

**Written Response to the Enterprise and Learning Committee's Report
On Provision for Post-19 Students with Additional Learning Needs by
Jane Hutt, Minister for Children, Education, Lifelong Learning and Skills.**

2 June 2009

Ensuring equality of access to education is a high priority for the Assembly Government and I welcome this report and the opportunities that have arisen leading up to it, to discuss post-19 provision for young people with additional learning needs.

The issues raised in connection with this provision are linked closely with the findings of the former Education and Lifelong Learning Committee's review of Special Educational Needs (SEN): in particular its review of arrangements affecting transition from school to further education, training, and employment. Transition to adulthood was also considered as part of a wider review by the then Equality of Opportunity Committee into service provision for disabled young people.

The recommendations in this report fit with our current work on transition and I am pleased to be able to accept them. Each recommendation will be furthered in the context of their intended outcome and integrated into our work on transition.

I have set out below my response to the Report's individual recommendations.

Detailed Responses to the report's recommendations are set out below:

Further education provision for young people with profound and multiple learning difficulties (PMLD)

The Committee recommends that:

The Welsh Assembly Government develops policy in this area and implements it with appropriate levels of support as soon as is practicable.

Response: Accept

I accept this recommendation.

Welsh Assembly Government policies for young people extend to age 25 in recognition that individuals under the age of 25 may be more vulnerable than those over 25 and may need more support to enjoy their rights. This approach received cross party support and it was set out in an overarching document called 'Extending Entitlement: Supporting Young People in Wales'.

The former Education and Lifelong Learning Committee rightly described transition to adulthood as a process and not an event. It can begin for some as young as 13 and the need for transition support can continue well into

adulthood. Our Transition Working Group includes representation from fforwm, which is the umbrella organisation working on behalf of further education colleges in Wales and Skill, a charitable organisation which works to promote equality of opportunity for disabled learners in post-16 further and higher education, training and employment.

In March this year I approved funding of £50,000 per annum for three years to enable Skill to develop their services to post-16 disabled learners in Wales and to represent the interests of these learners in the development of post-16 policy.

Whilst there is scope for improvement, it would be wrong to suggest that no provision is made for further education for young people with severe/profound learning difficulties and/or disabilities in Wales. The relative costs of provision designed to meet the needs of these learners are recognised within the National Planning and Funding System. There are two weights in the funding system, one for provision aimed at learners with moderate learning difficulties and another (the highest weight in the system) which is aimed at provision for learners with profound learning difficulties. In 2008-09, £8m was allocated for provision in the latter category. In addition to this, extra funding is available to colleges on a case by case basis to assist them to secure the additional support needed to make their provision accessible to individual learners who would otherwise be eligible for residential funding.

Under equality legislation, colleges themselves are under a legal duty to take equality into account in everything they do and to make reasonable adjustments to ensure they are not discriminating against anyone on grounds of disability, race, gender or religion. College equality and diversity committees work with college governors to take forward actions set out in the college's equality plan, which all colleges are legally required to publish each year. Individual learners who feel they have been discriminated against by the college on disability grounds can complain to the college and can pursue their case through the courts. The Commission for Equality and Human Rights operate an independent conciliation service which is intended to reduce the need to recourse to the courts.

In addition to providing independent living skills courses, some colleges have developed specialist provision. For instance, Bridgend College has an on site residential facility, called Weston House, which meets the needs of learners with learning difficulties and/or disabilities. From September 2009 this college will have a further 5 residential places available for learners with profound learning needs. Barry College has a specialist provision called Earshot which supports learners with sensory impairment and Neath Port Talbot College is working closely with the RNIB to enhance its support for learners with visual impairments. Pembrokeshire College's cross college commitment and support for learners with a wide range of disabilities, including learners with severe learning difficulties and/or disabilities, won it a UK Mencap and RNIB Inclusive Beacon Award in 2005.

In recent months, the YMCA (Community College) has entered into partnership with the Touch Trust to trial a part-time course from September 2009 for 6 young people with profound and multiple learning difficulties. The Committee may be interested to note that this recent development, together with the new places planned at Weston House, Bridgend College has provided the petitioner with a workable option. All the details of the package are still to be finalised and Careers Wales are working with the petitioner to secure these.

Whilst some colleges are able to provide for learners with severe and profound learning difficulties, a very small number of these learners have needs which are so severe and complex that it is not possible to secure further education provision without also securing boarding accommodation. This is recognised in the Learning and Skills Act which requires Welsh Ministers to secure specialist residential accommodation for those learners aged up to 25 whose needs are such that further education cannot be provided without it. The numbers of learners requiring such provision is small and it is not possible to secure it all in Wales. In 2008-09 we funded specialist FE provision for about 200 learners in residential colleges in England and Wales.

We recognise that for learners with profound learning difficulties to access local further education provision, a multi-agency approach is essential. Our work on statutory reform of the current statutory assessment and statementing system includes a pilot aimed at meeting the needs of children and young people with complex needs through a multi-disciplinary model for securing provision for children and young people with complex learning needs. We will ensure that agencies involved in this pilot work closely with fforwm and Skill Wales in order that provision for the learning needs of young people up to the age of 25 with profound learning difficulties is fully accounted for.

Financial Implications – None. Any identified costs will be drawn from existing programme budgets.

Transition Planning and the Role of Careers Wales

The Committee recommends that:

Given that there is a convincing body of evidence on the need for transition planning to happen earlier than currently appears to be the case in most instances, and given that the Special Education Needs Code of Practice identified that the annual review of needs held in year 9 is particularly significant in preparing for the learner's transition to the further education sector, work-based learning, higher education and adult life, we recommend that the Welsh Assembly Government undertakes an immediate survey of the work of Careers Wales to determine where this is not happening and provides guidance and training to ensure best practice is implemented in future.

Response: Accept

I accept this recommendation.

Transition planning is an important part of the statutory statementing process which we are working to reform. As referred to previously, we have four statutory assessment and statementing pilot projects scheduled to start in September. Two of these pilots are concerned with provision for learners with non-complex and complex needs respectively, and a third is concerned with the role of the Additional Learning Needs Co-ordinator. The fourth pilot project concerns quality assurance, because it is important to ensure that there are effective processes in place to deliver improved outcomes for learners.

A timely multi-agency approach is essential to the transition process and we are mindful that effective communication between agencies needs to begin as soon as possible and that relevant agencies should all contribute to the Transition Plan in Year 9.

The Transition Stakeholders Group set up to take forward the former ELLS Committee recommendations on transition is made up of four sub groups - education and training; employment and skills; key workers and transition planning. Existing evidence and the work of these transition sub groups will be taken into account in the pilot projects, which will in turn inform the development of a reformed statutory assessment and statementing process, including SEN planning, review and transition.

The former ELLS Committee recommendations around transition included the need to strengthen the advice and guidance given by Careers Wales to young people with SEN. The Assembly Government is actively involved in steering the Institute of Career Guidance's UK review of the training and qualification needs of workers in the guidance sector. Through its involvement with this review we aim to ensure that the needs of Welsh learners, including those with additional learning needs, are accounted for.

Alongside other agencies, Careers Wales plays an important part in the transition process. The Welsh Assembly Government is committed to ensuring that all young people receive careers advice and guidance which is appropriate to their needs, career aspirations, and personal development.

Currently Careers Wales is required to attend all transition reviews for clients aged 14 years. Where this is not possible (eg due to timetabling) then Careers Wales is required to undertake an individual interview with the client and their parent/guardian and to send information to the review for inclusion in the package of support developed by professionals from all agencies involved in the transition process.

We are currently undertaking a comprehensive review of Careers Wales. In May this year the Deputy Minister for Skills published the first product of that review in the form of an independent assessment of how Careers Wales arrangements compare with careers information, advice and guidance

systems in the UK and elsewhere by reference to OECD criteria of best practice. The independent assessment, undertaken by a leading expert in the field of careers guidance identified strengths and weaknesses in the current arrangements. It reported that Careers Wales was a strong and highly professional organisation of which the Assembly should be proud.

This review was also informed by an Estyn report, published at the same time, which gave an overview of Careers Wales companies' performance based on evidence of recent inspections. The initial findings recognised the need to broaden the scope of the review beyond Careers Wales so as to encompass the range of careers education and advice provided by schools, college HE and the voluntary sectors. This second phase of the Careers Wales Review will also include an examination of the particular requirements of different client groups, including those with additional learning needs, in helping individuals develop their career aspirations, learning pathways and career self-management and skills.

Financial Implications – None. Any identified costs will be drawn from existing programme budgets.

Funding Specialist Residential Further Education Provision

The Committee recommends that:

The Welsh Assembly Government establishes effective procedures whereby decisions on funding support are communicated to learners and families no later than 1 July each year.

Response: Accept in principle

I accept this recommendation in principle.

Applications for specialist residential colleges are informed by the transition planning process and are collated and submitted by Careers Wales.

Complete applications received by January each year for a September start should allow sufficient time for decisions to be made by 1 July. My officials are committed to ensuring that learners and their families receive decisions as soon as possible. However, it should be noted that many applications received for specialist residential FE placements are incomplete. In order that essential funding criteria are satisfied, the need to seek out relevant supporting information inevitably delays decisions. Procedures and criteria are available and published, targeting the specialists working in this field, along with a parents' guide which is made available through Careers Wales.

The transition process for learners with a learning difficulty and/or disability (LDD) should provide the opportunity for professionals working with the learner to identify why such provision is necessary and for this information to

be recorded in the Transition Plan, at annual reviews and/or as part of a care plan. Unfortunately, this does not always occur and requests for confirmation must be sought from the professionals working with the learner; that is confirmation of a multi-professional recommendation that specialist residential provision is essential.

All applications receive an initial assessment to determine whether or not the evidence received with the application is sufficient to demonstrate that specialist residential provision is essential to enable the learner to access appropriate further education. In cases where there is sufficient evidence to support the application, further action may be required where a joint funding package is required. In these instances the appropriate local authority is contacted with a view to agreeing a joint-funding arrangement. Such agreements can take some time to negotiate. All applications are monitored closely to ensure that prompt action is taken where applications received are incomplete. The process of gathering further information to support the application may also highlight the need to secure joint funding for the placement, requiring negotiation with the relevant local authority and/or local health board.

In order to keep learners and their families informed of the progress of their application, a secure database has been established. This facility updates Careers Wales Special Needs Advisers on the progress of each application submitted, providing them with brief details of action taken. This allows advisers to keep learners and their families informed of progress. Advisers can contact officials directly if they need more detail.

The Assembly Government have also offered workshops to new and existing Careers Wales Special Needs Careers Advisers, which have been well received.

Where the Assembly Government is unable to support an application for a specialist residential college placement, learners and/or their families can appeal to an independent panel.

Financial Implications – None. Any identified costs will be drawn from existing programme budgets.

Transition Key Workers

The Committee recommends that:

We would wish to be apprised of the outcomes of this pilot and request that the Minister provides us with a report as soon as practicable. We recommend that the Welsh Assembly Government, as a result of this pilot and the evidence in this report, develops a fully funded strategy, including funding necessary training, for the use of key workers in transition planning.

Response: Accept

I accept this recommendation.

Key workers are an important component of the Welsh Assembly Government's work to improve transition from school to further education, training and employment.

The National Service Framework for Children, Young People and Maternity Services (NSF) recognises the role of the key worker. Among the NSF's key actions is the appointment of a transition key worker to all disabled young people at age 14, who would be responsible for co-ordinating the planning and delivery of services before, during and after the process of transition and who will continue to monitor and have contact with the young person until the age of 25 years.

In order to facilitate the development of transition key working, the Welsh Assembly Government has allocated £500,000 per annum for three years to the establishment of five pilot projects across Wales. The Assembly has secured the assistance of Care Co-ordination Network UK (CCNUK) in taking forward work on transition key working. The pilot projects are currently at an early operational stage.

The Assembly pilot key worker scheme has been allocated a further £1.6m of match funding from the European Social Fund and is operating as part of the 'Reaching the Heights' initiative. This additional funding will enable expansion of the project across the convergence area.

Appropriate training for key workers is essential to their effectiveness and CCNUK are developing key worker training in the context of requirements and provision in Wales. CCNUK will also be developing a transition key worker framework to provide guidance on developing and sustaining transition key working in Wales.

I note the Committee's wish to be appraised of the outcomes of the pilot projects and I too am anxious to see the results. The pilot projects are, however, financed to run for three years and development is therefore at an early stage. My officials are currently considering the need for an external evaluation of each pilot site on a case study basis.

An early measure of success will come in the establishment of a benchmark in the form of revised key worker standards. Pilot sites will, later this year, complete a self assessment using a revised toolkit devised for this purpose. Together with regular progress reports this will give us an early indication of the success of the pilots. I look forward to making these available to the committee when they are received.

Financial Implications – None. Any identified costs will be drawn from existing programme budgets.

Capacity of Further Education Colleges

The Committee recommends that:

We recommend that the Welsh Assembly Government identifies a sustainable number of further education colleges throughout Wales to act as hubs, so that there could be a transfer of staff between specialist schools and the colleges to build expertise in the FE sector.

Response: Accept in Principle

I accept this recommendation in principle.

If an FE college does not have the appropriate expertise, facilities or equipment needed to meet certain of its stated strategic objectives, that college can enter into an arrangement with a third party to put on that FE provision on their behalf. Several further education colleges in Wales have third party arrangements with small learning providers in Wales some of which make particular provision for learners with learning difficulties and/or disabilities. Coleg Glan Hafren, for example, has a long standing third party arrangement with Vision 21.

It is possible for a college to enter into a third party agreement with a special school. However, the level of funding that an FE college has available would not match that required to sustain the level of support a special school would normally expect to be able to provide. In order to meet the full cost of such provision the college would have to make cuts in what it currently makes available. A third party arrangement is only one way of working together. Partnerships are used by some post-16 providers and a college and a school can also collaborate formally through the use of 'joint committees' (Circular 007/2009 refers).

In the schools sector, special schools have been able to share their expertise with local mainstream schools under an Assembly-funded initiative called 'Unlocking the Potential of Special Schools'. This initiative has been very successful and is about to enter a second phase. Any extension of this initiative beyond the schools sector would, however, require careful consideration as further education is not just an extension of the type of provision available at school, and it would inevitably impact on the extent to which special schools' current resources can be stretched.

The benefits of expert support to mainstream education providers are significant as they help make more mainstream provision accessible. Some further education colleges, such as Llandrillo College and Pembrokeshire College have developed cross college staff development programmes aimed

at raising awareness of additional learning needs among all its employees and promoting greater inclusiveness.

In the area of transition, there are examples where colleges and schools work together to ease transition. Link provision is the most common example, whereby learners in their final year at school are offered one day a week at the local college in order to give those learners a clearer idea of what college life is like. This provision is funded by the school and learners are accompanied and supported by school staff. As well as link provision there are examples of more innovative practice. Trinity Fields special school in Caerphilly, for instance, has led a European funded project called 'Promoting Independence' involving Coleg Gwent at Crosskeys. This project supports local schools and the college to set up and deliver peer mentor support programmes designed to suit individual needs. These programmes include support for transition from school to college. Coleg Gwent has recently used the training it received on a European peer educator course to develop and deliver training designed to meet the particular needs of learners attending independent living skills provision at Crosskeys and give these learners the confidence, communication and social skills to make a success of their forthcoming work experience placements.

It is important to recognise existing good practice and I agree that such examples need to be captured and shared in order to build on existing expertise. I have, therefore, asked my officials to explore what good practice is available and to take it forward as part of their work on transition.

Financial Implications – None. Any identified costs will be drawn from existing programme budgets.

Transport

The Committee recommends that:

We recommend that the Welsh Assembly Government undertakes a survey of current practice in local authorities to determine to what extent good practice is followed and where necessary, further disseminates guidance and information.

Response: Accept

My colleague, the Minister for the Economy and Transport has accepted this recommendation and asks the Committee to note that the advice contained in Circular 5/07 has now been superseded by the Learner Travel Operational Guidance, issued in April 2009.

When the current administration was formed, the provision of learner travel transferred from the Minister for Education, Lifelong Learning and Skills to the Deputy First Minister and Minister for the Economy and Transport.

In March 2007, DCELLS issued Circular 5/07 which provided guidance for local authorities on the publication of Transport Policy Statements for learners aged 16-19 for 2007-08. Paragraph 15 of the circular addressed the issue of best practice regarding support for learners with disabilities beyond that age range, i.e. up to the age of 25.

In April 2009, the Deputy First Minister issued the Learner Travel Operational Guidance that superseded Circular 5/07. The Operational Guidance is statutory, and relates specifically to the legislative requirements of the Learner Travel (Wales) Measure. This Measure repealed Section 509AA of the Education Act 1996 that required local authorities in Wales to publish separate transport policy statements for learners aged 16-19. Because of the statutory nature of the Operational Guidance, it does not include suggestions as to best practice such as that made in paragraph 15 of Circular 5/07.

Under the Measure, local authorities are still able to use their discretion on whether or not to provide free transport or assistance with travel costs for those in post-16 education up to the age of 19. Although a provision at Section 6 of the Measure allows Welsh Ministers to make regulations about travel arrangements for learners in post-16 education or training, Ministers have no plans to do so at this time. Any decision to use these powers will need to be given careful consideration in view of the financial implications.

Whilst there is no statutory responsibility for local authorities to make provision for learners with disabilities up to the age of 25, we will contact all 22 local authorities to establish what their existing policies are and assess whether it is necessary to disseminate any further information.

Financial Implications – None. Any identified costs will be drawn from existing programme budgets.