

Report of the Learners with Learning Difficulties and/or Disabilities (LLDD) Board sub-group

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Summary

Issue

- S1 Improving arrangements for learners with Learning Difficulties and/or Disabilities (LLDD) and those with Special Educational Needs (SEN).

Reason for bringing this to the Board

- S2 At its meeting in June the Board received a paper outlining the current situation, risks and developments in the field of learners with LDD, SEN and high cost Additional Learning Support (ALS). The Board established a sub group with a remit to produce a paper which could form the basis of a submission to the Sarah Teather review being led in the Department for Education. The Board are now asked to comment on draft principles that will, if agreed, form the focus of a letter for submission to the review.

Summary of Proposals

- S3 The sub-group has met once and will meet for a second time before the September Board meeting. The first meeting focused on a brainstorm of what the stakeholders involved would want out of a new system. YPLA officers have taken this a stage further and developed a set of proposed principles which would be the basis of a submission to the DfE review. The draft principles (main paper, para 21) cover:
- a standard national assessment process;
 - the importance of integration of learning and wider support;

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- establishing lead responsibility with local authorities;
- a common status for all institutions;
- introducing individual budgets; and
- a presumption that provision will, wherever possible be local.

Recommendation

S4 It is recommended that the Board:

- notes progress of the sub group
- comment on the draft principles at paragraph 21 of the main paper
- agrees that a letter should be submitted by the Chair to the Sarah Teather review, based on the principles in para 21.

Main Paper

Background and Introduction

- 1 At its meeting in June the Board received a paper outlining the current situation, risks and developments in the field of learners with LDD, Special Educational Needs (SEN) and high cost Additional Learning Support (ALS). The Board was informed of a review of all children and young people with special educational needs being led by the Minister of State for Children and Families in the Department for Education, Sarah Teather MP.
- 2 The Board established a sub group and asked this sub group to produce a paper which could form the basis of a note to Sarah Teather's review. The sub-group has met once to brainstorm what the stakeholders involved would want out of a new system. YPLA officers have taken this a stage further and developed a set of proposed principles for submission to the review. These will be discussed at a further meeting of the sub-group which is due to be held before the Board's meeting and an oral update of that discussion will be reported at the Board meeting on 14 September.
- 3 This paper outlines these draft principles for comment by the Board.

Recommendation

- 4 It is recommended that the Board:
 - notes progress of the sub group
 - comment on the draft principles at paragraph 21
 - agrees that a letter should be submitted by the Chair to the Sarah Teather review, based on the principles in para 21.

The Review

- 5 The review will look at all ages within the DfE remit (0 to 25) and will be wide ranging. It will feed into a Green Paper which could be published in the autumn. Four specific themes have been identified for the review and these are:
 - Improving the experiences of the young person themselves
 - improving outcomes for young people
 - transition to adult life
 - improving parental choice.
- 6 The YPLA Board's sub-group have looked across the current three funding streams (Special Educational Needs (SEN), placement funding for specialist provision and high cost Additional Learning Support (ALS) and identified the key issues affecting these four themes. These are summarised below.

- 7 It is expected that there will be a call for evidence in September. We therefore propose that the YPLA Chair should submit a YPLA paper to that review.
- 8 There are also a number of other developments the Board should be aware of for context. These are:
- A cross DfE review is under way of how high cost pupils are funded pre 16 through the Dedicated Schools Grant (DSG). This is considering how such pupils should be funded given the increase in the number of schools funded directly rather than through the DSG.
 - A review of assessment practices conducted by OfSTED which has not yet been published.
 - The modelling and testing of a national Learning for Living and Work Framework and funding system for all post 16 learners with LDD or SEN.
 - A Schools White Paper is also planned for the autumn.

Key Issues

- 9 There is much good practice in delivery for this group of learners and this should be recognised. There are, however, a number of key issues that we believe need to be addressed under the four themes of the Sarah Teather review to improve the system. These are outlined below.

Improving the experiences of young people

- 10 The experience a learner has when progressing through the current 16-18 system is heavily influenced by whether or not they have a statement of SEN at age 16 and/or a learning difficulty assessment. This determines who funds them, how much funding is available, the process and the institution they attend. This leads to young people their parents or carers feeling that they are fighting against the system to secure legal rights.
- 11 The influence of these formal – and legally based – assessments means that the system the learner must navigate is different depending on the status and the type of institution they want to attend. This gives a lack of transparency and leads to a system that seems bureaucratic rather than individually focused.

Improving outcomes for young people

- 12 There is insufficient emphasis within the respective funding methodologies on the achievement of outcomes for young people with LDD. The vast majority of funding is allocated against the costs of participation.
- 13 Programmes are not necessarily planned specifically with a destination in mind and qualifications are not always seen as a means to achieving that destination.
- 14 The right levers to drive successful outcomes and progression are therefore not sufficiently reflected in the arrangements that young people experience.

Transition to adult life

- 15 Multiple agencies fund individual learners as they progress through the system: the local authority up to age 16 and then depending on their status they could remain the funding responsibility of their local authority to be funded via the SEN Block Grant (in school) or pass to a different funding system via colleges and other providers. For these learners at age 19 funding becomes the responsibility of YPLA or the Skills Funding Agency and at age 25 the Skills Funding Agency or the local authority. There is, therefore, a disconnect between overall responsibility for the learner and how the funding flows.
- 16 The learner's entitlement to learning at each stage is not sufficiently defined; the assessment and funding systems are not transparent and are, therefore, difficult to navigate to a point of satisfactory transition.

Improving parental choice

- 17 The number of learners in the group of learners attracting high additional support is relatively small (25,000). As a result specialist provision is necessarily small in scale. This scale limits the viability of specialist institutions because they are constrained by the system to sub-divisions of the market.
- 18 There is insufficient high quality local specialist provision and specialist colleges do not offer sufficient local provision, although it has increased in recent years.
- 19 Parents also have to learn to navigate the three different systems.
- 20 The unit costs of provision are high and this will influence the funding bodies in the choices they can offer.

Outline Principles

- 21 The Government's headline principles for public sector reforms of simplicity, transparency, value for money and control of costs are of course important to any new proposed system as are the coalition's values of freedom, fairness and responsibility. A possible set of principles that reflect these fundamental aims and would inform the development of a better system are as follows:
 - All learners should follow a standard national assessment process which follows the learner throughout their journey to adult life, this process should result in a clear statement of where the learner aims to be at the point of transition to adult life (at any time between 18 to 25) and the support they need to achieve this ambition.
 - Opportunities for learning should be developed as part of an integrated support programme, including health and welfare support where appropriate.
 - Local authorities should be empowered to, and be accountable for, planning and securing a programme of learning and support for learners designed to support their ambition. They should therefore also be accountable for the budget for all learners aged 0 to 18 and up to 24 for

those with a Learning Difficulty Assessment (LDA) that indicates they have significant support needs.

- The network of institutions and providers that offer learning to those with LDD or SEN should all hold the same status and be able to offer programmes to any learner with an LDA. Quality should be assured and made transparent by adopting a quality standard which takes account of learner satisfaction, learner's progression to positive destinations and the educational value added for each learner.
- Learners, parents and carers should be allocated an individual budget, by local authorities working to a national framework, thereby empowering them to choose where and how they access education or training (provided that institution has met at least the minimum quality standard).
- To avoid unnecessary costs and removing learners from their local support network, provision should be local where possible. Specialist providers should be encouraged to act as specialist hubs providing expertise, specialist staff and equipment to local providers to facilitate this as well as providing direct support for individual learners where they alone have the expertise to meet their needs.

22 The Board is invited to comment on, amend and support these principles.

Next Steps

23 The sub group meets again in September before the Board's meeting and will consider a submission to the Sarah Teather review. An oral update will be presented to the Board meeting.

Clearance

24 This paper is for further discussion by the Board and the sub-group.

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