

EB 21

National Assembly for Wales

Children and Young People Committee

Education (Wales) Bill : Stage 1

Response from : Carmarthenshire Educational and Child  
Psychology Service

**In particular the proposal for legislation for Post -16 assessment of educational and training needs and specialist Further Education**

- There was a concern that this proposal should be linked with the proposed statutory reform for ALN which has undergone consultation 'Forward in Partnership for children and young people with additional needs: Proposals for reform of the legislative framework for special educational needs' with the consultation summary document having recently been published by WG. The statutory reform has been delayed following this consultation and we are surprised that the element involving transfer of responsibility for looking after young people with ALN until the age of 25 to LAs, has been separated from the main proposal for statutory reform. We do not believe that this departure should have occurred, and it does not appear appropriate to proceed with this element at this time.
- There also appears to be some discrepancy in the WGs approach to the wider education agenda, with the consultation on the Bill coinciding with that for the recent Hill Review. This Bill suggests giving a far larger responsibility to LAs (with huge financial implications), at the same time as the Hill Review is suggesting removing responsibility from LAs, with some indication that they may not exist in the future!
- We do not believe that transition processes will necessarily improve through the options outlined in this Bill. If this change has to proceed before the statutory reform, then an alternative approach would be to maintain statements until the age of 25 (as, we believe, is likely to be the proposal for IDPs?). This would ensure that the young person's annual review at age 16 in school would result in multi-disciplinary decisions about their current needs and the future provision they may require. The regulations could prescribe a person-centred approach to this process. However, waiting until the timing of the main statutory reform programme for ALN would be preferred.
- This last point we have made refers only to young people with statements of special educational needs. We are concerned that there is a lack of clarity in the Bill as to the precise population of young people to which the proposals would apply and consider that it will be crucial that this is unambiguously defined.
- The cost implications of this proposed change is likely to include potentially large numbers of 'additional' groups of young people than those whose needs are met at school. At the 'milder' end of the learning continuum many young people who have been able to cope without significant support at school (such as those with specific learning difficulties or who are on the high functioning end of the Autistic Spectrum

Continuum) face far greater challenges when they move into the University environment where independent learning is required. Their needs are currently met through the Disabled Students Allowance. On the more 'severe' end of the continuum of need mental health issues which can severely affect access to learning and training opportunities often have their onset during young adulthood.

- We believe that whatever process is selected, and implemented, the emphasis should be on encouraging post 16 education and training providers, including employers offering work based training, to develop their provision to meet needs, rather than a process where a young person is assessed to see if they 'fit into' a certain placement i.e. we would advocate a 'needs'-led' approach. Should there be an element of the providers contributing to the plan by stating how they propose to meet the needs of the young person? Would these providers be called to the SENTW if they failed to deliver, rather than the education authority? It is hoped that the Welsh Government's 'Unlocking the Potential of Special Schools Further Education' and 'Real Opportunities' projects will help in raising the capacity of FEs and employers to meet the needs of young people with disabilities. .
- The Bill outlines that each LA must engage an independent advocacy service for the young person when wishing to make an appeal, which is an additional cost to that of the current system. From our experience in Carmarthenshire, the employment of LA personnel as Family Support Workers in the Child's Right of Appeal project has proved invaluable in supporting families whose children are undergoing statutory assessment, or are involved in the Child's Right of Appeal pilot study. Although a cost is incurred in employing Family Support Workers, this could be regarded as 'invest to save' for LAs, as the work undertaken by the workers has improved communication between the LA and parents, resulting in increased parental confidence in the system, and a reduction in parental anxiety. Consequently, fewer parents have considered the need to proceed to tribunal.
- Whilst developing local provision was considered to be paramount, particularly with regards to promoting social inclusion within the young person's local community, some colleagues raised the interesting point that it may not be equitable to discourage some young people from requesting provision outside their locality whilst other (more 'academic') young people are often encouraged to 'spread their wings' by going further afield for higher education. However, this needs to be balanced with the cost to the LA. Funding for out-of-county placements should perhaps be shared between LAs and parents in some instances, to ensure that the cost of expensive residential placements does not impact on the ability of the LA to provide for the majority of young people with disabilities who wish to remain in county.
- FE Colleges are currently funded by Government grants to develop provision for additional needs, and will continue to do so under Option 4 - will this be ring fenced, and will it be substantial enough to develop good quality provision and indeed extend it as proposed? Will schools with sixth forms be able to access the same funding?
- We believe that Educational Psychologists would be the most qualified and appropriate professionals to undertake the assessments required post-16, as they are well-positioned to provide an holistic assessment of the young person's needs. However, we note that currently there is not the capacity within the current

profession in terms of human resources to undertake this. Consequently, there are workforce planning issues to ensure that there is a sufficient number of Educational Psychologists in the future. There may also be considerable financial implications for training the current workforce in post-16 assessments, and for purchasing suitable assessment resources. This is likely to be the case for any assessors from an educational background, since they are currently trained to work with, and support children and young people of school age. Similarly there will also be cost implications for the assessors to develop their knowledge and understanding of the contexts of post 16/19 provision (i.e. outside of the school system).

- We are also unclear where this legislation dovetails with Student Finance Wales processes for applying for Disabled Students' Allowances in Higher Education. It is not clear from the Bill whether the WG envisage this process being included in the current legislation, or whether the current system of the parent/young person requesting an assessment of their possible additional learning needs in order to obtain, Disabled Students Allowance will remain. We would appreciate clarity on this point. The current system at HE is supported, in the main, through detailed private assessments during the first stage of the process of the student providing evidence that they would be eligible for an Assessment of Study Needs and Study Strategies. To bring that responsibility into the LAs would require an enormous amount of additional funding, particularly if SENTW could become involved in a refusal to assess. Furthermore, our understanding is that the process for administering the Disabled Students' Allowances for Student Finance Wales is, this year or next, being centralized AWAY from Local Education Authorities.
- There were concerns that increasing SENTW's role to cover this far wider age range of young people – where provision responsibilities is shared between a number of stakeholders would have enormous cost implications. Involvement in SENTW tribunals is very costly, both in terms of money and time. Have the costs of the SENTW process to date – without this large increase in responsibility – been calculated?
- A change in funding when LAs have been told to make cuts (by about 30%) is of great concern. Without very precise 'earmarking' of the moneys required to meet this new need there is a danger that it could become 'lost' in the system'.
- 25% of respondents to the consultation on the statutory reform '(Forward in Partnership for children and young people with additional needs: Proposals for reform of the legislative framework for special educational needs)' were undecided as to whether increasing the age range to 25 was a good idea, and the responses from that consultation should be taken into consideration. There seemed to be little more certainty in the response to that question than to some of the other questions – another reason to consider why this aspect was not given more time, in line with the majority of the proposals in the document?
- This proposal should link to the Social Services and Wellbeing (Wales) Bill, which provides for vulnerable young people in the 16 – 25 (or 21?). It is understood that this, also, may be on the lines of a multi-professional, person-centred approach. We should surely be working towards a dovetailing of all these statutory reforms to work towards a single, holistic plan for children and young people i.e. needs rather than service led.

- We are aware that the WG has planned a number of workshops involving key stakeholders over the coming months, to look in more depth at the proposals outlined in the consultation paper 'Forward in Partnership for children and young people with additional needs: Proposals for reform of the legislative framework for special educational needs'. Would it be prudent to wait for the outcomes of these consultation workshops before progressing with the 16 – 25 element of the Bill, rather than proceed separately without, what we would consider to be, crucial information?