



**Executive**  
9 December 2013

**Report from the  
Director of Children and Families**

Wards Affected: ALL

**High Needs Students Eligibility Policy**

**1.0 Summary**

- 1.1 This report seeks approval for a High Needs Eligibility Policy which provides clear criteria for deciding on educational provision for young people between 16 and 25. It includes criteria both for writing a learning difficulty assessment and the decision making about the provision the young person will receive. The policy aims to get the best outcome for each learner and ensure that the learning the young person undertakes is both meeting their needs and is going to benefit them in later life, and proposes a policy to manage the Learning Disability Assessment (LDA) and applications for placements. It states that local cost effective provision will be considered prior to considering applications for high cost out of area placements in order to promote value for money. The proposed policy complies with the statutory guidance.
- 1.2 The new national funding arrangements make local authorities (via the Direct Schools Grant) financially responsible for education and training up to aged 25 for young people identified as high needs (HNS). Prior to this the funding was managed by the Education Funding Agency and was demand led.

**2.0 Recommendations**

- 2.1 That the High Needs Students Eligibility Policy for the education and training needs for post 16 high needs students be approved and published on the Council's website .
- 2.2 That the approach underpinning the policy, namely that each learner should have their education and training needs met in local, cost effective local provision wherever possible based on the needs identified in the learning difficulty assessment be endorsed.

**3.0 Detail**

## **Introduction**

- 3.1 Despite often having the same aspirations as their peers, young people with a learning difficulty and/or disability are less likely to achieve paid employment, independent living, good health and community inclusion as they move into adulthood. These are the building blocks to a fulfilling adult life that most people take for granted.
- 3.2 The 2011 Special Educational Needs and Disability Green Paper, sets out ambitious proposals to reform the system of support for young people with Special Educational Needs and disabilities and their families, to enable young people achieve better life outcomes.
- 3.3 In the meantime however the funding mechanism which provides assistance to young people from 16 to 25 years of age has changed placing responsibility on Local Authorities to allocate appropriate provision, and the Council therefore needs to have processes in place to support this change and ensure that the allocated budget is not exceeded.

## **Background**

- 3.4 Prior to the academic year of 2013/14 post 16 learners with high cost learning support needs were funded through four streams:
  - Special Educational Needs Block Funding Grant. This was paid by the Education Funding Agency directly to Local Authorities and was calculated on an historic basis to support post 16 learners in school provision with statements of special educational needs.
  - High cost Additional Learning Support. Paid directly to providers by the Education Funding Agency for learners whose support needs were over £5,500 per year. This was based on an average cost of provider history.
  - Specialist Placement Budget for Independent Specialist Providers. This was paid to providers by the Education Funding Agency but placements, budgets and monitoring were managed by the Local Authority.
  - Specialist placements in Further Education colleges, for learners whose support costs exceed £19,000 per year. The costs and placements were agreed by the Local Authority, who authorised payment on behalf of the Education Funding Agency
- 3.5 Since 2010 Local Authorities have been responsible for making decisions about the education provision offered to young people aged 16-25 with Learners with Learning Difficulties and Disabilities, including (where

appropriate) an Independent Specialist Provider, sometimes involving residential accommodation

- 3.6 Funding for this type of education or training course was provided by the Education Funding Agency, often in conjunction with health and Local Authority Social Care Services where non-education and training provision forms part of the whole package.

### **Current Position**

- 3.7 From September 2013 onwards, responsibility for high needs funding has transferred to local authorities who are now required to meet the support costs for Post 16 high needs students. The Education Funding Agency will now allocate the money to the Council through the High Needs Block of the Dedicated School Grant instead of paying it directly to FE providers. The allocation for Brent Council to fund post 16 high needs is less than the amount previously spent in line with the DfE's intention to make efficiency savings.
- 3.8 The funding reforms are also designed to ensure that the funding for high needs provision is arranged on an equivalent basis across different types of provision and providers. The reforms are intended to support the integrated approach to provision from birth to 25 proposed in the Special Educational Needs and Disability Green Paper.
- 3.9 The DFE funding reforms are a move to a funding approach based more on actual pupil numbers and to combine this with a base level of funding to offer Schools, Colleges and Training Providers some stability. The new approach will see provision for high needs pupils and students, aged 0–25, funded on a mixture of a place- and a pupil-led basis, known as “place-plus”. Under this approach high needs funding will comprise three elements, which can be applied across all provision for high needs pupils and students.
- Element 1 – Core funding, mainstream programme funding costs, paid annually direct by the Education Funding Agency to Schools, Colleges, Training Providers and Independent Specialist Providers.
  - Element 2 – Additional learning support funding, paid at £6,000 per year for learners with high cost support needs – paid directly by the Education Funding Agency to Schools, Colleges, Training Providers and Independent Specialist Providers.
  - Element 3 – Top up funding. Funding from the commissioning Local Authority's high needs block, to meet the needs of individual learners. The high needs block is paid to local authorities as one of three notional non ring-fenced blocks in the Dedicated School Grant – paid by the Local Authority to Schools, Colleges, Training Providers and Independent Specialist Providers.

3.10 The funding reforms will enable the Council to influence and fund providers who offer bespoke and innovative programmes within Brent responding to identified needs. The Council will work with local colleges and training providers to consider what changes they could make in response to this and are working closely to shape programmes that will meet need within the borough from September 2014.

#### 4.0 Financial Implications

4.1 The DfE has implemented changes to the way that the education of young people with High Needs is funded in 2013/14. A proportion of the funding has been transferred into the ring fenced Dedicated Schools Grant (DSG) which the Council manages in consultation with the Schools Forum.

4.2 The local authority is required to honour the commitment to existing students for the remainder of their course and to assess eligibility for all new students for support from the high needs block.

4.3 The new Element 3 funding arrangements from the Local Authority will apply to High Needs Students from September 2013/14. A robust decision making process has already started in Brent by the set up of a tracking group consisting of connexions, transitions and SEN team.

4.4 The Education Funding Agency has funded Brent for 220 High needs students and £1.3 million funding has been provided in the DSG for the period September 2013 to 31st March 2014. This may increase demand and expenditure on the DSG.

4.5 The budget for 2014/15 is unknown as yet, as it will be determined by the Councils' data return on potential students for the 2014/15 academic year to the DFE in December 2013.

4.6 For this year's allocation which is from Sept 2013 to March 2014, there has been a mismatch in the element 2 funded places paid to colleges, directly by the EFA. The current allocation from EFA to the local authority has meant that we have supplemented colleges and independent providers. We anticipate next year that element 2 funded places to colleges will be doubled through working closely with further education providers.

4.7 The table below shows the budget and the projected financial implications :-

		£000's
Budget Allocation Part year Sept 2013 to Mar 2014:		£1,317
Number of Young People Supported:	126	
Projected additional demand part year Sept 2013 to Mar 2014	14	
Average spend per young person :		£18
Projected Gross Cost for part year Sept 2013 to Mar 2014		£1,479
Commissioned places funded directly to Colleges Part year Sept 2013 to Mar 2014: Element 2 :	49	-£172

Projected Budget Requirements for 2013/14		£1,307
		£000's
Under new policy, no of young people projected to require support in 14/15 :	150	
Average spend per young person :		£18
Projected Gross Cost for 2014/15		£2,716
Commissioned places funded directly to Colleges for 2014/15: Element 2 :	72	-£432
Projected Budget Requirements for 2014/15		£2,284

## 5.0 Legal Implications

- 5.1 In accordance with the Education Act 1996 (as amended by the Apprenticeships Skills Children and Learning Act 2009) the Authority has a statutory duty to ensure there is sufficient suitable education to meet the reasonable needs of persons in its area who are over compulsory school age but under 19 and persons in its area who are aged 19 or over but under 25 and are subject to learning difficulty assessment.
- 5.2 Under Section 139A of the Learning and Skills Act 2000 the authority has a statutory duty to arrange for a Learning Difficulty Assessment (LDA) to be carried out for any pupil with a Statement of Special Educational Needs (SEN) who:
- Will be leaving school aged 16 -19 and
  - Is going on to further education, higher education or training and
  - is likely to need additional learning support to access education or training opportunities
  - New Children arriving from abroad who do not have a statement and have a learning difficulty or disability
  - Children in mainstream schools that are supported by school action and school action plus support

## 6.0 Diversity Implications

- 6.1 An equalities impact assessment has been carried out in respect of this policy. This assessment has not identified a negative impact on any groups with protected characteristics. The policy is positive in respect of the affected groups, young people with additional needs, learning difficulty, special educational needs, it emphasises that educational provision and the learning the young person undertakes will meet their needs and is going to benefit them in later life. There is also emphasis on Local Authorities to work with local further education providers to commission new FE courses for young people into the future that are person centred and focussed on enabling young people with disabilities to live active, independent and fulfilling lives in the community. Clearly it is important that this policy forms part of a wider

approach to inclusion of young people with disabilities, as reflected in the Council's SEND Strategy. It will also be important to monitor the impact of this policy as it is implemented.

## **7.0 Staffing/Accommodation Implications (if appropriate)**

Not applicable

### **Background Papers**

Section 139A Learning Difficulty Assessments Statutory Guidance For local authorities - April 2013

### **Appendices**

Appendix A - High Needs Students Eligibility Policy

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