140 of the 2000 Act. These are usually undertaken in accordance with the Welsh Ministers duty under s140(1) and (2) of the 2000 Act in respect of learners with statements of special educational needs who will leave school at the end of their last year of compulsory schooling to receive post-16 education or training or higher education.

Section 140 assessments are carried out on behalf of the Welsh Ministers by Careers Wales. The assessment is undertaken in conjunction with the learner and his/her parents and with appropriate input from other relevant agencies including the local authority, school, social services and health care professionals etc. In order to carry out the Section 140 assessment Careers Wales may need to ask the local authority or other relevant agencies for copies of available relevant and up to date information relating to the learner's needs. Where the assessment is being conducted in relation to a learner with a statement of special educational needs, it will form part of the transition planning process and is in effect the culmination of that process.

To support the transition process Careers Wales provide young people with independent careers advice and guidance, and identify post-16 provision which is suitable to meet individual learning needs. As part of their contract with the Welsh Government, Careers Wales advisers are required to draw up a 'Learning and Skills Plan' for young people with a statement of SEN in their final year of schooling, where they intend to leave school to access further education/training.

The Learning and Skills Plan sets out the young person's education and training needs and suitable provision available to meet those needs. The suitability of all available local options will be considered as part of this process. Where a FE college is identified as being able to provide suitable provision for the learner, the Learning and Skills Plan is used by that FE College when identifying and securing appropriate learning support.

Most young people with learning difficulties are able to access their local FE College with support and the Welsh Government provides local colleges with funding to help them secure that support. A small number of learners, however, need specialist provision which can only be provided at specialist further education establishments.

If it is evidenced, as part of the transition process, that specialist post-16 provision is essential to a young person to enable them to access FE then Careers Wales, with the learner and their family, will collate the evidence and prepare a funding application to secure that provision. Funding applications are submitted to the Welsh Government by 31 January each year where placements propose a September start.

In order to secure funding for a specialist placement, an application must demonstrate full and prior consideration of all local options. Learner and parents views are taken into

consideration when identifying essential provision, though learner choice is not the overriding factor in determining the learner's needs.

The Welsh Government does not act in isolation in securing specialist provision for learners with learning difficulties and needs to take account of evidence from a range of agencies involved in meeting the young person's needs. Where there are social care reasons for an application for specialist provision, local authorities are approached for relevant information and the possibility of joint funding is explored.

Where an application is accompanied by insufficient evidence arising from the transition process it may not be possible to make a decision and further information has to be gathered, this includes the identification of a clear programme of study. Gathering this evidence after receiving an application can take time and can result in decisions being delayed, particularly when joint funding negotiation with other agencies is also required.

Programmes of study at local FE providers usually span two academic years. Accordingly, the Welsh Ministers generally only expect to fund placements lasting up to a maximum of two academic years, based on a programme of study agreed in advance. Welsh Ministers do not expect to receive an application for a programme of study lasting more than 2 years unless good reasons relating to the particular circumstances of the individual are demonstrated. The duration of a programme of study is to be confirmed prior to approval. Requests to extend a learner's placement beyond the learning programme's original agreed date will only be agreed by the Welsh Government in "*exceptional*" circumstances.

3. Findings

A team of 6 staff within Welsh Government's Additional Learning Needs Branch manage and administer the decision making process in respect to a cohort of approximately 300 learners with acute learning challenges. There are just over 100 applications annually from Careers Wales in respect of new learners.

This review has identified many positive attributes within the current system. These include: Good, constructive relationships between Welsh Government staff and key stakeholders such as Careers Wales and specialist further education establishments;

The Welsh Government guidance document '*Securing provision for learners with learning difficulties at specialist further education establishments*'¹ published in September 2015 has been well received;

The Welsh Government has a committed team, focused on the needs of individual learners; and

There are detailed and up to date internal desk Instructions;

However, the system to manage the learner applications has grown over the years and now contains a cumulatively burdensome process, from the receipt of applications from Careers Wales to managing the funding of those individual learner's who are on approved programmes of study. The volume of administration has also grown significantly over time to cope with additional requirements within the system.

Since Welsh Government took over responsibility for administering the application process in 2006, no thorough review has been undertaken of information needs or of the efficiency of information collected and recorded. It is prudent therefore that this review has now been undertaken.

There has been a significant deviation to the stated Welsh Government policy in this area over time, resulting in the majority of programmes being funded for 3 years rather than this being an exceptional occurrence. This evolution in the application of policy is the main cause of increase in public expenditure and administrative burden for Welsh Government.

A requirement for every application for funding of a placement at a specialist further education establishments is that Careers Wales explores whether the needs of each learner can be met by local provision i.e. through the local mainstream FE College. Many FE colleges have substantial experience, particularly in delivering Independent Living Skills programmes. There is scope therefore for greater engagement with the FE sector in terms of exploring the potential for a larger number of learners with learning difficulties accessing programmes within the mainstream FE sector. This would bring the benefit for learners of not having to access learning programmes away from home. In addition as the vast numbers of specialist colleges are located in England, increasing the capability and capacity of local FE Colleges could also, potentially lower the costs incurred for specialist provision.

The relationship between the Welsh Government and Careers Wales is set out in a standard Framework Document which primarily covers governance and accountability arrangements. On an annual basis the Welsh Ministers set out priorities that he/she wishes Careers Wales to focus on. This is done via a Remit Letter. The Remit Letter for 2016-17 includes a single paragraph (within a 63 paragraph letter) on "Young People with a

¹ [Securing provision for learners with learning difficulties at specialist further education establishments.](#)

statement of Special Educational Need". This should be strengthened given the significant proportion of Careers Wales staff involved with applications on behalf of learners with learning difficulties.

The application/recommendations forms received from Careers Wales in respect of individual learners are often incomplete and frequently not supported by the correct supporting evidence. This subsequently leads to delays in the decision making process within Welsh Government, sometimes leaving learners and their parents/carers unsighted on whether funding will be approved until very close to the start of the colleges start dates. Clarification on what the Welsh Government requires within applications is critical. It would therefore be useful to supplement existing Welsh Government guidance with further technical guidance, aimed specifically at Careers Wales.

Welsh Government's annual funding agreement ('Annual Agreement) with specialist further education establishments contains strong references to the results of inspections by ESTYN, Ofsted, Care and Social Services Inspectorate Wales (CSSIW) and the Care Quality Commission (CQC). However, Welsh Government's system to monitor the receipt of reports and to take action when adverse reports are received is weak and exposes the Welsh Government to the risk of funded learners being placed at colleges whose programmes do not meet required standards or, for residential students, may be exposed to unsatisfactory care arrangements. Relationships with these inspection bodies needs to be strengthened and processes to resolve identified concerns needs to be improved.

The current Annual Agreement with specialist further education establishments needs to be simplified and the information required from specialist further education establishments in the form of Annexes could be rationalised substantially. There is much duplication of information within the variety of returns that specialist further education establishments are expected to submit to the Welsh Government over the course of each learners' programme. Similarly with Careers Wales, clarification from the Welsh Government on what is required of specialist further education establishments when completing returns is critical. Therefore, further technical guidance aimed specifically at specialist further education establishments would be useful in providing this clarification. The introduction of a multi-year Framework Agreement to replace the current practice of issuing an Annual Agreement could also help to reduce the administrative workload associated with the current annual practice.

The possibility of changing to an electronic submission of documentation would greatly assist in improving the efficiency of the administrative workload and thus allow greater time spent on monitoring key performance information. This could be considered in respect of the applications submitted by Careers Wales and the periodic returns required from the specialist further education establishments. This could also include the introduction of unique client references for individual learners. Currently, when applications are received from Careers Wales, they are assessed by Welsh Government and then tracked through a series of spreadsheets, recording the decision process and the progress of funded learners through their funded programmes. This process is very inefficient and can lead to errors and omissions.

Welsh Government's focus is on learners completing their approved programmes within the agreed periods of time. There is little or no focus on the benefits that completion of the programmes brings. In order to demonstrate the effective investment of public funding there needs to be greater emphasis on how the individual programmes have made a difference to the lives of these individuals. Such a focus would confirm whether learners' needs are being

met and whether good value is being gained from the investment of significant public funding.

A considerable amount of information is available in respect of learners, specialist further education establishments, social services, local health boards, etc. However, little use is made of this information for monitoring and management purposes. A small suite of key information should be produced, at least on a termly basis, in order to inform decision making, corrective actions, and policy development.

The information and data currently used and stored contains very sensitive personal information. Being as a great proportion of the information held is in hard copy format and that the Welsh Government Additional Learning Needs Branch is located on two separate sites, in Cardiff and Swansea, there is a real risk that data security breaches could happen. However the review found that a number of actions have already been taken to reduce the likelihood of any data security breaches.

Finally, there is currently no discrete Risk Register, aligned to the objectives and principal purposes of the post-16 placements policy. This review has identified a number of high level risks that might threaten the achievement of the policy objectives in the short, medium and longer term. Adopting a risk based approach will assist in driving system improvements and in focusing attention and action.

In conclusion, it is vital that the emphasis of the role of the Welsh Government shifts from a largely administrative process to one that focusses, to a far greater extent, on the strategic management and monitoring of this policy area. The cumulative implementation of the recommendations made in this report will assist in achieving this emphasis change.

4. Summary of recommendations

The following 18 recommendations have been identified as a result of the review findings. Welsh Government agree with all 18 recommendations made and will engage with relevant key stakeholders to take forward the necessary actions required.

<p>Recommendation 1 The Welsh Government should develop a strategy to align practice with Welsh Government's stated policy for funding 2 year programmes of learning with the funding of a 3rd year being an exception.</p>
<p>Recommendation 2 The Welsh Government should develop an approach to the evaluation of the effectiveness with which learner programmes are delivered. The approach adopted should focus on the difference that a programme of study makes to learners' skills and independence.</p>
<p>Recommendation 3 The Welsh Government should compile a handbook that include all key documents</p>
<p>Recommendation 4 The Welsh Government should consider the introduction of 'Electronic' applications & returns; or encourage a greater submission of electronic information.</p>
<p>Recommendation 5 The Welsh Government should explore the introduction of multi year Annual Agreements.</p>
<p>Recommendation 6 The Welsh Government should revise the content of the Annual Agreement including the rationalisation of the supporting annexes.</p>
<p>Recommendation 7 The Welsh Government should examine the full potential of a single database aimed at reducing the number of existing spreadsheets in use.</p>
<p>Recommendation 8 The Welsh Government should liaise internally with the Careers Wales' sponsor division in order to develop a more comprehensive reference, in the Careers Wales annual remit letter, regarding their role and responsibilities in respect of learners with learning difficulties.</p>
<p>Recommendation 9 The Welsh Government should develop targeted technical guidance aimed specifically at Careers Wales, setting out Welsh Government's expectations in respect of the timing and content of future applications.</p>
<p>Recommendation 10 The Welsh Government should develop targeted technical guidance aimed specifically at specialist further education establishments, setting out Welsh Government's expectations in respect of the timing and requirements of information returns required for funded learners.</p>
<p>Recommendation 11 The Welsh Government should explore the possibility of developing a system whereby basic information on each return can be rationalised, i.e. learner details and their agreed programme of study.</p>
<p>Recommendation 12 The Welsh Government should engage with Colegau Cymru to explore potential for a greater number of learners attending their local FE college on bespoke learning programmes.</p>

<p>Recommendation 13</p> <p>The Welsh Government should consider best practice on providing bespoke programmes for ALN learners within FE settings, such as Weston College in Weston Super Mare.</p>
<p>Recommendation 14</p> <p>The Welsh Government should develop a policy to instigate appropriate actions to protect learners as a consequence of poor inspection results of specialist further education establishments. This should be done urgently in the context of those learners expecting to commence programmes in specialist further education establishments from September 2016.</p>
<p>Recommendation 15</p> <p>The Welsh Government should develop a more formal relationship with ESTYN and Ofsted in order that they are immediately aware of poor results and issues arising from inspections.</p>
<p>Recommendation 16</p> <p>The Welsh Government should develop a more formal relationship with CSSIW and CQC in order that they are immediately aware of poor results from inspections and instigate appropriate actions to protect learners.</p>
<p>Recommendation 17</p> <p>The Welsh Government should identify and make use of periodic and relevant management information.</p>
<p>Recommendation 18</p> <p>The Welsh Government should seek to further reduce the risk of data security breaches, through the direct submission of applications by Careers Wales directly to the casework team based in Swansea.</p>

Appendix: Statutory background

The Welsh Ministers' duties in respect of the funding of placements at specialist post 16 provision for those with learning difficulties are set out in the Learning and Skills Act 2000 ('the 2000 Act'), the key provisions of which are summarised below.

A person will be considered to have a learning difficulty if:

- (a) he has a significantly greater difficulty in learning than the majority of persons of his age, or
- (b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions providing post-16 education or training (see s41(5) of the 2000 Act).

However, section 41(6) says that a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which he is or will be taught is different from a language (or form of language) which has at any time been spoken in his home.

Section 31 and 32 of the Learning and Skills Act 2000

Under section 31(1) of the 2000 Act the Welsh Ministers must secure (amongst other things) the provision of proper facilities for–

- (a) education (other than higher education) suitable to the requirements of persons who are above compulsory school age but have not attained the age of 19; and
- (b) training suitable to the requirements of such persons.

Section 31(2) states that facilities are 'proper' if they are–

- (a) of a quantity sufficient to meet the reasonable needs of individuals;
- (b) of a quality adequate to meet those needs and
- (c) sufficient to satisfy the entitlements conferred under section 33F (students' local curriculum entitlements).

Under Section 32 of the 2000 Act, the Welsh Ministers must secure (amongst other things) the provision of reasonable facilities for–

- (a) education (other than higher education) suitable to the requirements of persons who have attained the age of 19,
- (b) training suitable to the requirements of such persons,

In performing the duties imposed on them sections 31 and 32, the 2000 Act requires the Welsh Ministers to–

- (a) take account of the places where facilities are provided, the character of facilities and the way they are equipped;
- (b) take account of the different abilities and aptitudes of different persons;
- (c) take account of the education and training required in different sectors of employment for employees and potential employees; and
- (d) take account of facilities whose provision the Welsh Ministers think might reasonably be secured by other persons (see sections 31(3) and 32(3)).

Section 41 of the 2000 Act

Section 41(1) of the 2000 Act requires that in discharging their functions under sections 31 and 32, the Welsh Ministers must have regard -

- (a) to the needs of persons with learning difficulties, and
- (b) in particular, to any report of an assessment conducted under section 140 of the 2000 Act (see below).

Under section 41, if the Welsh Ministers are satisfied that they cannot secure the provision of facilities for education or training which are sufficient in quantity and adequate in quality for a person with a learning difficulty who is over compulsory school age but who has not attained the age of 19 unless they also secure the provision of boarding accommodation for him, the Welsh Ministers must secure the provision of boarding accommodation for him (see section 41(2)).

In addition, if the Welsh Ministers are satisfied that they cannot secure the provision of reasonable facilities for education or training for a person with a learning difficulty who has attained the age of 19 but not the age of 25 unless they also secure the provision of boarding accommodation for him, the Welsh Ministers must secure the provision of boarding accommodation for him (see section 41(3)).

Section 140 of the 2000 Act

Section 140 of the 2000 Act requires that if a school pupil has a statement of special educational needs under section 324 of the Education Act 1996, and the Welsh Ministers believe that the person will leave school at the end of his last year of compulsory schooling to receive post-16 education or training or higher education, the Welsh Ministers must arrange for an assessment of the pupil to be conducted at some time during the pupil's last year of compulsory schooling.

Furthermore, section 140(3) says that the Welsh Ministers may at any time arrange for an assessment to be conducted of a person—

- (a) who is in his last year of compulsory schooling or who is over compulsory school age but has not attained the age of 25,
- (b) who appears to the Welsh Ministers to have a learning difficulty (within the meaning given in section 41(5)), and
- (c) who is receiving, or in the opinion of the Welsh Ministers is likely to receive, post-16 education or training or higher education.

For the purposes of section 140, an assessment of a person is an assessment resulting in a written report of –

- (a) his educational and training needs, and
- (b) the provision required to meet them (see section 140(4))