

This response was submitted to the Children, Young People and Education Committee for the inquiry: Do disabled children and young people have equal access to education and childcare?

AEC 38

Ymateb gan: Natspec

Response from: Natspec

Natspec exists to improve further education for young people with learning difficulties and disabilities. This document is a response to the Senedd's inquiry that asks if disabled children and young people have equal access to education and childcare.

We believe the answer is no and that young people with complex additional learning needs (ALN) and in particular, those learners whose additional learning provision (ALP) is not a mainstream setting, are significantly disadvantaged in comparison to their non-disabled peers.

We also believe that existing inequities will be compounded as post-16 elements of the ALN reforms are implemented.

Disadvantages facing learners with ALN whose ALP is a specialist FE college are attributable to:

- limited post-16 options and ALN Code ambiguities on entitlement to further education
- different funding mechanisms for FE learners depending on their ALP
- access to impartial information and guidance
- a lack of fit-for-purpose post-16 education transport policy and;
- a lack of monitoring and evaluation of FE outcomes for these learners.

Limited post-16 options and ALN Code ambiguities

Unlike in England where learners' post-school aspirations are supported by young people and their families being able to name a preferred post-16 provider in Education, Health, and Care Plans (EHCPs), learners with learning difficulties and disabilities in Wales have little to no choice on post-school further education providers. The default position for all learners with complex ALN leaving special school is that they attend their regional Further Education Institution (FEI) on what are typically referred to as independent living skills (ILS) programmes. If a learner, their parents or other stakeholders do not think that the provision at their local FEI is appropriate to meet their needs and /or support their aspirations for life and work there is very little they can do. It is not until the young person's regional FEI states they are unable to meet a learner's ALN **and** an LA official subsequently deems the learner has a 'reasonable need' for education and training that the specialist further education (FE) they may need can be considered.

Akin to England's Special Educational Needs and Disability (SEND) reform, the ALN Transformation Programme emphasises the importance of inclusion in education and the creation of a unified system from 0-25 years. It places new statutory requirements on local authorities (LA's) and FEI's but unhelpfully for stakeholders, the ALN Code fails to clarify what

further education and inclusion in education mean for a young person with complex ALN. For example, it is unclear whether a stated two-year entitlement to education and training is a post-16 or a post-school right.

Equal access to further education requires unambiguous guidance to enable officials across Wales to make decisions within clear parameters that will not leave learners at the mercy of postcode lotteries. If LAs make differing interpretations of the ALN Code then a lack of equal access to FE for learners with low incidence and complex ALN is inevitable.

It is crucial for learners whose ALP is a specialist FE college that the principle of all learners being included in education by having access to the provision they need should trump a place-based interpretation of inclusion. An assumption that the definition of inclusion is limited to all based interpretation of inclusion. An assumption that the definition of inclusion is limited to all learners being educated in mainstream settings risks those young people whose needs cannot be met by an FEI being excluded from further education altogether, and instead referred to a social care setting straight from school.

We must not allow the notion of educating all young people in a mainstream setting to mask the right of learners with complex ALN to learning experiences of equally high quality to their non-disabled peers. Specialist FE colleges established specifically to meet the needs of learners with complex ALN provide some of the most inclusive learning environments in education. Assumptions that such providers are 'anti-inclusion' are limiting and discriminatory. When we talk about inclusion in education, it is the system, rather than individual settings, that must be able to accommodate and provide high quality provision for all learners. Specialist FE providers are essential to achieving an [inclusive FE system](#). Natspec is wholly supportive of the vast majority of learners with ALN accessing high quality FE in FEIs and we are actively working with FEIs supporting them to meet a wider breadth of ALN. However, for those who can't attend FEIs, Welsh Government should clarify ambiguities so that all learners can have equal access to the FE they need.

A critical point to bring to the Committee's attention is that differently disabled young people whose needs can be met by their regional FEI are not subject to the same assessments of a 'reasonable need' when their further education journeys are being planned. As a result, they are far more likely to have an uncontested route to further education. We therefore have the position in Wales where the ALP a learner requires, determines the likelihood of them being able to access it. Welsh Government is reliant on specialist FE providers to deliver education and training to the small group of learners who need them but the route to accessing this provision for those who need it is far from equitable.

Different funding mechanisms

For the most part, the complexities of ALN learners in special schools have, means they stay in school until they are 19 years old. At which time, most learners are deemed ready to take on the challenges of new environments and target-driven, destination-led FE programmes to ensure they are best prepared for their post-college adult lives.

Under the former SEND system, and to ensure equitable access to further education, Welsh Government have used what they have called 'discretionary powers', to ensure school leavers, dependent on their needs, can attend either a mainstream FEI or a specialist FE college. Careers Wales Advisors have facilitated pan-Wales applications to specialist FE colleges administered by the Welsh Government.

The ALN Code does not hold that these discretionary powers should be maintained. We remain very concerned that this omission combined with ambiguities in the Code will result in some LAs deciding that 19-year-old special school leavers, many of whom will only ever have attended

one school, will have already received a two-year entitlement to post-16 education and training by the fact they are 19 years old. As we have previously highlighted to the Committee, this will mean that ALN reform will result in a significant reduction in opportunities for skills development for learners with learning difficulties and disabilities in Wales.

It is important to bring to the Committee's attention, the context in which assessments of a 'reasonable need' for education and training will be made. Comparable decisions in England must be made by an Educational Psychologist however the ALN Code is weak in describing the parameters for assessments of a reasonable need for education and training and who should make them. At best, these learners will be reliant on fit-for-purpose, age appropriate IDP outcomes emerging from timely transition planning. However, anecdotally, we are already hearing of examples of IDPs being ended or not written for post-school contexts. Further, that where IDPs are present that their quality and appropriateness for further education is vastly varied. A further factor of concern is that unlike in England where 'high needs' funding follows the learner regardless of their provider, responsibility for funding for learners whose ALP is a specialist FE college is being devolved to LAs. It is difficult to not fear that the different funding mechanisms for learners whose ALP is a specialist further education college as opposed to an FEI will compromise the decision-making of cash-strapped local authority officials required to pay for specialist FE provision.

Questions over how the rights of learners with complex ALN to access further education and training will be maintained under the new funding arrangements have repeatedly been raised by a breadth of stakeholders including Natspec, Estyn and the Third Sector Additional Needs (TSANA) Alliance. Welsh Government's own investigation by a former Estyn HMI into the ramifications of the devolution of FE funding for these learners to LAs has never been published.

Furthermore, for learners likely to require funding that will derive from different budgets, e.g. health, social services and education, the loss of the lead commissioner (currently Welsh Government) will inevitably result in internecine disagreements delaying transition planning. These scenarios are likely to be compounded when learners move from Children's to Adult services which will occur around the time that a learner transitions from school to further education.

Impartial information and guidance

Under the new arrangements Careers Wales Advisors will no longer have statutory roles supporting learners with complex ALN and their families to identify and navigate post-16 education and training options.

We believe that the loss of this significant expertise in transition planning will be of detriment to the sufficiency of post-school information and guidance and that a system which implicitly incentivises LAs to not commission placements at specialist colleges will imperil the impartiality of any information and guidance learners and families receive.

Comparable arrangements in England has resulted in huge inconsistencies and difficulties for young people and their parents in how information is communicated, its timeliness, availability, sufficiency and quality.

We urge the Welsh Government to resource a one-stop information source building on the ALN pathfinder website that will provide learners with low incidence and complex ALN and their families with reliable, quality assured impartial information and guidance.

A lack of fit-for-purpose post-16 education transport policy

We are increasingly aware of learners who have secured placements at specialist colleges being

unable to take them up because of a lack of transport to and from college. Specialist FE colleges are unable to incorporate any travel costs into fee calculations yet Welsh Government have no transport policy for adult learners, and it is at the discretion LAs whether they cover learners' travel costs.

When transport arrangements are in place, they need to be adaptable. FE programmes for learners with learning difficulties and disabilities focus on personal development goals that often include being able to travel independently. So, in addition to a need to ensure learners can get to and from college, flexibility should be in place to ensure changes to arrangements can be made as required as learners build skills for independent travel.

Monitoring and evaluation

Wales collects no destination data on learners leaving ILS programmes in FEIs, and only limited information on the post-college destinations of young people who have attended specialist FE colleges. This means that the Lifelong Learning Wales Record (LLWR), the official source of statistics on post-16 learners in Wales is devoid any data on this group of learners. They are thus not represented in the funding, monitoring and quality assurance aspects of Welsh Government planning based on LLWR.

We also bring to the Committee's attention that the newly created Commission for Tertiary Education and Research established to oversee all post compulsory education and training in Wales will not include specialist FE providers.

It is perverse that Welsh Government's aspiration for a more equal Wales is being met with the continued categorisation of these learners and providers as 'other' for whom regulation, quality assurance, monitoring and research are not deemed to be on a par with other post-compulsory provision.

Learners and their families should not have to face the inequities outlined above. We urge the Children, Young People and Education Committee to use this inquiry to challenge Welsh Government. It is simply not acceptable to acknowledge these issues and sit back and wait for the system to be tested by tribunals placing unwarranted pressure on learners, their families, and scant resources.