



Young People's
Learning Agency

Placement Technical Guidance for Independent Specialist Providers for 2010/11

April 2010

For action

Of interest to independent specialist providers and local authorities

Championing Young
People's Learning

Further information

For further information please contact the appropriate regional YPLA office.

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For action

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Introduction

1 This guidance sets out the procedures and criteria for the agreement and placement of learners at independent specialist providers in accordance with the fulfilment of local authorities' and the Young People's Learning Agency's (YPLA's) legal duties and powers in relation to securing the provision of education and training for learners with learning difficulties and/or disabilities (who are over compulsory school age but under 25 and are subject to a learning difficulty assessment) at independent specialist providers from 1 April 2010, as detailed in the Apprenticeships, Skills, Children and Learning Act 2009 (ASCL Act).

2 The guidance includes contractual obligations and the use of the contact hours approach to learner assessments, which is required for **all** learners. Independent specialist providers are **required** to follow the overall methodologies contained within this document, and, where stipulated, are **required** to follow the methodologies concerning exceptional funding. In addition, independent specialist providers are required to ensure that whatever methodology they choose to adopt to define and evidence hours of support delivered to learners is robust, appropriately evidenced, effectively monitored and available to the YPLA.

Context

Apprenticeships, Skills, Children and Learning Act 2009

3 In June 2007, the Prime Minister announced a series of changes under the broad agenda of Machinery of Government. This included the creation of two new departments: the Department for Children, Schools and Families (DCSF) and the Department for Innovation, Universities and Skills (DIUS), since renamed the Department for Business, Innovation and Skills (BIS). These two departments share responsibility for learning and skills for people of all ages and bring together all the key aspects of policy affecting children, young people and adults, including those with learning difficulties and/or disabilities.

Contractual requirements

Funding methodology

4 The YPLA funding methodology for independent specialist providers is outlined in Annexes 1 – TG (Contact Hour Ranges) and 2 (Support Bands: Rates for 2010/11) to this document. Independent specialist providers are contractually bound to operate within the funding methodology.

5 The funding methodology reflects the comparable costs of a programme of study for a maximum of 38 weeks a year. The funding covers all elements of the programme and the support required by the learner to access the programme, including residential provision where appropriate. The funding also covers the cost of the pre-entry assessment of the learner by the independent specialist provider. No separate fees should be charged to the learner, or any agencies, in respect of this assessment.

6 The funding levels are gross, and any third-party contributions will be deducted from the fee in accordance with the agreement made between third party agencies and the independent specialist provider. Contributions made by third parties in respect of any weeks over and above the maximum YPLA 38-week funding period will not be deducted.

Exceptional funding

7 Contact hours provided to a learner that are in excess of the limits defined by the contact hours range (Annex 1 – TG) may indicate that the learner is in need of support that requires exceptional funding.

8 As set out in the YPLA education and training funding agreement (schedule 2, clause 3.3), a separate claim (Annex 7 – TG: Exceptional Funding Request Summary Form), together with supporting evidence for these exceptional needs, should be submitted to the learner's home local authority, at the earliest opportunity for consideration. All contact hours must constitute direct learner contact with a suitably qualified member of staff and not relate to back office or other costs, eg reception, administration – see paragraphs 35-45 for more information.

9 The request must clearly indicate which elements of support are considered exceptional, the associated costs of providing those elements of exceptional support and justification for why the support is needed for that learner in the circumstances.

10 In addition, requests for exceptional funding in excess of £35,000 over the published funding levels outlined in Annex 2 – TG (Support Bands: Rates for 2010/11) will be subject to an independent review commissioned by the YPLA national Learners with Learning Difficulties and/or Disabilities team. This may result in funding decisions taking longer, but the rationale is to support the YPLA and local authorities' responsibilities in respect of effective and proper use of public funds.

Non-programme delivery

11 Where an independent specialist provider is unable to deliver any element of support identified in the learning difficulty assessment, and as set out in the individual learner schedule for a period of more than one calendar month, it is a contractual obligation (YPLA education and training funding agreement, schedule 2, clause 6) for the independent specialist provider to inform the learner's home local authority.

12 Any failure by the independent specialist provider to notify the learner's home local authority of changes to the delivery of support could be considered a breach of the contract, as set out at Section 18 of the general terms and conditions of the YPLA education and training funding agreement.

Withdrawals

13 It is a contractual obligation (YPLA education and training funding agreement, schedule 3, clause 5.12) for independent specialist providers to inform the learner's home local authority as soon as possible if a learner is no longer attending the placement, by completing and returning Annex 8 – TG (Withdrawal Notification for YPLA-funded Learners at Independent Specialist Providers) of this guidance.

14 Where a withdrawal is due to a learner fatality, the independent specialist provider must immediately inform the learner's home local authority and complete a serious incident notification in line with the health and safety guidance and as per the obligations set out within the YPLA education and training funding agreement, schedule 3, clause 6 and 7.

Learner assessments

15 Independent specialist providers are required to assess learners as part of their pre-entry assessment procedures and to confirm each learner's support needs as part of the existing review processes (previously LSC process).

The assessment should be informed by the learner's learning difficulty assessment. The purpose of the learning difficulty assessment is to enable young people to progress; to learning that will lead to employment and independent living wherever possible, by identifying the learner's needs, the right support and appropriate provision.

Review reports: minimum requirements

16 Independent specialist providers are contractually required (YPLA education and training funding agreement, schedule 2, clause 2.2) to carry out a learner review at the end of the learner's first term of placement, and during the summer term of each subsequent year, including the learner's final period of funding.

17 The review report should clearly set out the progress made by the learner in relation to the agreed programme(s) of study against the learner's transition plan. It is expected that any areas of concern will be highlighted within these reports. All review reports are required to be completed and received by the learner's home local authority no later than four weeks after their completion.

18 Local authorities will find the reports useful to inform future funding decisions and the agreement and issue of the individual learner schedule for each learner, allowing for payments to be made by YPLA on behalf of local authorities. This is the process by which a change in learner support requirements is identified.

19 Where learners are expected to continue for a further academic year to complete their current programme(s) review reports must be sent to the learner's home local authority no later than 30 May to enable a decision to be made on the continuation of funding and avoid delays to payments.

20 Local authorities may set out the information they require to be included in a learner review. This may include:

- learner's personal details (name and date of birth)
- programme start and end dates
- confirmation that the learner's support needs are still as identified within the individual learner schedule and whether any support or funding changes (increased or decreased) have been identified or agreed. Where a decrease in support levels has not occurred, this should be justified to the local authority by the independent specialist provider
- input from specialists, for example where learners are seen by speech and language therapists, physiotherapists etc
- confirmation that the learner is still following the programme(s) as outlined on the individual learner schedule and any changes are clearly identified
- an outline of achievements and/or progress made towards the objectives identified in the individual learner schedule. It is suggested that the review report includes an update on all elements of the learner's agreed programme
- an outline of targets – both academic and non-academic– for the forthcoming period of study
- an appropriate transition plan giving an indication of how the transition planning is embedded throughout the duration of the learner's programme, paying particularly attention to the final period of the placement
- an update on how the programme is supporting the learner to make his or her transition beyond independent specialist provision.

21 Generally, it would not be expected to see transition from one independent specialist provider to another; it is expected that a placement will equip learners with the necessary skills and knowledge to allow them to progress beyond independent specialist provision. Where the learner is nearing the end of his or her placement, it is suggested that this update must include opportunities and support for the learner to consider alternative provision (further education, higher education, supported employment, voluntary work and so on). It would also be helpful to include opportunities for input and guidance from other agencies (guidance counsellors, social care professionals, medical practitioners, local authority officers and so on).

New placements

22 YPLA will release payment to independent specialist providers once the learner's home local authority and the independent specialist provider have reached an agreement on funding levels and an individual learner schedule has been signed by both parties and returned to the YPLA.

23 Individual learner schedules will be issued annually by YPLA on behalf of the local authority on the basis that the home local authority is satisfied with learner progress and up-to-date information on support needs has been provided through annual review reports. Independent specialist providers must ensure that review reports are received in time for the placement to be agreed by the local authority and the individual learner schedule to be created and agreed, and thus for payments to be released as set out in Schedule 2 of the education and training funding agreement.

In-year changes

24 Following identification of a change in support needs, requests to change a learner's level of funding in year (that is, at any time other than through the review process) **are likely only to be considered in exceptional circumstances**. The changes must be discussed and agreed with the learner's home local authority before amendments are put in place.

25 Once changes have been agreed by the learner's home local authority, the independent specialist provider is contractually required (Education and training funding agreement schedule 2, clause 6.1) to complete an amended Annex 6 – TG (Placement Request: Rationale of Support) and forward it to the learner's home local authority, together with the appropriate review report, and any other evidence requested by the local authority to support the change.

26 It is unlikely that changes will be agreed retrospectively.

Placement extension requests

27 It is expected that requests to extend an individual learner placement beyond the duration of the original programme end date would only be agreed in **exceptional** circumstances.

28 Effective transition planning will be embedded within the learner; programme to ensure there is clear progression at the end of the agreed placement. It is not expected that extension requests will be sought to offer additional time at a provider where effective transition planning has not taken place.

29 An example of where a placement extension may be considered to be a genuine requirement may include cases where a learner has been unable to complete their learning aims due to unexpected medical reasons. It is expected that any concerns or problems relating to achievement will be raised in termly reviews and documented within the learner's review and progress reports, and contact made with the learner's home local authority to discuss particular concerns.

30 In the best interests of the learner, extension requests should be made to the learner's home local authority as early as possible before the start of the proposed extension period and no later than the end of the penultimate term of the academic year in which the learner's existing placement ends.

Placement summary

31 YPLA national Learners with Learning Difficulties and/or Disabilities team will forward a placement summary report to the independent specialist provider at the beginning of each term, copied to the Regional Planning Group¹ (RPG). Payments will be made as shown against individual learners detailed on the placement summary report. Where payments have not yet been confirmed, these learners will be detailed. Any changes should be discussed with the learner's home local authority, which will notify YPLA.

Attendance reconciliation report

32 To support local authority planning and reconciliation processes and as set out in the education and training funding agreement schedule 3, clause 5, the regional YPLA on behalf of local authorities will, annually in June, send to each independent specialist provider based within its region an attendance reconciliation report (ARR). Independent specialist providers are required to check the details contained within the ARR and return a signed copy by 1 August, highlighting any changes, to the Regional YPLA inclusion manager within the relevant region. This is an important process as payments may be recovered in the light of any changes to individual learner attendance.

33 Following receipt of the signed ARR, the regional YPLA will contact the RPG to confirm any changes in learner attendance during the academic year.

Data and information transmission

34 The transfer of data and information should be undertaken in accordance with local authorities data transmission and encryption policies, whilst adhering to schedule 3, clause 5.3 of the Education and training funding agreement. It will be the independent specialist providers responsibility to ensure that personal information is sent securely, along with observing their legal obligations under the Data Protection Act 1998 and related legislation.

¹ Regional planning groups bring together regional education and strategic skills agendas. They will review and aggregate local authority commissioning intentions (for young people with learning difficulties and/or disabilities), endorsed by the sub-regional group against regional priorities, and manage affordability.

Completion of Placement Request: Rationale of Support (Annex 6 – TG)

Contact hours

Definition

35 The aim of the funding methodology is to allow independent specialist providers to quantify the support, in terms of contact hours, being provided to a learner in a typical week of the agreed placement. A typical week is defined as one in which normal teaching and support practices are maintained. It can be argued that where provision is affected by a one-off incident, support for the learner involved may be higher than normal, but this is expected to balance out over time.

36 Contact hours can only be provided by staff who are appropriately qualified, experienced, or whose job description includes responsibilities for them to undertake a specific service that takes place with the learner. For example:

Acceptable

- residential support worker providing support to learners during an independent living skills session, supervised by a tutor
- tutor supporting a learner to attend an evening activity.

Not acceptable

- residential support worker, without the appropriate qualifications or training, providing a specific therapy session
- tutor, without appropriate medical qualifications or training, administering medical support to a learner
- nurse, without educational qualifications or training, providing a mathematics tutorial to a learner
- non-direct learner contact, eg back office or administrative functions.

37 Contact hours can be provided to learners by staff at any time that it is identified that the learner requires support. It is envisaged that contact hours will generally be through classroom contact or contact within residential accommodation. Classroom contact includes any environment where education is being delivered. However, other areas may also have key contributors to a learner's weekly contact hours.

38 However, it is not always the case that each member of a group of learners receiving contact time from a number of staff receives equal contact time. A particular learner within the group may have more time devoted to their needs by the staff present.

Example scenario

- Six learners are being taught in a classroom by three staff members for one hour
- Learners A and B have specific needs that also require 50 per cent of the time of one additional member of staff
- Learner C also receives support from one additional member of staff.

39 Table 1 shows how the contact time of the three staff members has been allocated to the six learners. The check is that contact hours, received by the six learners, total three hours.

Table 1: Example scenario showing total contact hours

	Staff member			
Learner	Staff 1	Staff 2	Staff 3	Total hours
A	10 mins	30 mins		40 mins
B	10 mins	30 mins		40 mins
C	10 mins		60 mins	70 mins
D	10 mins			10 mins
E	10 mins			10 mins
F	10 mins			10 mins
Total hours	1 hour	1 hour	1 hour	3 hours

Contact hour bands

40 Contact hours are then further separated into two key areas:

- education and independent living skills
- care and therapy.

41 The appropriate classification of the contact time will depend on the specific needs and circumstances of the learner. However, as a general guide, any session within education and independent living skills must have definable and measurable learning objectives within the session objectives.

42 The ranges of contact hours allowed for within each funding band are shown in Annex 1 – TG (Contact Hour Ranges).

Methodology

43 A contact hour is defined as an equivalent of one hour of direct contact by one member of staff with a single learner. For example, a contact hour is equal to one hour of one-to-one support, and an equivalent hour is two hours of support by one staff member to two learners (that is, a ratio of 1:2).

44 For the purposes of calculating contact hours, it is not necessary to consider the:

- hourly rate
- annual salary

- benefits (annual leave, pension, sick leave or sick pay)
- contractual terms of the staff member undertaking direct contact with a single learner.

Staff training

45 Although this may be related to a staff member subsequently providing specific contact provision in the future, staff training costs and time have been assessed as part of the overarching overheads and are, therefore, already included within the costs included in overheads. **No time for staff training can be included in contact hours.**

Record-keeping and Audit Trail

46 As set out in schedule 2, clause 7.2 of the YPLA education and training funding agreement, it is a contractual obligation to maintain adequate records that detail the actual contact hours delivered. In the absence of such records or evidence, YPLA may seek to implement clawback arrangements. Independent specialist providers may find it helpful to share methodologies with each other.

47 Demonstration of specific contact time should be evidenced by notes (prepared at the time or shortly after the provision or support, and signed and dated by the author) within the respective learner's care plan or education records. Records are expected to demonstrate an accurate picture of the current and previous support being provided to the learner (that is, to cover the period of the individual learner schedule) and identify an appropriate person at the independent specialist provider who can provide further details or information, if necessary, to YPLA.

48 Evidence such as timetables, attendance records, session records, staff rotas and shift records, care plans and review reports by tutors are expected to verify the contact hours record for each learner and should be retained by the independent specialist provider as per existing contractual requirements. In particular, evidence outside the daily timetable should be maintained to verify contact time given to learners demonstrating staff to student ratios in residential houses during mornings, evenings and weekends. Records of actual support and intervention should support the average contact time claimed on Annex 6 – TG (Placement Request: Rationale of Support) and individual learner schedules. As part of the regular cycle of visits, – the YPLA external assurance team will randomly select a number of learners for review at an independent specialist provider to test adherence to the individual learner schedules, and also to test independent specialist providers' internal processes for defining and monitoring support provided to learners.

Profiles

49 The staffing profile for an independent specialist provider will be determined primarily by the needs of its learners. Learner-facing staff will be supported by administrative and support staff, the costs of which have been built into the funding methodology.

50 Independent specialist providers may wish to undertake, at least annually, a logic test that checks the total number of staff contact hours claimed for the entire learner population against the total contact hours that are available to be provided by learner-facing staff at the independent specialist provider.

51 Information in respect of effective practice including contact time and methods of collecting data is available in Annex 3 – TG (Effective Practice) of this guidance.

Clarification of Specific Issues and Variations in Practice

52 The provision of services within independent specialist providers is diverse and there are many different models in use. This section attempts to identify some of the specific issues and variations that may be encountered.

Learners placed at independent specialist providers, attending general further education (GFE) colleges or other education providers

53 Staff who accompany learners whilst they are attending other providers ('host providers') should be included in the appropriate category, namely either 'education and independent living skills' or 'care and therapy' detailed in Annex 6 – TG (Rationale of Support). If staff interact with learners during the sessions, this contact time should be deemed to fall under either 'education and independent living skills' or care and therapy. The provider retains discretion in classifying the type of provision its staff provide, as it will understand the nature of the service level agreement that is in place that is specific to that learner and his or her circumstances. YPLA shall want to see evidence and supporting data and may challenge the legitimacy of such costs if claimed in the absence of evidence or data.

54 Contact time may also be provided by the staff at the host provider, if the independent specialist provider where the learner is placed is paying for this provision, then the amount of time should be identified and included within the learner's contact hour records.

55 If the independent specialist provider does not pay for the provision, no contact time from the host provider's staff should be included.

Staffing

56 Contact hours can only be provided by staff who are appropriately qualified and/or experienced, as detailed in paragraphs 35 and 36 of this guidance. Examples are given below of various different scenarios.

Night staff

57 It is assumed that a proportion of the time worked by night staff will be contact time. However, it is viewed that this element will not be typical, or consistent, each week. It is advised that records are obtained for each house identifying contact hour provision in each. However, a discussion/assumptions paper is likely to be required to make adjustments for the learners receiving this contact time such that it reflects the average provision over the year (maximum 38 weeks).

58 Contact hours for night staff should only include direct contact hours, and not the number of staff and hours worked in relation to waking night duty, that is, not general apportionment of staff to student ratios. Examples of legitimate contact hours in such circumstances may include those that are required to make necessary interventions to ensure the safety of learners is maintained, for example, to administer medication, or turn learners during the night.

59 The data to be collected comprises:

- details of contact time provided by night staff to each learner during the week under review for each residential house
- night staff rotas for each residential house for the week under review
- discussion/assumptions paper dealing with loading of provision over terms.

Houseparents

60 Contact time provided by houseparents is allowable. However, it should be noted that the support provided will need to be evidenced and must be able to demonstrate that the learner requires the level of support being claimed, and that such support has in fact been provided, rather than the level of support that is simply available.

Volunteers

61 Volunteers should be included if they are contracted to undertake formalised working hours and responsibilities similar to those of fully remunerated staff (see paragraphs 35–45 and Annex 1 – TG (Contact Hour Ranges) of this guidance). If the use of volunteers is informal and they have no obligation to provide services to the learners, they should not be included.

62 In addition, where a volunteer is contracted to undertake formalised working hours and responsibilities, and is providing support to a learner for whom exceptional funding is required, the detailed assessment of support must clearly specify all areas that are provided by those volunteers, and the required evidence prepared and retained (see paragraphs 40–45 of this guidance).

Management and administrative staff

63 Management staff may be able to demonstrate, and evidence as required, that a small percentage of their time is direct contact with learners, or they may teach a few sessions or conduct a number of tutorials or reviews. This contact time is acceptable. However, if these contact hours are not regular (at least weekly) or are undertaken in only one term, they need to be adjusted for the overall provision in the year and amended to show the contact hours for one 'typical' week.

64 Some administrative staff are likely to have contact with learners, but unless this is included in their job description and entails education and independent living skills or care and therapy (with all the associated and required safeguards as set out at paragraphs 35–45), it cannot be counted as contact time because their time and costs have been included as part of overarching overheads. A valid reason for including contact time would be, for example, direct contact in supporting a learner on work placement within their office.

Catering staff

65 Catering staff certainly have contact with learners but, as with administrative staff, the only allowable contact time would be for direct contact which entails education and independent living skills or care and therapies (with all the associated and required safeguards), such as overseeing a learner undertaking work experience in their environment. Other contact time would be disallowed on the basis that it is not specific to learners and has been accounted for within the overarching overheads. The definition of catering staff does not include, for example, members of staff providing specific contact in delivering care needs for learners such as dealing with feeding tubes or other support for feeding requirements.

Technical staff

66 Specific contact time, such as instructing learners on how to use equipment, is allowable. However, if these contact hours are not regular, or are undertaken in only one term, they need to be adjusted for the overall provision in the year and should show the contact hours for one 'typical' week.

Maintenance, cleaning and/or household staff

67 Maintenance, cleaning and/or household staff are all likely to have a degree of contact with learners. As with administrative staff, the only allowable contact time would be for direct contact that entails education and independent living skills or care and therapies (with all the associated and required safeguards), such as overseeing a learner undertaking work experience in their environment. Other contact time would be disallowed on the basis that it is not specific to learners and costs have been included as part of overarching overheads.

68 If any other members of staff provide contact time to learners, this should be recorded and can be justified and evidenced as relating to education and independent living skills or care and therapies.

69 The above list is not exhaustive and therefore may omit certain situations that may be unique to the independent specialist provider. The over-riding rule for these anomalies is that if there is direct contact provision, or a justifiable case for inclusion, independent specialist providers must ensure that it is fully documented so that local authorities can make an assessment of the impact that this support has on the learner.

Equipment

70 It is expected that equipment, in general, is accounted for within the independent specialist provider's infrastructure, and thus the costs are included within overarching overheads. However, it is recognised that, for some learners, the independent specialist provider will find it necessary to purchase additional equipment to meet the individual learner's specific needs in order for them to fully participate in learning.

71 Where a piece of equipment:

- is purchased solely for the individual learner
- will follow them in their onward progression
- is so highly specialised that it is allocated solely for use by that individual

- has no future use to any other learner.

It may be possible to request exceptional funding to support the cost of that specific piece of equipment in those circumstances listed.

72 If additional equipment is identified for the learner to participate in learning, it is expected that the equipment would be in place at the start of the placement.

73 Delays in putting essential equipment in place are not justification for extending a learner's programme.

74 Funding requests should not be submitted for any equipment that will become part of the independent specialist provider's infrastructure such as tracking for hoists, shower chairs or hearing loops. When completing Annex 7 – TG (Exceptional Funding Request Summary Form) of this guidance, independent specialist providers should clearly list:

- the equipment that a learner requires
- the aspects of that equipment the learner will be providing themselves (for example, previously used in the home or other learning environment)
- where alternative sources of funding will provide for particular pieces of equipment (for example, primary care trusts)
- where funding is sought from a third party agency ie. social care, health authority.

75 As part of its role to secure proper use of public funds, YPLA would expect an independent specialist provider to have explored alternative equipment options, and properly researched prices before purchasing equipment for a learner and be able to evidence this research. Where a learner did not require the identified specialist equipment in their previous placement, the independent specialist provider should justify this additional cost as part of the information submitted to the home learner's local authority. It would not be expected that an application to fund a piece of equipment would be forwarded to a local authority part-way through a learner's programme without robust supporting evidence and reviews to demonstrate the learner's needs and identify why the equipment is deemed essential.

Asset acquisition

76 If YPLA funds an independent specialist provider for a particular purpose, and that purpose includes the funding of assets, then YPLA retains an interest in those assets. This interest is primarily a financial interest, proportionate to YPLA's funding of the asset. However, as a result of this financial interest, YPLA also reserves an interest in how the asset is disposed of. Regional YPLA needs to retain a record of these assets in order to ensure that its interests are not prejudiced. Further information can be found in *Funding Assets for Other Organisations* (LSC, February 2006).

Annex 1 – TG:

Contact Hour Ranges

Day learners

Band	Education and independent living skills: expected hrs/wk	Care and therapy: expected hrs/wk	Total volume (minimum hrs/wk)
D	4–6	0–1	5
E	6–8	0–1	7
F	8–10	0–2	9
G	11–15	0–3	14
H	11–21	0–13	20 (maximum 30)*

Residential learners

Band	Education and independent living skills: expected hrs/wk	Care and therapy: expected hrs/wk	Total volume (minimum hrs/wk)
D	7–10	4–6	13
E	8–12	5–7	15
F	10–20	5–10	22
G	14–20	10–14	31
H	18–29	14–25	44 (maximum 50)*

**This is the maximum average weekly hours funded within the band, more hours would ordinarily qualify for exceptional support.*

Annex 2 – TG: Support Bands: Rates for 2010/11

All learners whose placements have been agreed by the learners home local authority will be funded using the following rates.

Band	Day	Residential
D	£13,186	£26,689
E	£17,841	£36,249
F	£22,495	£42,303
G	£32,967	£49,069
H	£45,247	£68,829

Annex 3 – TG: Effective Practice

Example areas of contact and methods of data collection

1 The process of accurately identifying the contact hours for each learner may be simplified by splitting the learner's day into areas where support is provided by different staffing pools. The contact hours can then be collected either through specific monitoring and recording of the learner on a 'typical' week or by using specialist data already available and specialist experience of the learner support needs.

2 The examples below follow both residential and day placement learners through their week and how to identify and capture contact data.

7am 9am: Breakfast at home (note that times may vary)

Residential learners

3 It is viewed that during this time the learners are having their breakfast, getting washed, dressed and ready for the day. They may also take transport to the independent specialist provider for which residential staff may escort them. In effect there are a set number of possible contact hours provided by the residential staff to the learner population in a specific house for this period of time.

4 The most straightforward way of getting an accurate picture of the contact time provided to these learners is to identify areas of exception (such as one-to-one contact time) which can be directly attributed to a specific learner. The remaining contact time provided by the staff will be apportioned over the specific house's entire learner population using an agreed method. The method of apportionment should be discussed with an appropriately experienced staff member (such as the house manager) to ensure that the method is a fair reflection of the actual provision provided.

5 As the nature of residential support can vary significantly from week to week for each learner, it is advised that the exceptions are a fair reflection of a typical week and the average over the entire year (see paragraph 34 of this guidance).

6 Data to be collected when evidencing a learner's actual provision is:

- house lists
- residential staff rotas for the week under review
- assumption of the percentage of contact time provided by residential staff (this needs to identify times where residential staff are undertaking administrative duties)
- list of exceptions agreed by the house manager for each day (tasks that may add up over the day to more than 15 minutes and are at a ratio of one staff member to one learner or higher – for example, two staff members to one learner. The exceptions should detail learners receiving exceptional support, timings of support (start, finish and duration), type of support and the number of staff providing it (it may not always be possible to identify actual staff names).

7 Data to be collected if using management experience and assumptions is:

- house lists
- residential staff rotas for the week under review
- assumption of percentage of contact time provided by residential staff (this needs to identify times where residential staff are undertaking administrative duties)
- assumption of percentage weighting of contact time that a learner receives from the residential staff (using a learner, with average needs from his or her cohort, as a base and assessing other learners as a percentage above or below this to build up how to allocate the contact time provided)
- learner care plans to support the weighting assumptions made by management.

Day learners

8 It is viewed that day learners do not arrive until the timetabled education sessions commence; however this may not always be the case and if day learners receive contact time before 9am, a method for capturing this information should be used.

9am 4pm: Timetabled education sessions (note these are assumed times)

Day or residential learners

9 It is viewed that the information obtainable from individual learner timetables or the independent specialist provider's master timetable will allow you to build a detailed understanding of the following: when contact time occurs, other learners that are present (thus diluting the contact time available) and the staff member leading the session.

Timetabled information may not always show the presence of teaching assistants so it is recommended that each session leader completes the session record at Annex 4 (Session Record Form), which allows the capture of data, including learners present, staff members present, timing of session and more importantly the ratio of contact time provided by a staff member to the learners present (thus it picks up the one-to-one contact time and so on). This will also act as a cross check on the learner timetables.

10 An example of a completed session record is shown in Table 3.1 below.

Table 3.1: Example of a completed session record

Activity	Literacy			
Day	Monday	9am 10am		
Room	1			
	Staff members			
Learner	X	Y	Z	Comments
A	10 mins	30 mins		
B	5 mins			Left early for physio session
C	10 mins	30 mins		
D	10 mins			
E	10 mins		60 mins	
F	10 mins			

11 In the example shown in Table 3.1, staff member X provides even contact time to all learners (although adjusted as learner B leaves the session halfway through), staff member Y is attached to learners A and C only due to their needs and similarly staff member Z is attached to high-needs learner E.

12 Data to be collected if recording and evidencing a learner's actual provision is:

- individual learner timetables
- independent specialist provider master timetable and teaching assistants' timetables (if available)
- session records for each timetabled session for the week under review, detailing actual provision to learners.

13 Data to be collected if using management assumptions and experience is:

- individual learner timetables
- independent specialist provider's master timetable and teaching assistants' timetables (if available)
- session records for each timetabled session to be completed using session leader's experience of usual provision to learners.

9am 4pm: Timetabled therapy sessions (note these are assumed times)

Day or residential learners

14 It is viewed that as this provision of contact time is usually timetabled it should also follow the same methodology as the timetabled education sessions. A more distinct problem identified with this however is that learners may not receive this provision at a similar level over each of the independent specialist provider's terms. If we just look at the current term, it may overstate the current provision to learners receiving therapies, and understate therapies received by other learners during other terms. A discussion/assumptions paper to assess this issue should be produced by the appropriate head of department responsible for therapy when assessing the provision of therapy received by the learner population it has been spread over the year and an average for a typical week is apportioned to learners receiving therapy. This documentation should also identify where the independent specialist provider has assigned the therapy sessions (either within 'education and independent living skills', or 'care and therapies').

15 Data to be collected if recording and evidencing a learner's actual provision is:

- overall therapy timetable for each term
- session attendance records for the current term's provision for the week under review
- discussion/assumptions paper dealing with loading of provision over terms.

16 Data to be collected if using management assumptions and experience is

- overall therapy timetable for each term
- session attendance records for each timetabled session to be completed using session leader's experience of usual provision to learners
- discussion/assumptions paper dealing with loading of provision over terms.

17 Please note that session **content** information will not, under any circumstances, be requested by YPLA as this breaches client confidentiality.

Lunch and breaks (various times between 9am and 4pm)

Day or residential learners

18 It is assumed that learners can move between different areas within the independent specialist provider during the lunch or break periods, so recording and evidencing the entire learner population is very difficult. It is suggested that the total staffing that covers each lunch and break period for each day is recorded to ascertain a total number of lunch and break contact hours. If certain learners are provided with direct, one-to-one contact from a specific staff member this is also recorded and would be subtracted from the total lunch or break contact hours. The remaining total number of contact hours provided to the remaining learner population during lunch and breaks could then be apportioned using an agreed method that gives a fair reflection of the actual provision to the learners.

19 Data to be collected is:

- times of breaks and lunch each day
- number of learners on-site (exclude learners who have gone back to their house – this provision should be covered by residential staff data) at each break

- staff providing lunch or break contact time outside the learner's residence
- a list of exceptions agreed by an appropriate staff member for each day (tasks that may add up over the day to more than 15 minutes and are at a ratio of one staff member to one learner or higher – for example two staff members to one learner). The exceptions should detail learners receiving exceptional support, timings of support (start, finish and duration), type of support and number of staff providing it (it may not always be possible to identify actual staff names).

Medical contact time (various times throughout the day)

Day or residential learners

20 For some learners, there may be no clearly defined timetabled records of this provision, only access records, and therefore it would be most accurate for medical staff such as doctors, nurses or healthcare assistants to record their activities for a week to be recorded. The advised method of recording this is by way of maintaining a diary breaking the day down into 15-minute blocks. Each block should describe the task being undertaken and when applicable the learners involved. Please note that every staff member dealing with medical provision should undertake this recording of information. It may not be practical to request this of certain staff in the medical team and if this is the case a paper justifying contact time to specific learners should be produced with adequate evidence to support it.

21 The alternative approach is the calculation of total contact hours provided by those staff members from hours worked and experience of the proportion spent with learners. Total contact hours should then be appropriately allocated over the learner population using the experience of the specific staff members involved in the provision. Records will be required to support the assumptions made.

22 As with therapy provision, staff time may be allocated to specific learners during certain periods and may not reflect the actual average provision throughout the year. A discussion/assumptions paper to assess this issue should be produced by an appropriate staff member.

23 Data needed to be collected if recording and evidencing a learner's actual provision is:

- medical staff diaries detailing contact time provided in the week under review

- assumption of percentage of contact time provided by medical staff who have not completed diaries (this needs to identify times where medical staff are undertaking administrative duties)
- discussion/assumptions paper dealing with allocation of provision over terms.

24 Data to be collected if using management assumptions and experience is:

- assumption of percentage of contact time provided by medical staff (this needs to identify times where medical staff are undertaking administrative duties)
- assumption of percentage weighting of contact time that a learner receives from the medical staff (using the learner with average needs as the base, assess the other learners as a percentage above or below this to build up how to allocate the contact time provided)
- discussion/assumptions paper dealing with allocation of provision over terms.

25 As with therapy, session content information will not, under any circumstances, be requested by YPLA as this breaches client confidentiality.

4pm 11pm: Evening at home (note that times may vary)

Residential learners

26 It is viewed that during this time, learners are having their evening meal, undertaking evening activities, getting washed and ready for bed, or socialising, relaxing and so on. Unlike the 'breakfast at home' period (see paragraphs 3-8 of this annex), it is likely that learners may also be attending activities where contact time is being recorded separately, such as extra-curricular activities. Identification of when the learners are at home and which staff members are supporting them is needed. It may be that residential staff have taken some of the learners out for an evening activity and some learners remain with a reduced staffing provision. These movements of staff and learners should be recorded so the contact hours provided by the residential staff to the learner population in a specific house for this period of time can be calculated.

27 As with the 'breakfast at home' period, the most straightforward way of getting an accurate picture of the contact time provided to these learners is to identify areas of exception (such as one-to-one contact time) which can be directly attributed to a specific learner. The difference is that there will also be the removal of staff time due to their providing extra-curricular activities and the removal of

learners for set times due to their attending such activities. The remaining contact time provided by the staff will be apportioned over the specific house's entire learner population using an agreed method. The method of apportionment should be discussed with an appropriately experienced staff member (such as the house manager) such that the method is a fair reflection of the actual provision provided.

28 As the nature of residential support can vary significantly from week to week for each learner, it is advised that the exceptions are a fair reflection of a typical week and the average over the entire year.

29 Data to be collected is:

- house lists
- residential staff rotas for the week under review
- assumption of percentage of contact time provided by residential staff (this needs to identify times where residential staff are undertaking administrative duties)
- list of exceptions agreed by the house manager for each day (tasks that may add up over the day to more than 15 minutes and are at a ratio of one staff member to one learner or higher (for example two staff members to one learner)). The exceptions should detail learners receiving exceptional support, timings of support (start, finish and duration), type of support and number of staff providing it (it may not always be possible to identify actual staff names)
- list of exceptions agreed by the house manager for each day in respect of learners and staff attending extra-curricular activities. The exceptions should detail the timings and the absences for both the staff and learners and also the reason for the absence.

Day learners

30 It is assumed that day learners do not receive any provision during the evenings from residential staff. If this is not the case, house managers should record the provision provided by their staff to day learners to ensure an accurate assessment of hours is compiled, and the appropriate funding band recorded.

4pm onwards extra-curricular and other activities

Day or residential learners

31 Evidence should be obtained for the week under review to support any activities provided to the learners after 4pm. The evidence should be collected by the activity leader and needs to include the learners attending the activity, the timings of the activity and staff members providing the activity. Any specific one-to-one contact time provided to specific learners should also be detailed.

32 Data to be collected is:

- activity record detailing time of activity and staff and learners present for the week under review
- list of exceptions such as one-to-one contact time provided to specific learners.

Weekends

33 With the exclusion of day learners, support bands are calculated on the basis of a seven-day residency.

Residential learners

34 It is assumed that only the residential staff provide contact time at the weekends. The same method as 'breakfast at home' (paragraphs 3-8 of this annex) and 'evening at home' (paragraphs 26-29 of this annex) should be used to identify the contact hours provision to each learner. It has been assumed that staffing levels are required to be maintained for a full house provision even if learners are away for the weekend and therefore a dilution of the actual contact hours provided will need to be discussed.

35 If an independent specialist provider has a standard weekend policy, for example where students are expected to return home every third week, then a skeleton staff would be expected to provide adequate cover for the learners remaining in residence. This would also need to be reflected in any averaging out of support across a 'typical' week for each learner.

36 Data to be collected is:

- house lists
- residential staff rotas for the week under review
- assumption of percentage of contact time provided by residential staff (this needs to identify times where residential staff are undertaking administrative duties, which are excluded from contact hours)

- list of exceptions agreed by the house manager for each day (tasks that may add up over the day to more than 15 minutes and are at a ratio of one staff member to one learner or higher). The exceptions should detail learners receiving exceptional support, timings of support (start, finish and duration), type of support and number of staff providing it (it may not always be possible to identify actual staff names).

Day learners

37 It is assumed that day learners do not receive any provision during the weekend. If this is not the case, house managers should record the provision provided by their staff to day learners as an exception.

38 All of the above examples provide a method for capturing the contact hours for each of the learners receiving the respective provision of support. The independent specialist provider will also be responsible for interpreting the data so that a final record for each learner can be produced in which there is a breakdown of learners' weekly contact time over 'education and independent living skills' and 'care and therapy' and also by how the contact hours have been produced. An example of this is provided at Annex 5 – TG Summary of Results (Worked Example) of this guidance.

Annex 6 – TG:

Learners with Learning Difficulties and/or Disabilities Placement Request: Rationale of Support

Confidential

This annex is to be completed by the independent specialist provider and submitted to the learner's home local authority. The completion of this annex is a contractual requirement (YPLA education and training funding agreement, schedule 2, Clause 1.1). This form must be submitted in accordance with local authority data transmission and encryption policies as detailed at paragraph 34 of this document.

1. Learner details

Learner's name (*please print*):

Independent specialist provider:

Date of birth: / /

Proposed placement start date: / /

Proposed placement end date: / /

Learner's home local authority:

2. Rationale

Tuition/independent living skills	
<input type="text"/> Total number of weekly hours	
Activity	Number of hours per week required <i>(Please state the number of hours required for each tuition/independent living skills activity.)</i>
Education enabler (including tutorial support and teaching assistant):	
Education delivery (tutor):	
Independence:	
Delivery of social, creative and leisure activities:	
Other (please give details):	
Any other supporting comments:	
Care and therapy	
<input type="text"/> Total number of weekly hours	
Type of therapy or care	Number of hours per week required <i>(Please state the number of hours required for each type of therapy or care.)</i>
Support from doctor or other medical specialist:	
Nursing support:	
Personal care:	
Support with personal activities of daily living skill:	
Physiotherapy:	
Counselling:	
Emotional support:	

Type of therapy or care	Number of hours per week required <i>(Please state the number of hours required for each type of therapy or care.)</i>
Behavioural support:	
Speech and language therapy:	
Hydrotherapy:	
Intervention for learner safety:	
Other (please give details):	
Any other supporting comments:	
Equipment	
Please outline learner's equipment needs, detailing for which items funding is sought (please use separate sheet if necessary): <input type="checkbox"/> Alternative equipment options have been fully explored as detailed at paragraph 75 of this guidance	
Summary	
Total number of hours per week:	
Number of weeks to receive YPLA funding (maximum 38 weeks)	
Funding band:	
Completed by:	
Position:	
Date:	

Please return this form to the relevant learner's home local authority contact.

Guidance note

Where independent specialist providers believe that a learner's support needs are **exceptional**, and beyond those accommodated in support band H, they should approach the learner's home local authority **prior to offering a place to the learner**, to discuss the case. Evidence will be required to demonstrate the learner's exceptional support needs, rather than simply being a justification based on cost.

Annex 7 – TG: Exceptional Funding Request Summary Form

New referrals

1 Where independent specialist providers believe that the support needs of potential learners are exceptional and exceed the maximum average weekly hours provided at annex 1 – TG, they must ensure that sufficient information is provided at the earliest opportunity to the learner's home local authority as per the local authority's procedures to facilitate and record the placement decision and process.

2 Evidence will be required by the local authority to justify the learner's exceptional needs and show that the costs are justifiable. For this reason, independent specialist providers requesting exceptional funding are asked to complete the form at Table 7.1 in this annex, 'Justification of application for exceptional funding'.

Existing learners

3 Within the learner review process, independent specialist providers may identify that the learner's support needs have changed, and thus a request to revise funding levels may be necessary, as falling above those described within the funding methodology.

4 In these circumstances it is **expected** that any request to change funding levels (including those for learners currently funded on exceptional funding levels) will be supported by an amended rationale (Annex 6 – TG: Placement Request: Rationale of Support) and an amended Table 7.1 of this document and forwarded to the learner's home local authority, with the appropriate review report and any other relevant evidence.

In-year changes to funding levels

5 Requests to change a learner's level of funding in year (that is, at any time other than through the review process) will **only be considered in exceptional circumstances as detailed in paragraph 24**. In these circumstances, it is expected that any request to change funding levels (including those for learners currently funded on exceptional funding levels) must be supported by an amended rationale (Annex 6 – TG: Placement Request: Rationale of Support) and an amended Table 7.1 of this document and forwarded to the learner's home local authority, with the appropriate review report and any other relevant evidence. All review reports and supporting information, including information relating to in-year changes, must be received by the local authority no later than four weeks after their completion and must have been discussed and agreed in advance with

the home local authority. **It is the responsibility of the independent specialist provider to ensure that the learner's home local authority has received the documentation.**

Data and information transmission

6 Table 7.1 – Justification of application for exceptional funding and supporting evidence must be submitted in accordance with local authorities data transmission and encryption policies and as detailed at paragraph 34 of this document.

Table 7.1: Justification of application for exceptional funding (continued)

Tuition and independent living skills				
Total cost of tuition and independent living skills				£
Care and therapy				
Description of staff type	Staff cost per hour	One-to-one equivalent hours per week	One-to-one equivalent hours per year	Total cost per year
Include details of unpaid volunteers where applicable				
Total cost of care and therapy				£

Table 7.1: Justification of application for exceptional funding (continued)

Tuition and independent living skills						
Description of equipment	Is the equipment for care and therapy?	Is the equipment for independent living?	Is the equipment the learner's own equipment?	Is the equipment part or fully funded from another agency (see below)?		Exceptional costs requiring YPLA funding
				Yes	No	
				<input type="checkbox"/>	<input type="checkbox"/>	
				<input type="checkbox"/>	<input type="checkbox"/>	
				<input type="checkbox"/>	<input type="checkbox"/>	
				<input type="checkbox"/>	<input type="checkbox"/>	
				<input type="checkbox"/>	<input type="checkbox"/>	
				<input type="checkbox"/>	<input type="checkbox"/>	
				<input type="checkbox"/>	<input type="checkbox"/>	
Total cost of equipment				£		£
Total exceptional funding costs				£		£
Please provide further information on equipment that is part or fully funded by another agency to in support your application.						
Completed by <i>(please print name)</i> :						
Position:			Date: / /			
Telephone number:						

Please return this form to the relevant contact at the learner's home local authority.

Annex 8 – TG:

Withdrawal Notification for YPLA-funded Learners at Independent Specialist Providers

This form must be completed when a learner withdraws or is withdrawn from their placement and if the learner has completed the agreed programme earlier than planned. It should be completed in accordance with the obligations detailed in shedule 2, clause 6 and schedule 3, clause 6 and 7 of the YPLA education and training funding agreement and as detailed at paragraphs 13-14 of this guidance. This form must be submitted in accordance with local authority data transmission and encryption policies as detailed at paragraph 34 of this guidance.

Confidential

For completion by the principal/proprietor/owner of the independent specialist provider.

Name of independent specialist provider (*please print*):

Learner's name:

Date of birth: / /

Placement start date: / /

Agreed funding end date: / /

Last date of attendance: / /

Withdrawal date: / /

Reason for withdrawal (*please insert appropriate code from the list at the end of this annex*):

Details of withdrawal (*please include all relevant information, for example dates, times, action taken and links to any serious incidents*):

If a third party has been involved, please provide further details:

Declaration

I am aware of YPLA's policy regarding recovery of fees in accordance with the YPLA's education and training funding agreement with independent specialist providers.

Name *(please print)*:

Principal/proprietor/owner *(delete as appropriate)*

Signed:

Date: / /

Please return the original to the relevant contact at the learner's home local authority.

Learner withdrawal codes

The code corresponding to the reason for withdrawal should be taken from the following list and entered on the form in the box provided.

- A Alternative provision found
- B Learner no longer wishes to attend
- C Learner deceased
- D Learner failed to start
- E Learner unable to stay through injury
- F Learner found employment
- G Learner absent without leave
- H Learner excluded
- I Learner unable to stay through illness
- J Learner unhappy
- K Other
- L Early completion

Review reports

All withdrawal forms should be accompanied by a final review report for the learner.

Serious incidents

Where a withdrawal has taken place as a result of a serious incident, please note that this must be reported separately to the relevant home local authority within 72 hours of the incident being made known to the independent specialist provider (in accordance with YPLA's education and training funding agreement, schedule 3, clause 6 and 7 with independent specialist providers).

Learner fatality

When a withdrawal is due to learner fatality, the independent specialist provider must immediately inform its home local authority. As soon as possible, the independent specialist provider must complete a serious incident notification in line with health and safety guidance.

Funding

Please note that notification of learner withdrawals is a education and training funding agreement contractual requirement. This ensures that appropriate amendments are made to funding in line with the YPLA education and training funding agreement, schedule 2, clause 6 .

Annex 9 – TG: Request for Placement Extension 2010/11

Confidential

It is expected that requests to extend an individual learner placement beyond the duration of the original programme end date would only be agreed under **exceptional** circumstances.

This form is to be completed by the independent specialist provider and submitted to the learner's home local authority no later than the end of the penultimate term of the academic year in which the learner's existing placement ends. This form must be submitted in accordance with local authority data transmission and encryption policies as detailed at paragraph 34 of this guidance.

1. Independent specialist provider

Name *(please print)*:

Address and postcode:

Contact name:

Telephone number:

Email address:

2. Learner details

Learner name *(please print)*:

Date of birth: / /

Details of any **changes** to the learner's personal details since the original placement request was considered:

4. Proposed extension

Start date: / / End date: / /

Is the proposed extension day? or residential?

Proposed funding band:

Details of the programme aims or qualification aims for the extension request. Please demonstrate how these will contribute to the learner's long-term career, vocational or educational objectives and transition planning:

Programme aims/qualification aims	Learning Aim Reference

Will any aspect of the learner's provision be delivered off site at another provider (for example a general further education college)?

Yes No

If yes, please complete the following section.

Provider name (please print):

Contact name (please print):

Telephone number:

Programme to be completed:

How many days each week will the learner attend this provider?

To be completed by all providers

What alternatives were considered for the learner at the end of his or her current placement, other than the extension now sought? This should include the consideration of alternative provision, employment, semi or independent living arrangements. The evidence should include review reports detailing transition planning.

5. Funding information

If the extension is supported, the placement will be funded within the YPLA's agreed fees for a maximum of 38-weeks.

Where another funding body is contributing towards the current placement, please detail any agreements for funding the extension request, including whether the agreement is definite or provisional:

6. Agreements

Please indicate whether the extension request has the support of the following (*please tick all that apply*):

	Yes	No	Not relevant
The learner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family/carer/advocate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Connexions/careers advisor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Local authority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health authority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other (*if yes, please give details*):

Where the answer is 'no' or 'not relevant', please give details:

7. Additional documentation

Please indicate which of the following documents are attached *(please tick all that apply)*:

- | | | | |
|--|--------------------------|---|--------------------------|
| Learning difficulty assessment/S139a | <input type="checkbox"/> | Appropriate transition plan | <input type="checkbox"/> |
| Most recent care plan or other relevant social care documentation | <input type="checkbox"/> | Most recent educational psychologist's report | <input type="checkbox"/> |
| Most recent medical report | <input type="checkbox"/> | Most recent link course report | <input type="checkbox"/> |
| Letter to confirm funding from social services, health or other agency | <input type="checkbox"/> | Review report | <input type="checkbox"/> |

Other *(please list and label)*:

8. Signature

The form should be signed by a senior authorised officer from the referring agency.

I confirm that this extension request has the support of the referring agency.

Signature:

Name *(please print)*:

Position:

Date: / /

Please return this form to the relevant learner's home local authority.

Annex 10 – TG: References

LSC (2006) *Funding Assets for Other Organisations*, Coventry: LSC. Available at <http://readingroom.lsc.gov.uk/LSC/2006/ourbusiness/governance/nat-fundingassetsforotherorganisations-gn-feb2006-v1.0.pdf>

YPLA (2010) *Placement Information: Learners with Learning Difficulties and/or Disabilities at Independent Specialist Providers 2010/11*, Coventry: YPLA.

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