

Guide to Post-16 Funding for Learners with Special Educational Needs and Disabilities (SEND)

This briefing is designed to give an overall summary guide to funding arrangements for SEND learners in the post-16 sector. It is **not** intended to replace guidance and supporting information published by the Education Funding Agency (EFA) or the Skills Funding Agency (SFA) which must in all cases of dispute take precedence over the information supplied below.

It is current as of April 2015 and applicable for the academic year 2015 to 2016.

Further reading to understand the processes and rates that are applicable at any given time is strongly recommended, and some useful links are provided throughout this document.

➤ **EFA-funded students**

Learners aged 16 - 18 and 19 – 25 learners with a Learning Difficulty Assessment (LDA) or Education Health and Care plan (EHC plan) whose additional support needs cost £6,000 or less.

1. Support for learners aged 16-18 without an LDA or EHC plan and 16 – 25 learners with an LDA or EHC plan who require additional support costing less than £6,000 is provided through the EFA national post-16 funding formula as disadvantage funding.

Learners aged 16 – 18 and 19 – 25 with an LDA or EHC plan whose additional support needs cost more than £6,000

2. These learners are classed as high needs students (HNS) for funding purposes. (NB Part-time students whose additional support funding would total more than £6000 if provided over a full academic year are also classed as HNS – see point 8 below.)
3. HNS funding is comprised of 3 elements:
 - a. **Element 1 place-funding:** this is the core funding that is provided to an institution for all learners as disadvantage funding. It does not take into account the additional support costs of high-needs students. LAs are not able to rectify shortfalls in Element 1 funding.
 - b. **Element 2 place-funding:** provides £6000 of help toward additional support costs for high-needs learners. This is not intended to support those with needs costing less than £6000. Place allocations for an academic year are normally determined by data supplied in the previous December. Element 2 places are not reserved for particular students or for a particular local authority (LA) – providers are free to judge how best to apportion their total allocated place funding across the number of commissioned actual places. LAs are not able to recover or reconcile unused funding for element 2 places because they are not associated with individual students or LAs.
 - c. **Element 3 top-up funding:** Funding required over and above the place-funding to enable a HNS student participate. It is administered by the LA in which the student is resident¹. Funding

¹ Where a Welsh learner is studying in the English system, the provider should contact the Welsh government to discuss payment of top-up funding. Elements 1 and 2 are funded in the normal way by EFA.

rates should reflect additional costs in excess of £6000 relating to individual learners.

4. Full information on place funding (element 1 and 2) and top-up funding (element 3) is available on GOV.UK in the [16 to 25 high needs: funding principles for 2015 to 2016](#).
5. In all instances, a high needs student's placement must be commissioned by the local authority and include the top-up funding (element 3) to be paid to an institution. An agreement must be in place between the two parties to that effect.
6. [Place numbers for the academic year 2015 to 2016](#) and the [outcome of the exceptional cases process](#) is also available on GOV.UK. This data is correct as of 1 August 2014 and will be updated by the EFA in May 2015.
7. If the local authority does not agree a placement (even where an institution may have assessed a student as requiring additional support or a student has been offered a place by that institution) and top-up funding for a student is not agreed to, these students can't be counted as high needs for funding purposes.
8. The [EFA funding rates and formula guidance](#) states part-time students whose additional support funding would total more than £6,000 if provided over the full academic year are also classed as high needs students.
 - a. Where an institution has or is considering enrolling a student that meets this criteria, the institution should, as always, hold discussions with LAs as they are the commissioners of high needs places. If a part-time place is agreed by the local authority, the institution should use place funding where available. If the institution has used all its allocated element 2 place funding, then the local authority should fund the part-time costs from its high needs budget.
 - b. Where the agreed support costs for a part-time high needs student in that academic year are £6,000 or less, then the institution should not record the learner as a high needs student on the ILR so as not to affect lagged funding in later years.
9. If a learner has an EHC plan or an LDA, the provider must report this in the "learner funding and monitoring" fields in the ILR.
10. Where a young person aged 19 or over, but under 25, arrives at a provider and is likely to need additional support costing over £6,000, the provider can request a statutory assessment for an EHC plan from the LA. The LA has up to 6 weeks to decide whether to conduct one. In the meantime the provider should enrol the learner as an adult funded as normal by the SFA. If the learner goes on to receive an EHC plan, then the ILR should be modified accordingly and the learner will be funded by EFA.
11. The local authority must keep ongoing needs for an EHC plan under review. Normally EHC plans expire when the learner turns 25, but LAs have a power to extend this until the end of the academic year in which this happened. The LA must continue to provide the top-up funding over this period, but must liaise with the SFA before they commission such programmes as funding responsibility returns to the SFA at this time.
12. If a learner aged 25 has not completed their learning programme as set out in their EHC plan by the end of the academic year, the SFA will continue to fund the provision and support costs. The learner must be placed with a training organisation specified in the EHC plan as the only provider able to meet the learner's needs, and the learner will continue to make progress. (SFA Funding Rules 2015-16, paras 400 – 400.2)

➤ SFA-funded learners

This section covers learners aged 19 and over without an LDA or EHC plan, and all learners over the age of 25. This includes those on traineeships and apprenticeships.

13. The SFA will fund learners with learning difficulties or disabilities as set out in the Apprenticeships, Skills, Children and Learning Act 2009. They will fund learning and provision for individuals who are:
 - a. aged 19 and over, and under 25, who are **not subject** to an EHC plan or LDA, or
 - b. aged 25 and over.
14. The SFA will fund apprenticeship training for individuals who:
 - a. have left compulsory school age but are under 19, or
 - b. are 19 or over.
15. High needs funding for apprentices with an EHC plan or LDA is met by the EFA through the SFA's apprenticeship funding methodology.
16. In summary, the SFA's Learning Support methodology for 19+ year olds means:
 - a. any eligible learner requiring additional support qualifies for a monthly fixed rate payment (currently £150)
 - b. if identified needs cost more than the monthly fixed rate, the provider can claim additional (evidenced) funding up to £19,000 pa from the SFA on the Earnings Adjustment Statement (EAS)
 - c. if costs exceed £19,000 the provider can apply to the SFA for Exceptional Learning Support. Agreement is first required from the SFA's Central Delivery Service using the [relevant costs form](#). The provider must confirm why learners aged 19 to 24 do not have an EHC plan.
17. If the apprentice aged 19 to 24 does not have an EHC plan or LDA, and has a learning difficulty and/or disability, then they are funded as a 19+ apprentice. This expects co-funding from the employer. The apprentice would have access to Learning Support, if appropriate. For more information see [students aged 19 to 24 without an EHC plan](#).
18. Learners aged 19 to 24 **without** an LDA / EHC plan and those aged 25+ may have to pay some or all course fees, if they don't meet residency and eligibility criteria. Please see SFA funding rules, [principles of funding section](#).
19. Learning Support is provided to help providers work flexibly and provide support activity to meet the learning needs of learners who have an identified learning difficulty and/or disability. Learning Support also provides funding for providers to meet the cost of reasonable adjustments as set out in the Equality Act 2010. For more information see [SFA funding rules 2015 to 2016 - learners with learning difficulties or disabilities](#).
20. The ILR should record that a learner has a learning support need associated with an identified learning aim by entering code LSF1 in the "learning delivery funding and monitoring" field and entering the corresponding dates.

Loan-funded learners

21. Learners funded by loans can get learner and learning support via their provider from the Loans Bursary Fund. Such claims must be for direct costs (i.e. not including any indirect costs or overheads), backed by evidence of need and of total spending on the learner.
22. For **contract-funded providers**, there are three basic rates that can be claimed depending on the level and type of support required:
 - a. rate 1 – low cost learner support (e.g. travel, meals)
 - b. rate 2 – learning support
 - c. rate 3 – high cost learner support (e.g. residential or childcare) support.

23. Only one rate per month per learner can be claimed, but the rate used each month can change to reflect the needs of the learner being supported. Evidenced costs in excess of this amount can be claimed using the EAS.
24. **Grant-funded providers** should report learning support funding using Rate 2 (above) in the “learning delivery funding and monitoring” field of the ILR using code ALB2 with the corresponding dates. Loans Bursary learner Support funding is paid via profile payments - 50% in August, 25% in January and 25% in April. These costs should be recorded in the end of AY reconciliation statement together with Discretionary Learner Support Funding.
25. For **all providers**, where learning support costs will exceed £19,000/year, agreement must be obtained from the Central Delivery Service using the [following form](#).

➤ Useful links

- EFA 16 to 25 high needs: funding principles for 2015 to 2016 - <https://www.gov.uk/16-to-25-young-people-with-high-needs-funding-principles-for-2015-to-2016#how-high-needs-funding-works>
- EFA high needs .gov.uk webpage - <https://www.gov.uk/16-to-19-education-high-needs-funding>
- EFA Funding guidance for young people Academic year 2015 to 2016 - Funding rates and formula https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/416228/Funding_rates_and_formula_201516.pdf
- SFA Funding rules 2015 to 2016: <https://www.gov.uk/funding-rules-2015-to-2016-the-adult-skills-budget-including-apprenticeships#learners-with-learning-difficulties-or-disabilities>
- SFA exceptional learning support costs form: www.gov.uk/government/publications/sfa-exceptional-learning-support-cost-form
- SFA LLDD: financial support for learners: <https://www.gov.uk/government/collections/lldd-financial-support-for-learners>



03 June 2015 | Enquiries: enquiries@aelp.org.uk Web: www.aelp.org.uk

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