

Desk Instructions

External

**Learners with Learning Difficulties and/or Disabilities
(LLDD)**

Exceptional Funding Independent Review 2011/12
(Placements costs in excess of £35k above the highest YPLA matrix band)

Audience: Local Authorities

March 2011

Further information

For further information,
please contact Tracy Mitchell
024 7682 5652

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Annexes

- 1 Independent National Review of exceptional funding requests in excess of £35,000 over the maximum funding levels published for 2011/12

Purpose

- 1 The purpose of this document is to set out the requirements for submission of learner files for placements under consideration by local authorities where costs are £35,000 above the highest YPLA funding band (£103,829 residential and £80,247 day).

Introduction and Background

- 2 The independent review of exceptional funding was implemented by the Learning and Skills Council (LSC) during the 2008/09 placement year as part of a suite of budgetary controls; agreed and monitored by the Department for Education (DfE, formerly Department for Children, Schools and Families).
- 3 Ministerial approval was granted during February 2011 for the YPLA to continue the exceptional funding review for the 2011/12 academic year.
- 4 The threshold for review will be retained at £35,000 above the highest YPLA published funding bands (£103,829 residential / £80,247 day) as detailed in the [Placement Information: Learners with Learning Difficulties and/or Disabilities at Independent Specialist Providers 2011/12](#) (Annex 4).
- 5 The review process enables a nationally consistent approach for the consideration of placements at independent specialist providers for those learners who are assessed as requiring high levels of support. It also enables the sharing of effective practice.
- 6 The review arrangements are referenced at paragraphs 41 (see below) and 63 to 72 of the *Placement Information 2011/12* and paragraphs 6 to 9 and Annex 7 – TG of the [Placement Technical Guidance 2011/12](#).

Para.

- 41 Where placement costs include exceptional funding in excess of £35,000 over the published support bands rates, these will be subject to an independent review commissioned by the YPLA. **This independent review must be undertaken (where costs exceed 35,000) before the local authority submits Annex 6 – TG to the YPLA and before an individual learner schedule and payment can be generated.**

Review Findings

- 7 Findings from the 2010/11 review will be available April 2011 following completion of the project:
 - a. Interim findings¹ show that circa. 50 placements where costs exceeded the £35,000 threshold had not been submitted for review in accordance with the ministerial agreed budgetary controls and YPLA policies, which could have resulted in an additional £1.254m cost savings being achieved.
- 8 Local authorities may find the 2009/10 review findings useful as part of their own review procedures:
 - Evidence not provided in some cases to support a three year residential education placement;
 - Some claims included requests to fund equipment that should be provided as part of the providers 'core' infrastructure;
 - It was unclear in some cases what would happen to the equipment funded once the learner had left the provider as per the requirements of the Asset Register Policy and Education and Training Funding Agreement;
 - Files in some cases did not document whether third party contributions had been sought from other agencies;
 - Little evidence provided by some providers with regard to programme outcomes and learner progression that could be achieved by undertaking the programme;
 - Trends are developing in certain independent specialist providers, e.g. routinely charging the same amount for learners and not taking account of their unique requirements and the support detailed in the S139A;
 - Staff costs vary significantly from provider to provider.

Review process

- 9 Each review will be undertaken by an experienced independent expert, commissioned following an open and competitive tendering exercise.
- 10 The reviews will be funded by the national YPLA Learners with Learning Difficulties and/or Disabilities team.
- 11 The purpose of the review is not for the independent expert to make a decision on behalf of the local authority but to provide recommendations to support their decision making processes.

¹ Informed by data drawn November 2010 for the 2010/11 placement year.

Placements in scope for review

- 12 The placements in scope for review are:
- new learner placements for 2011/12 whose exceptional funding costs are £35,000 or more, than the highest funding band (i.e. £103,829 residential / £80,247);
 - changes to current/continuing learner placements that take existing costs to, or above, the £35,000 exceptional funding threshold;
 - placements not previously submitted for review, whose exceptional funding costs are £35,000 or more i.e. programme commenced in 2010/11 but not submitted for review; and
 - placements that have already been subject to exceptional funding review (by LSC or YPLA) whose costs have increased.
- 13 Local authorities can contact Anita Flora or Cheryl Lynch of the National YPLA LLDD team (see paragraph 24 for contact details) to confirm if a file has been subject to review in previous years.

Decision making process

- 14 As detailed at paragraphs 63-72 of the Placement Information 2011/12, local authorities should consider the request to the point at which a placement would be offered to the learner (paragraph 65) but the decision should not be confirmed until the file has been forwarded to the YPLA and the independent expert recommendations have been considered. This is because further action may be required.

Process for submission of files

- 15 In order to maintain a consistent approach across all local authorities and to ensure that files are reviewed within a timescale of 14 days (as detailed in the *Placement Information 2011/12 – paragraph 70*), files should be submitted in accordance with the following:

- | | Actioned by |
|--|----------------------|
| 15.1 LLDD team to be advised when a file is being submitted for review and expected arrival (contact information is detailed at paragraph 24 and submission address at 15.4). | Learner's home
LA |
| 15.2 The file should be submitted, with a completed exceptional funding review pro forma (annex 1): | Learner's home
LA |
| a. Key documents should be tabbed and numbered to correspond with the pro forma i.e. school report would be tab 3 (to assist the independent expert reviewing the file to locate information); and | |
| b. At section 2 of the pro forma, local authorities should detail whether they support the exceptional funding request | |

	<ul style="list-style-type: none"> • if the request is supported – details of evidence and rationale; or • if not supported details of reasons why. 	Actioned by Learner's home LA
15.3	The file submitted should include all information/evidence used by the local authority when considering a placement as part of their decision making processes, including but not limited to: <ul style="list-style-type: none"> • Annex 6 – TG²: Confirmation of Agreed Provision 2011/12 (<i>Placement Technical Guidance 2011/12</i>); • Annex 7² – Exceptional Funding Request Summary Form (<i>Placement Technical Guidance 2011/12</i>); or • Learning Difficulty Assessment/S139A. 	Learner's home LA
15.4	The file and completed pro forma should be sent to Cheryl Lynch/Anita Flora, LLDD team, Young People's Learning Agency, Cheylesmore House, Quinton Road, Coventry, CV1 2WT.	Learner's home LA
15.5	Due to the sensitivity of information being transported and in accordance with the YPLA's information security requirements, the file should be sent: <ol style="list-style-type: none"> a. By Special Delivery only or equivalent service i.e. guaranteed next day delivery and trackable (not by recorded delivery or first/second class post); and b. Double sealed: <ul style="list-style-type: none"> • The outer envelope should bear no indication to the sensitivity of the information – it can be marked "for addresses only" or "for the personal attention of"; and • The inner envelope should be marked "Protect – Private" and include the name and address of the recipient. 	Learner's home LA
16	An independent expert will be assigned to review the file.	LLDD Team
17	The LLDD team will confirm receipt of the file to the named local authority contact, detailed on the pro forma.	LLDD Team
18	The file will be forwarded to an independent expert using the same secure method as described at paragraph 15.5 above.	LLDD Team

² Note: Where applicable, area uplift figures should not be included by the independent specialist provider in the costs submitted. These will automatically be applied by the YPLA when the individual learner schedule is raised.

- | | | |
|----|--|--|
| 19 | The expert will review the file and make recommendations to the local authority on: <ol style="list-style-type: none"> a. The strength of evidence and appropriateness of support and/or costs made in the exceptional funding request; and b. Suggestions for any additional information or clarification that might assist the local authority in confirming its decision on whether to agree to fund the placement. | Actioned by
Independent expert |
| 20 | The expert will contact the person named on the pro forma to make arrangements to return the file, using the same method as detailed at paragraph 15.5: <ol style="list-style-type: none"> a. If the contact is likely to be out of the office i.e. on annual leave an alternative contact should be detailed on the pro forma <ul style="list-style-type: none"> • The file will not be returned until the independent expert is able to confirm either the named contact or representative is available to receive the file. b. The file will be reviewed and returned directly to the local authority contact within 14 working days (from receipt at the YPLA national office). | Independent expert |
| 21 | Once the file has been returned to the local authority, notification of receipt should be submitted to Cheryl Lynch/Anita Flora of the LLDD team (contact details at paragraph 24). | Learner's home LA |
| 22 | An electronic copy (encrypted) of the experts comments will be sent to the local authority contact named on the pro forma, following completion of the review. | LLDD team |

2011/12 Review Evaluation

- 23 As part of the 2011/12 exceptional funding review the YPLA national LLDD team may contact local authorities who have submitted learner files, to gain feedback on the processes and to measure the impact of the recommendations made by the independent expert on the placement process. This may include, for example, evidence of additional cost savings made via increased contributions from other agencies.

Contact Details

24 To confirm submission/receipt of a file, or clarify if a file is in scope for review, contact:

Cheryl Lynch (Mon – Wed) Cheryl.lynch@ypla.gov.uk
LLDD Co-ordinator T: 024 7682 3843

Anita Flora (Wed – Fri) Anita.flora@ypla.gov.uk
LLDD Co-ordinator T: 024 7682 3578

Tracy Mitchell National YPLA tracy.mitchell@ypla.gov.uk
LLDD Policy Manager T: 02476 82 5652

25 Enquiries relating to the exceptional funding process or LLDD specific queries, contact your regional YPLA inclusion team.

Author: Tracy Mitchell
Date Created: February 2011

Independent National Review of exceptional funding requests in excess of £35,000 over maximum levels published for 2011/12

Pro forma – please attach this to the learner file

1. To be completed by the learner's home local authority

Local Authority	
Contact Name	
Address where learner file should be returned to (via special delivery)	
Contact Telephone number	
Contact Email address	
Date Sent to National YPLA	
Name of Learner	
Name of Provider	
New placement / Continuing placements (costs increased) – delete as applicable	
<p>Evidence – please confirm by ticking the relevant box whether the following evidence has been included within the learner file and tabbed with the corresponding number. For further guidance refer to Annex 6 of the <i>Placement Information 2011/12</i></p>	
1. A learning difficult assessment/S139A must be included or details of assessment that is in progress (in order to fall within the remit of YPLA funding)	
2. The most recent review of a learner's Statement of SEN	
3. School report or a report from the learner's previous placement	
4. A relevant and up to date social care report	
5. A relevant and up to date medical or psychological report	
6. A relevant and up to date report from local provider(s) that may be able to meet the education and training needs of the learner identified through transition planning	
7. A report from the independent specialist provider (ISP) in respect of which the application is made, detailing the provision being offered and how this will meet the learner's assessed education and training needs as set out in the learning difficulty assessment/S139A. The pre-entry assessment report of a learner by an ISP should include the following (which should be tabbed within the learner file): * Confirmation of when the learner assessment took place , its duration and its content and any supporting evidence that has been considered to inform the assessment * the start and end date of the proposed placement	

<p>* a statement that clearly outlines how the provision matches the education and training needs of the learner, including identification of the skills that the learner needs to acquire across the curriculum. This should include the initial identification of relevant and realistic education and training goals, as well as a clear definition of the learner's primary learning goal. It should also include details of accredited and non-accredited aims and the expected timescales for achievement. The report must stipulate whether any elements of the provision will be the responsibility of another provider</p> <p>* A clear outline of the support that will be put in place for the learner, both to enable the achievement of learning and training aims, and to support his or her personal care and/or medical needs</p> <p>* Assessments by specialists, as appropriate (speech and language therapists, for example)</p> <p>* Annex 6 – TG (Placement Technical Guidance 2011/12) identifying the individual support required by the learner, and thus the appropriate level of funding – must be included</p>	
8. Other relevant reports – list and identify by number opposite and include correspondent tabs in learner file	
9. Has a placement meeting date been set?	
10. Annex 7 – TG (Placement Technical Guidance) Exceptional Funding Request Summary Form must be included	

2. Considering the information submitted, please detail:

- a. whether you support the exceptional funding request, including details of reference to evidence and/or rationale?

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- b. whether you don't support the exceptional funding request, including details of reasons why?

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Please securely post by Special Delivery (as described in desk instructions issued on 2 March 2011) the learner file and this pro forma to Anita Flora/Cheryl Lynch, LLDD Team Manager, Young People's Learning Agency, National Office, Cheylesmore House, Quinton Road, Coventry, CV1 2WT

3. To be completed by National YPLA team

Date received from Local authority	
Date independent expert allocated	
Date forwarded to independent expert	

Signed **Date**

4. To be completed by the Independent Expert

Date received	
Date local authority contacted to arrange learner file to be returned (include name of the person arrangements were made with)	
Date learner file returned to local authority contact by Special Delivery	

5. To be completed by the Local authority contact

Date received by local authority and YPLA national office informed	
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Specialist Independent Expert Report

PLEASE COMPLETE EITHER STATEMENT

STATEMENT ONE

I have considered the information provided in support of the request for additional funding and take the view that there is sufficient evidence to proceed to fund as requested.

In reaching this view I have considered the following:

- the nature of education and training support needs as described in the file
- the education and training programme and learner aspirations
- previous education and training experiences, achievements and support
- learner reviews
- resources (human and physical) available to the independent specialist provider
- the costs being claimed, and rates used

Signed..... Date.....

Comments

OR

STATEMENT TWO

I have considered the information provided in support of the request for exceptional funding over £35,000 and would make the following observations for the Local Authority, which it might wish to pursue with either the independent specialist provider or third party agencies

Outstanding issues/issues for clarification

Additional comments

In reaching this view I have considered the following:

- the nature of education and training support needs as described in the file
- the education and training programme and learner aspirations
- previous education and training experiences, achievements and support
- learner reviews
- resources (human and physical) available to the specialist provider
- the costs being claimed, and rates used

Signed

Date.....

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Young People's Learning Agency

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