

# London 14-19 Regional Planning Group - Operational Sub-Group

## London Arrangements for LLDD

Item No: 5

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### Summary

This paper:

- presents information on trends across the capital and highlights changes in post-16 costs and budgets over the past three years;
- puts forward proposals to aid London's local authorities to prepare for the handover of further responsibilities for 16-25 year old young people with learning difficulties and/or disabilities in July 2012.

This is summary paper prepared for ALDCS members; the full report is available on request

### Recommendation

The paper will be presented to ALDCS on 27/09/10. DCS' will be invited to:

1. Agree to establish and implement a common set of protocols for 2011/12 placements and task RPG with progressing this work
2. Choose whether to ask RPG to further investigate option 11.1 or 11.2 with a view to making recommendation to ALDCS for potential implementation from April 2011
3. Agree to involvement in the national testing activity for managing budgets during 2011/12
4. Task the RPG LLDD Steering Group with developing through the LLDD Networks a proposal for a London LLDD curriculum and infrastructure offer

OSG members are asked to note the content of the report, including the feedback from ALDCS, and to provide advice to the LLDD Steering Group on taking forward and reporting on the resulting workplan.

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### Recommendations

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## Background and Introduction

1. Since April 2008 local authorities have had the duty to arrange a learning difficulty assessment (LDA)<sup>1</sup> for young people with a statement of special educational needs (SEN) during their last year at school where they intend to enter post-16 education or training. Local authorities also have the power to conduct assessments of young people who are over compulsory school age but under 25 who have a learning difficulty and/or disability and are in or intend to enter post-16 education or training. On 1 April 2010 new legislation transferred from the Learning and Skills Council (LSC) to local authorities the duty to secure enough suitable education and training to meet the reasonable needs of 16-19 year olds as well as for those aged 19-25 who are subject to a learning difficulty assessment.
2. At the time of this transfer the Young People's Learning Agency (YPLA) took responsibility for the contract management of independent specialist providers (ISPs) of placements for learners with learning difficulties and/or disabilities (LLDD) and management of the budget for specialist placements. This arrangement is for an interim period to July 2012, to enable local authorities to build capacity to undertake this function.

## Trends – Learners, Budgets and Costs

3. High level trend information for London suggests that pre-16 SEN numbers have remained fairly stable in recent years, but post-16 LLDD that requires higher levels of support has increased:

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<sup>1</sup> Also known as a 'Section 139a assessment'

- Since 2006 the percentage of pupils with a statement of SEN has *decreased by 1 percentage point* to 2.7% (33,440<sup>2</sup>) in January 2010
  - The percentage of children with newly made statements placed in maintained mainstream schools (primary and secondary) has remained fairly static since 2007 at around 70%.
  - The proportion of 16-24 year olds receiving support through ALS in post-16 education *decreased by 2.1%* from 2006/07 to 2008/9. In this same period the number of young people receiving higher cost support increased 6.4%.
  - The percentage of young people aged 16-24 placed with ISPs has increased 9.8% from 2007/08 to the current academic year (504).
  - Over the three year period 2007/08 to 2009/10, 16-24 year old placements increased 7.8%; this compares to a -8% decrease in the mainstream 16-24 learner population<sup>3</sup> and 0.6% increase in 16-24 population in London (based on population projection information<sup>4</sup>).
4. The indicative YPLA budget in London for 2010/11 is £97,219,380: This is made up of High-cost ALS - £28,000,455; the LLDD Placements Budget - £34,245,000; and the SEN Block Grant - £34,973,925.
- The high-cost 16-18 ALS budget in London has increased 16.9% (£2,258,444) since 2008/09 when compared to the current academic year budget (the 19-24 high cost element is new for 2010/11 and has consequently not been included).
  - The LLDD placements budget has risen from £27,184,593 in 2007-08 to £34,245,000 in 2010-11 - a 26.0% (£7,060,407) increase over a four-year period.
  - The SEN Block Grant has remained static since 2007/08.
  - Over the four year period 2007/08 to 2010/11 the contribution to placement costs from the LLDD placements budget has increased 20.7% (£5,509,110).
  - Third-party contributions increased 66% (£730,173) from 2007/08 to 2009/10 however; the proportion of ISP costs that were met by third party contributions remained at 4.4% on average across the three years.
  - The average cost per learner increased from 2007/08 to 2009/10 by 7.4% from £61,636 to £66,219.

## Current London Issues

5. The above information demonstrates substantial year-on-year expenditure increases for LLDD that in the current financial climate will simply be unaffordable.
6. An analysis of referrals for the current academic year has shown that there is inconsistent practice across London in meeting the needs of young people with LDD. Further, a lack of consistency in assessments and referrals to ISPs will hamper efforts to effectively manage budgets and could ultimately leave local authorities open to legal challenge<sup>5</sup>.

<sup>2</sup> This figure represents pupils placed in London schools and differs to the overall number of children in London with an SEN Statement by local authority which is 36,570

<sup>3</sup> Learners numbers for the three years have been taken from each years Autumn Term School Census and the F05 Individualised Learner Record

<sup>4</sup> Population projection figures have been taken from the © GLA 2010, 2009 Round (revised) Population Projections

<sup>5</sup> *Alloway v London Borough of Bromley* 17 September 2008 - the judgement concluded that there needed to be tighter control on the quality and compliance of S139A assessments as ensuring high quality of assessments is critical in determining the provision and support young people can access  
Read more: <http://vlex.co.uk/vid/52634086#ixzz0zV2FmkGe>

7. With the imminent handover of responsibility of the remaining LLDD budgets in 2012/13 it is essential that local authorities in London take an active approach to managing the budgets and processes for LLDD during this transition period.

## **London Proposals**

8. The following paragraphs set out proposals from the LLDD Steering Group (reporting to the RPG) for improving the management of processes and budgets to ensure vulnerable young people and their families receive the best possible service and have access to the most suitable options for improving their life chances. They also support London's local authorities to prepare for the handover of further responsibilities for 16-25 year old young people with LDD in July 2012.

### ***Managing the Process***

9. To improve services to vulnerable young people and their families, address issues of inconsistency and bring about more reliable sharing of good practice, the development of a suite of **Regional Protocols** is proposed for DCSs' consideration and agreement.
10. Agreement to a set of regional protocols would be the baseline option in order to establish a common transition planning process across London.
11. More radical options for the day-to-day management of the process could also be considered:
  - 11.1 A number of sub-regional units set up as a shared service to undertake the end to end process, from transition planning through to placement, or
  - 11.2 A London Regional Unit or peripatetic team set up as a shared service to undertake the end to end process for the whole of London.
12. To actively explore these options will require boroughs to share information on resources, including staff costs and utilisation of SEN block grant.

### ***Managing the Budget***

13. Two areas of work, linking to national pilots, are proposed for preparing London to manage the high-cost ALS and LLDD Placements budgets:
  - consolidating the existing LLDD funding streams (SEN block grant, high cost ALS and LLDD placements) into a single budget, and
  - developing a Regional approach to agreeing costs for learner support.
14. **A single budget.** The benefits of a single combined budget managed by local authorities to a single framework are significant, particularly in terms of additional flexibility:
15. **Implementing the Resource Allocations System (RAS).** The RAS is a tool for local authorities to use to calculate the cost attributed to support. The concept is to design the system for local authorities so as to ensure a nationally consistent approach.

### ***Developing Local Provision***

16. Developing local provision through capital investment and realignment of the LLDD placement budget is needed to make appropriate learning opportunities available to LLDD young people and to mitigate the reliance on high-cost residential provision. It is essential that in developing an appropriate curriculum and infrastructure for LLDD across London, planning is coordinated regionally (as replicating resource locally to meet all LLDD requirements will not necessarily be in the learners' best interests, nor will it be cost-effective or demonstrate value for money).