



SUPPORTING SEND LEARNERS

GUIDANCE FOR ADULT COMMUNITY LEARNING PROVIDERS
PACK 2
MARCH 2017



Purpose

- ❑ These slides are intended to promote discussion and ideas to help you develop your provision with SEND learners.
- ❑ They were developed as part of an ETF funded project.
- ❑ Please use them with your staff and partners.

Understanding the policy and funding landscape

The research focused on:

- ❑ Determining best practice that will help support ACL managers when trying to develop programmes for SEND learners in this complex environment

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Legislation

Section 41 of Part 3 of the Children and Families Act 2014 provides the legislation to bring about greater collaboration between education, health and care agencies to support young people with high needs.

It requires:

- ❑ **greater involvement of young people** and their parents/carers in planning and decisions about their support.
- ❑ a **stronger focus on higher aspirations** and on improving outcomes for SEND young people.
- ❑ a requirement on local education, health and social care services to work together to plan and commission education, health and social care jointly for young people with special educational needs.
- ❑ a **coordinated assessment approach** that results in a new education, health and care (EHC) plan for all children and young people from birth to the age of 25 with complex needs.
- ❑ a requirement on the **local authority to publish a local offer** setting out all of the available provision across education, health and social care for children and young people with special needs.

Ofsted report: Moving forward?

<https://www.gov.uk/government/publications/preparing-learners-with-high-needs-for-adult-life>
www.legislation.gov.uk/ukpga/2014/6/contents/enacted

Implementing the legislation

- ✓ Where a college or school is named in an EHC plan, then that organisation is legally required to accept that learner.
- ✓ Other organisations, such as private training or local authority providers, can also be named in an EHC plan but they do not have a duty to admit that young person.
- ✓ A young person has the right to request that a particular organisation be named within their EHC plan.
- ✓ The Local Offer website should have information about each provider's offer to enable students and parents/carers to be confident that their needs can be met by the organisation they wish to name within their EHC plan.
- ✓ Working in partnership with schools to offer transition activities enables an organisation to better prepare to meet a learner's needs and ensures a successful transition.

SEND code of practice

FE colleges, sixth form colleges, 16-19 academies and independent specialist colleges have the following specific statutory duties:

- ✓ to **co-operate with the local authority** on arrangements for children and young people with SEND.
- ✓ to **admit a young person if it is named** in an EHC plan.
- ✓ to **have regard to this Code of Practice.**
- ✓ to use their best endeavours to secure the **special educational provision that meets the young person's needs.**

www.gov.uk/government/publications/send-code-of-practice-0-to-25

Implementing the SEND code of practice

- ✓ Local authorities should be **ambitious for young people** with SEND, raising their aspirations and promoting high expectations about what they can achieve in school, college and beyond.
- ✓ All students aged 16 to 19 (and, where they will have an EHC plan, up to the age of 25) should follow a **coherent study programme** which provides **stretch and progression** and enables them to achieve the best possible outcomes in adult life.
- ✓ Local authorities should consider the need to provide a **full package of provision and support for young people** with EHC plans across education, health and care that covers **five days a week** where that is appropriate, to meet the young person's needs.
- ✓ **Local authorities** should ensure that **young people** have **access to the right support and opportunities** that will prepare them successfully for adulthood by helping them achieve the agreed outcomes in their EHC plan.

Funding for study programmes

- ❑ The ESFA funds study programmes for students aged 16 to 19 and students up to the age of 25 when they have an EHC plan.
- ❑ From 1 September 2016, learning difficulty assessments (LDAs) ceased to have legal effect. Young people aged 19 to 25 are only eligible for high needs funding (place funding and top-up funding) or other ESFA funding where the young person has an EHC plan in place.
- ❑ High needs funding is available to those aged 19 to 25 who have an EHC plan and require additional support costing over £6,000.
- ❑ There are three levels of funding which are explained in the next three slides.

Funding: Element 1

- ❑ Element 1 (£5,000 in 2017/18) represents the funding that all students at the institution attract for their study programmes, not taking into account the additional support costs of high needs students.
- ❑ It is paid directly by ESFA on a lagged student number basis, using the national post-16 funding formula.
- ❑ For example, the total allocation of Element 1 for the 2017 to 2018 academic year will be based on the number of students recruited in 2016 to 2017.
- ❑ Any in year shortfall is rectified in the lagged allocation for 2018 to 2019.

Funding: Element 2

- ❑ Element 2 provides £6,000 towards the additional support costs for high needs students in mainstream post-16 settings.
- ❑ This element of place funding is not intended to meet the needs of students with support costs lower than £6,000. Funding for these students is provided within the institution's disadvantage funding, calculated within their mainstream 16 to 19 funding allocation.
- ❑ Although funding is provided on this basis, institutions are free to devise their internal budgets using all the funds at their disposal.
- ❑ Institutions should decide how best to apportion their total allocated place funding across the actual number of commissioned places.

Top-up funding: Element 3

- ❑ A high needs student placement must be commissioned by the local authority and an **agreement must be in place between the two parties** that includes the **amount of top-up funding** to be paid.
- ❑ Local authorities should work with providers in their area including further education institutions to ensure there are **clear processes for allocating top-up funding**.
- ❑ This should provide local authorities with **greater flexibility in meeting the costs of additional support** for those with high needs incurred by institutions.
- ❑ The ESFA recommends that **local authorities should publish information about how the funding levels**, including their processes for accessing top-up funding and administrative practices, including timescales, review requirements, and named points of contact.
- ❑ Where a pupil or student is moving from one institution to another, the Children and Families Act 2014 sets mandatory timescales for the completion (or review and amendment) of EHC plans; normally 31 March. (See 6.2 of funding operational guide.)

Provider Suggestions

- ✓ It's difficult to get into ESFA funding without a track record, but not impossible.
- ✓ All local authorities work differently, but finding the name of the **LA SEND co-ordinator** is a good way in. The **Local Offer website** should also have LA contact details.
- ✓ Some local authorities are encouraging colleges to be more flexible in their provision for high needs, **promoting 'hybrid' study programmes**. This could be your chance to get involved.
- ✓ **ACL providers have much good practice** to bring to the table as a partner – especially staff with significant experience and expertise in working with SEND learners and links with employers.
- ✓ **Work out your Unique Selling Point** and how you could enhance your contribution to supporting SEND learners in your area.

Funding for apprentices (1)

High needs funding for apprentices is to be met by the ESFA. The funding guidance states

“We know that some apprentices who have a learning or other disability may require extra learning support to achieve their apprenticeship and this can involve additional costs for training providers. We want to make sure that these apprentices have an equal opportunity to complete an apprenticeship.

56. Providers will be able to claim costs from government up to an additional £150 each month for these apprentices. Where there is evidence of greater learning support needed then additional funding may be provided. This is a continuation of the current system of support. These payments will come direct from the government and will not be deducted from an employer’s digital account.”

Funding for apprentices (2)

In summary this means:

- ❑ any apprentice who requires additional support qualifies for a payment of £150 per month.
- ❑ if identified needs cost more than the monthly rate, the provider can claim additional funding from the ESFA on the earnings adjustment statement - this means the costs are fully funded at no cost to the provider and are met by the ESFA.
- ❑ The provider should always work with the Department for Work and Pensions or Job Centre Plus to access any support for people entering work.
- ❑ If the apprentice does not have an EHC plan then they are funded as a 19+ apprentice under the full (former) SFA system. This expects co-funding from the employer.

Apprenticeship funding guide

<https://www.gov.uk/government/publications/apprenticeship-levy-how-it-will-work>

Funding for SEND learners aged 25+

- ❑ For students with SEND over the age of 25, the ESFA assumes the responsibility for commissioning provision, even when the support costs exceed £6,000.
- ❑ A local authority must keep the on-going need for an EHC plan under review. For those students that are in receipt of an EHC plan, this normally ceases when a student turns 25.
- ❑ If a local authority decides to extend the EHC plan until the end of the academic year, they remain an ESFA funded student and the local authority must continue to provide top-up funding to the institution until that time.

Suggestions to prevent high needs learners aged 25 dropping off the 'funding cliff'

- ❑ Supported internships provide a good use of study programmes to enable learners to progress to work.
- ❑ Liaise with other providers to understand the full range of progression routes.
- ❑ Plans for each learner's progression needs to be an integral part of his/her study programme from the start. This should involve visits, taster sessions, work placements etc.
- ❑ Increasing learners' independence in their adult lives, especially through preparation for employment, self-employment, supported employment and/or voluntary work is a central focus of every learners' study programme.
- ❑ Adopt a strategic approach to promoting the potential of learners to contribute to local labour market.

Adult education budget and former community learning (1)

- ❑ The Adult Education Budget (AEB) enables colleges and other training organisations to have the flexibility to respond to the learning needs of their local area. This enables the funding of programmes that make a difference by including locally designed learning activity alongside qualifications, or instead of them.
- ❑ Where you deliver regulated qualifications and/or their components you must ensure they are eligible for AEB funding and available on the Hub. (<https://hub.fasst.org.uk/Pages/default.aspx>)
- ❑ Non-regulated activity must apply to the funding rules – (see page 23 of link on the next slide), such as for independent living skills or community learning activity.

Adult education budget and former community learning (2)

- ❑ Where applicable, the AEB allocation will include an amount of former community learning funding equivalent to your 2015 to 2016 community learning allocation. (see page 33 of the document linked below)
- ❑ If your 2017 to 2018 AEB allocation is above the value of your 2015 to 2016 community learning allocation, you can use your AEB allocation to deliver additional locally-based community learning provision. You must follow the AEB formula-funded methodology.
- ❑ You must not use former community learning to fund provision that is eligible to be funded through an advanced learner loan.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/586301/2017_to_2018_draft_AEB_funding_and_performance_management_rules.pdf

Suggestions for securing future community type provision

- ✓ Work with other local partners to secure an agreement on the needs of local SEND learners and the expected outcomes of the provision, so that funding needs can be aligned to them.
- ✓ Carry out a needs analysis among young people with SEND to establish whether existing provision meets those needs and is sufficient in volume.
- ✓ Publish a detailed list of what provision is available and where, so that gaps can be identified.
- ✓ Promote the benefits of programmes which support progression into employment.
- ✓ Raise awareness of the need for and the savings to health and social care budgets which can be achieved by providing targeted independence skills courses and refreshers for adults with learning difficulties.
- ✓ Develop links with LEPs now to show them the value of the work.

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Newcastle City Learning
North Yorkshire County Council
Realise Futures Ltd
Swarthmore Education Centre
The Adult College, Barking and Dagenham
Thurrock Adult Community College

Summary of reference documents

1. SFA draft funding rules 2017/18

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/586301/2017_to_2018_draft_AEB_funding_and_performance_management_rules.pdf

2. High needs operational funding guide 2017/18

<https://www.gov.uk/government/publications/high-needs-funding-arrangements-2017-to-2018/high-needs-funding-operational-guide-2017-to-2018>

3. SEND Reform Guide ETF November 2016

<http://send.excellencegateway.org.uk/>

4. Ofsted report: Moving forward? March 2016

<https://www.gov.uk/government/publications/preparing-learners-with-high-needs-for-adult-life>

5. Children's and Families Act 2014

www.legislation.gov.uk/ukpga/2014/6/contents/enacted

6. SEND code of practice

www.gov.uk/government/publications/send-code-of-practice-0-to-25

7. Apprenticeship funding guide

<https://www.gov.uk/government/publications/apprenticeship-levy-how-it-will-work>

Useful websites

1. Education and Training Foundation (ETF)

<http://www.et-foundation.co.uk/>

2. Education Skills Funding Agency (ESFA)

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency>

3. Ofsted

<https://www.gov.uk/government/organisations/ofsted>

4. Natspec

<http://www.natspec.org.uk/>

5. Preparing for adulthood (PfA)

<http://www.preparingforadulthood.org.uk/>

6. Parent advisory team (PATT) (This is for Thurrock – other LAs may have a Parent Partnership Service)

<http://www.patt.org.uk/>

Please note: The ETF SEND Reform Guide (November 2016) also has links to many relevant websites, documents and case studies.

<http://send.excellencegateway.org.uk/>