



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref:
Ein cyf/Our ref: ATISN 11185

12 April 2017

Dear

ATISN 11185 Funding of Specialist Residential College Placements (Learning Disabilities and other Additional Learning Needs) – Policy and new procedures, especially those for extensions to courses and additional programmes of study

Thank you for your request, which I received on 16 March 2017. The information you requested is below.

- 1) *“Information that indicates what is meant by: exceptional circumstances (para. 84 of the information document 191/2017) and very exceptional circumstances (para 92 of the same document), illustrated by relevant examples of circumstances which (i) would or (ii) would not be sufficient grounds to qualify as exceptional or very exceptional.”*

The document entitled ‘*Securing provision for young people with learning disabilities within specialist further education establishments*’ (Document 191/2017) sets out the processes for ‘requests to extend an agreed programme of study’ and ‘requests for an additional programme of study’. Please note this document has been updated to reflect a change in office address (Document 196/2017 now refers). The policy content remains the same.

In terms of what may be considered an “exceptional circumstance” in regards to ‘requests to fund an extension to an agreed programme of study’, I refer you to the example given in paragraph 85 of Document 196/2017. Whether a person’s progress on a programme of study may amount to an “exceptional circumstance” would depend on all the circumstances of the individual. You should consider all of paragraphs 82 to 91 of Document 196/2017.

In terms of what may be considered a “very exceptional circumstance” in regards to requests to fund additional programmes of study’, I refer you to the examples given in paragraph 93 of Document 196/2017. Whether a person’s previous funded programme of study or personal circumstances may amount to a “very exceptional circumstance” would

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

depend on all the circumstances relating to that programme and of the individual. You should consider all of paragraphs 92 to 97 of Document 196/2017.

2) *“A copy of the ‘technical guidance to careers wales’; confirming its status.”*

The Welsh Government published the ‘*Technical guidance for Careers Wales*’ on the 23 March 2017. This non-statutory guidance document provides advice and guidance on our expectations of Careers Wales’s involvement in the section 140 assessments¹ and application for funding process. This guidance is now in force and sets out the processes which Careers Wales are following. The guidance can be accessed via our website through the following link.

<http://gov.wales/topics/educationandskills/schoolshome/additional-learning-special-educational-needs/special-educational-needs/reports/post-16-funding-for-learning-difficulties-at-specialist-colleges/?lang=en>

3) *“Copies / extracts of all relevant correspondence, etc (for the period 1st January 2016 to 16 March 2017) between the Welsh Government and Careers Wales concerning the development, decision making and issue of the new policy and procedures specifically in relation to extensions / additional programmes of study and how a maximum two year period has become the default funding period decided by Welsh Ministers.”*

The Welsh Government provides an annual Remit Letter to Career Choices Dewis Gyrfa (trading as Careers Wales) each year. The Remit Letter sets out the services and priorities the company shall deliver in the coming year. These services and priorities are wide ranging and include responsibility to undertake the section 140 assessment process on behalf of the Welsh Government. The relevant extract within the 2016-17 Remit Letter, issued 27 January 2016, relating to the specific information you have requested is contained within Annex A (to this letter). The Remit Letter is available via our website through the following link:

<http://gov.wales/docs/dcells/publications/160330-ccd-g-remit-letter-2016-17-en.pdf>

The Welsh Government completed a review of policy and practice in this area during the summer 2016. This led to a number of actions, including revising the former policy guidance². The findings from that review are available via our website through the following link:

<http://gov.wales/docs/dcells/publications/161010-post-16-specialist-placements-en.pdf>

Careers Wales acts on behalf of the Welsh Government. The Welsh Government sets policy and expectations for practice in this area not Careers Wales. Therefore, responsibility for the development, decision making and issue of the new policy and procedures lies with the Welsh Government. The Welsh Government did however engage with Careers Wales during your specified period. Relevant extracts from meeting notes and emails that contain the specific information you have requested are included within Annex B.

In your correspondence you also request information related to ‘*how a maximum two year period has become the default funding period decided by Welsh Ministers*’. It has been the Welsh Government’s expectation, for at least the past decade, that it would ordinarily fund programmes of study lasting up to a maximum of two years in duration. I would draw your attention to previous Welsh Government guidance in this area and our position on duration

¹ Section 140 of the Learning and Skills Act 2000.

² ‘Securing provision for learners with learning difficulties at specialist further education establishments’ (177/2015).

contained within. I have set out the relevant extracts within Annex C that contain the specific information you have requested.

- 4) *“A copy of the current policy for funding young people with ALN at residential specialist colleges.”*

Document 191/2017 was published on 26 January 2017. This sets out the process, timescales, etc by which the Welsh Government will make decisions on securing provision going forward. This is the policy currently in force and the system to which we are now working to. Document 196/2017 was revised on 10 April. This guidance can be accessed via our website through the following link:

<http://gov.wales/docs/dcells/publications/170124-securing-provision-for-learners-with-learning-difficulties-en-v2.pdf>

- 5) *Statistics on: “(i) how many young people were awarded funding between 01 July 2016 and 30 September 2016 for a placement at a specialist FE establishment (England or Wales) and (ii) of these, how many were funded for a period of 2 years, 3 years and 4 or more years.”*

For the period requested the Welsh Government awarded funding for 101 placements at specialist FE establishments in England or Wales. Of these 48 were for access on a day provision and 53 were for access on a residential provision. The following table sets out a breakdown of statistical information requested:

Duration of agreed programmes of study	Total	Day	Residential
1 year	3	2	1
2 year	76	46	30
3 year	22	0	22
4 or more years	0	0	0
Total	101	48	53

If you are dissatisfied with the Welsh Government’s handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government’s Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: FreedomOfInformationOfficer@wales.gsi.gov.uk

Please remember to quote the ATISN reference number.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner’s Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,

SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Additional Learning Needs Branch
Welsh Government

EXTRACTS OF REMIT LETTER

Career Choices Dewis Gyrfa (CCDG): Remit and Priorities 2016-17

Under the section: Young People with statement of Special Educational Need (SEN)

30. CCDG is expected to continue to draw together the Learning and Skills Plans (LSP) for these clients in support of Welsh Ministers' duty set out in Section 140 of the Learning and Skills Act 2000 (i.e. assessments relating to learning difficulties: Wales) and the roles set out in the SEN Code of Practice for Wales for all learners with statements of SEN or equivalent. CCDG will draw together the LSP for individuals in their final year of school, where appropriate preparations have been made by the school and local authority for suitable annual and transition reviews and supporting assessments and reports.

EXTRACTS OF RELEVANT CORRESPONDENCE, ETC

Meeting Note entitled “Funding Application Process 2016 - Careers Wales feedback for meeting with WG” (meeting held 25th July 2016)

Request for 2 / 3 years of funding / meeting client outcomes

- *WG colleagues are well aware of the difficulties that we face on occasions in assessing this for young people with learning difficulties. We have also had numerous requests to state how courses will be delivered to meet client outcomes, which again can be problematic.*

LSP requests – amendments / additional information

- *We would be keen to work with WG colleagues to understand exactly what is required in LSPs as this year we seem to have had an unusually high level of requests for amendments and/or additional information.*

Meeting Note entitled “Draft Guidance for funding applications – Careers Wales points for clarification/concerns” (Workshop held 28 September 2016)

- *This year was difficult in relation to the issue of 2/3 year placements – presumably this will be discussed at the workshop for ISCs (specialist FE establishments) - how will this message go out to those colleges that don't attend?*
- *Section 86 (extensions) refers to issues being raised in termly reviews where learners are struggling. Could ISCs be requested to provide Careers Wales with notes from these meetings on a termly basis as we do not have the capacity to attend termly review meetings?*
- *Advisers felt that they would need further information either in the guidance notes or technical guidance about their involvement in the requests to fund additional programmes of study.*
- *Advisers have expressed concerns about the requirement introduced last year to state the duration of a programme (within the LSP), particularly for those going into vocational courses in mainstream schools who could continue to progress and for those entering specialist provision with significant and complex needs.*

Email entitled “Technical Guidance for Funding Applications - Information requested by Careers Advisers” (E-mail from Careers Wales to Welsh Government, 12 October 2016)

- *Clarification on the guidance elements relating to applications for funding additional programmes of study (sections 90-93)*

Email entitled “Concerns re. Specialist Placements” (Email from Welsh Government to Careers Wales, 08 February 2017)

Requests to fund an extension to an agreed programme of study

- *I have been advised by certain specialist FE establishments that during their recent review meetings for young people in their final year of their agreed programme of study, the careers advisers were informing the college(s) that an extension request could not be submitted. Careers advisers must take care not to act as the gatekeeper of the process as it could be seen that Careers Wales are making a decision. Only the Welsh Government can make decisions on requests to fund an extension. It is our expectation that the careers adviser, during the review meetings, would advise the specialist FE establishment on our policy regarding these requests in the context of the young person being discussed (paragraphs 82-91), including what the likely outcome could be if a request is submitted. However it is for the specialist FE establishment to decide whether to submit a request to the Welsh Government.*

EXTRACTS OF PREVIOUS RELATED GUIDANCE

SECURING SPECIALIST PROVISION FOR LEARNERS WITH LEARNING DIFFICULTIES AND/OR DISABILITIES

2008/09 Academic Year (Published August 2008)

LENGTH OF FUNDING PERIOD

48 WAG expects to fund placements for a maximum of two years. However, WAG is aware of the need to reflect individual patterns of learning and requests for funding to a third and final year will be considered on an individual basis. WAG will not fund a placement at a specialist college beyond three years.

49 WAG does not expect to see transition from one Specialist College to another. It is expected that a placement at a specialist college will enable the learner to develop the necessary skills and knowledge to develop beyond specialist college provision.

SECURING SPECIALIST PROVISION FOR LEARNERS WITH LEARNING DIFFICULTIES AND/OR DISABILITIES

Information Document (Published September 2015)

Duration of funding

Programmes of study at further education establishments 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 two years unless good reasons relating to the particular circumstances of the individual are demonstrated. The duration of a programme of study will be confirmed prior to approval. Funding for each year of an agreed programme of study is dependent on progress and subject to review. It is not the Welsh Ministers' policy to routinely fund continuous education / training up until the age of 25. Welsh Ministers do not generally expect to fund a second programme of study at a particular residential college, nor to see transition from one residential college to another, unless good reasons relating to the particular circumstances of the individual are demonstrated.

SECURING SPECIALIST PROVISION FOR YOUNG PEOPLE WITH LEARNING DIFFICULTIES AND/OR DISABILITIES

Information Document (Current policy, published January 2017)

72. Provision at mainstream FE establishments usually spans two academic years. Accordingly, the Welsh Government will generally fund placements within specialist FE establishments lasting up to a maximum of two academic years, based on a realistic programme of study agreed in advance.

73. The Welsh Government should not receive an application for a programme of study lasting more than two academic years unless exceptional reasons relating to the individual young person's capability to learn are demonstrated. Even in these cases, funding is unlikely to be offered for more than two years in the absence of objective evidence demonstrating that the provision identified as necessary to meet the young person's established needs cannot realistically be provided by a study programme of two years¹⁴. The duration of a programme of study must be identified by Careers Wales prior to the submission of an application.