

EB 24

National Assembly for Wales

Children and Young People Committee

Education (Wales) Bill : Stage 1

Response from : The Association of National Specialist
Colleges

Natspec, the Association of National Specialist Colleges, represents 76 member colleges and 8 associate members. Seven member colleges are located in Wales, together with one FEI with specialist provision, and a number of English colleges take Welsh students, sometimes in significant numbers. These specialist colleges offer learning programmes and inter-disciplinary support for students with a wide range of learning difficulties and disabilities. They give students a personalised learning experience tailored to their needs, abilities, aspirations and interests. Skilled inter-disciplinary teams, real living and work facilities and innovative use of technology enable students to thrive and reach their true potential.

Natspec has been a member of the Welsh Government's Task & Finish and Delivery & Implementation Groups on funding the transition of young people with additional learning needs from pre to post-16 education, and has welcomed the opportunity to contribute to these discussions. We would support the conclusions reached by the group and summarised in paragraph 104 of the Explanatory Memorandum, in particular the acknowledgement that 'for a few learners, specialist residential placements will remain the right option'.

We welcome the opportunity to respond to the committee's call for evidence. Our comments relate largely to the Post-16 assessment of educational and training needs and specialist Further Education. However, we also wish to seek clarification about the Registration and regulation of teachers and the wider workforce, as it is not clear if these proposals apply to specialist colleges.

Please contact Alison Boulton, Chief executive, Natspec

Summary of key messages

1. Need for qualified and experienced staff, who understand post-school options, to undertake assessments
2. Concern that LAs will assess for FEI places, as they will not then be responsible for funding
3. We would like to see the evidence that local provision is necessarily better value for money
4. We welcome a less complex and bureaucratic system, but we are not entirely sure the proposals will deliver this

1. Undertaking assessments

We are aware of the current problems with the S140, in particular that it is often carried out late and that it does not always get forwarded to colleges. We also appreciate that Careers Wales may not always have the skills or resources required or undertake these assessments.

Our concern is that the legislation is not clear about exactly who in the LA does have the skills and expertise, bearing in mind that this is the group of young people with the most complex needs. This is especially so at a time when there are financial constraints on LAs. We would therefore wish to see something in this part of the legislation that mirrors the proposals in the education workforce elements; that is, to support high standards of conduct and competence. Anyone carrying out such an assessment should have **appropriate experience, knowledge and qualifications** in order to understand the young person's aspirations and goals and their learning and support needs, and be able to communicate effectively with them. They also need to be **well informed about the full range of post-school options** that are available and to understand how these differ from schools in their purpose and operation. Familiarity with them as school children may not necessarily mean they have the expertise to understand their needs as young adults.

We are not sure that the timescale proposed is adequate; we believe that this process should start **before** the final year of compulsory schooling, to ensure that sufficient time is available to explore a full range of options. The Explanatory Memorandum para.111 notes that 'Careers advisors are not always able to attend SEN reviews in year 9 to ensure that transition planning starts early, and are not well placed to work with FE colleges to plan for meeting future needs'. We would therefore welcome some assurance that LAs will indeed attend reviews and undertake planning not only with FEIs but will also engage productively with specialist colleges.

We welcome the development of a revised Code of Practice, but without having seen

it cannot comment on its effectiveness in improving practice

2. The role of LAs

It is not clear how the proposed system treats all young people with the most severe and complex needs the same, as the result of the assessment will lead to different funding routes. The LA acts as assessor for all, but only as commissioner and funder for some – those assessed to need specialist provision. There is therefore a **perverse incentive for LAs to assess for FEI places** because they will not have to bear the cost. While we welcome the new right of appeal to the Special Educational Needs Tribunal for Wales, we are not sure that relying on this right of appeal is a helpful approach to mitigating this risk; in fact **it could lead to a more litigious system**, rather than the desired person centred one.

The one advantage that we would see from greater involvement of the LA is that they will be **better placed to understand and provide on-going support** once the young person leaves their college placement. If the LA takes full responsibility for the places it commissions, then it can support transition into adult services, help to find housing or supported living, and liaise with employment services.

3. The value of specialist provision

Paragraph 258 suggests that local provision would ‘offer better value for money’. We are **not clear what evidence this is based on** or how judgements about value for money are reached. It does not make sense to assume cheaper options are necessarily best, nor that all young people choose to stay locally; in fact, many of them welcome the opportunity to move away and become more independent. We believe that young disabled people, like their non-disabled peers, should be supported to study and live where they choose

Whilst the costs of specialist provision are robust and transparent, currently there is no comparable data for students placed elsewhere, and **until such data is available decisions about value for money are not possible**. It is important when making these judgments to ensure that the full costs are taken into account. As noted in ‘Post-19 Education Provision for Young People with Complex Learning Difficulties Living in Wales: levels of need and current provision’ (Welsh Government Social Research, 2013), the costs for a specialist college cover ‘the education provision and learning programmes attended by the young people, additional learning support, 24-hour support for personal care (where needed), 24-hour support for complex health care needs (where needed), access to therapy (where needed), some social activities during the evenings and at weekends, and accommodation, food and transport during college term-time’. **For a valid comparison to be made, the full**

costs need to be taken into consideration.

In addition, specialist colleges tend to meet more complex, often low incidence needs, and have built up expertise and resources to do so. **Attempting to duplicate such highly specialised provision in every area is potentially wasteful** and unlikely to deliver the same level of service.

The Bill does not recognise that specialist colleges are also **local** colleges in the area in which they are based, and can therefore make day provision for young people for whom this is appropriate. We would wish to see this option made explicit in the Bill and code of practice.

We welcome the emphasis on a person centred approach, but would expect this to support the young person's choices, and provide advocacy to ensure they were able to exercise such choice.

4. A less complex and bureaucratic system

It is not clear how a system in which the assessment is in one place but the funding responsibilities are split depending on final placement is less complex than the previous, centrally managed system.

In option 2, it states that 'If these funding streams were to transfer to local authorities FE colleges might have to apply to several authorities for funding'. This is exactly the position in which specialist colleges, working with a number of different LAs, will be placed. This will clearly **add to the administration and bureaucracy** of operating such a system.

Alison Boulton

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