

Report of the Enterprise and Learning Committee's consideration of the petition on post 19 students with additional learning needs

Background

1. The Chair of the Petitions Committee wrote to the Enterprise and Learning Committee on 22 January 2009 indicating that the petition on post 19 students with additional learning needs would benefit from further Committee scrutiny. A copy of the petition and a response to the Petitions Committee by the Minister for Children, Education, Lifelong Learning and Skills, is attached at Annex 1.

2. On 31 March 2009, the Petitions Committee considered a similar petition presented by Scope Cymru, P03-203, on further education for people with multiple impairments:

Scope Cymru calls upon the Welsh Assembly Government to provide co-located further education provision for young people with complex impairments on the campuses of existing mainstream further education colleges across multiple sites in Wales.

Given our interest in this issue, we considered this petition alongside that on additional learning needs.

3. In undertaking this short inquiry we were also discharging our responsibility to scrutinise the Welsh Assembly Government on implementing a recommendation of the former Education, Lifelong Learning and Skills Committee, which it had accepted. The recommendation requested that:

The Assembly Government develops mechanisms to disseminate good practice in transitions for learners with special education needs and that it reports to the relevant Assembly Scrutiny Committee on progress in developing these mechanisms within 6 months of its initial response to this report.

4. On 2 April 2009, at a formal hearing in the Senedd, we scrutinised the Minister for Children, Education, Lifelong Learning, and Skills, on the Welsh Assembly Government's policy on additional learning needs. The Minister provided a written memorandum and numerous annexes, which are attached at Annex 2. We also heard from the Principal Petitioner and Scope Cymru. Both Skill and the National Autistic Society Wales were unable to attend the hearing but provided written evidence, which can be found at Annex 2. The link to the transcript of oral evidence may be found at Annex 3.

5. The report that follows summarises the main issues discussed and proposes recommendations. We place on record our thanks to Julie Prosser, the Principal Petitioner, Suzanne Jones, Director of Scope Cymru, and the Minister for Children, Education, Lifelong Learning and Skills and her officials, for assisting our inquiry. **A summary of recommendations may be found on page 10.**

Introduction - the Evidence of the Principal Petitioner

6. We believe that the petitions' process and Committee scrutiny in giving the people of Wales the opportunity to voice their concerns and aspirations directly to us are fundamentally important to the democratic process. On this occasion, we would wish to express our appreciation of the evidence provided by the Principal Petitioner and our admiration of her patience, perseverance, and endeavours. It would be our wish for the Welsh Assembly Government to implement in full and with pace the recommendations contained in this report, to the benefit of some of the most vulnerable in our society.

7. In her oral evidence the Principal Petitioner explained that her petition had arisen because of the case of her 19 year-old daughter, who finishes school this summer, yet to date no further appropriate provision had been identified. She praised the education received and her daughter's accomplishments. She told us of her efforts over the last two years - when Careers Wales had informed her of a lack of college provision for her daughter - to obtain funding and support from relevant agencies. She clarified that she had been informed that the entry level was too high for her daughter, and that she had identified that colleges frequently do not have the facilities learners require: for example, medical facilities, therapists, access to specialists. She provided evidence of her discussions with institutions, where she invariably had to take on a proactive role to progress her case, and frequently had to wait weeks and months for responses and decisions.

8. The Principal Petitioner also explained that her daughter was not an isolated case, and that many like her with profound multiple needs had to be cared for at home, or had to attend inappropriate day-care centres. This raises the issue of choice, especially where not all residential provision is appropriate, or for whatever reason is not the first choice of learners and their families.

9. We were surprised to hear that when learners leave school, essential equipment such as standing frames and working chairs, which helps maintain their physical and mental well being, is removed.

10. With regard to the Principal Petitioner's experience of transition, she related how at transition meetings it appeared that no-one would take ownership of her case or responsibility for funding. There had apparently been no discussion of options available, only an insistence on day-centre care, which the family deem to be inappropriate.

The policy context and current provision

11. The national service framework for children has standards on transition. It clearly states that disabled children and young people are entitled to be valued and to have the same chances to succeed and to participate in society as their non-disabled peers.

12. The National Assembly for Wales (Legislative Competence) Education and Training Order 2008 was approved by the Privy Council in April 2008. This enables the Assembly, by way of an Assembly Measure, to amend the statutory assessment process in Wales.

13. As set out in the Special Education Needs Code of Practice for Wales, the local education authority has a duty to maintain a statement until the end of the academic year in which a pupil reaches 19 years of age.

14. In 2008-09, the Welsh Assembly Government supported 6,000 learners to access independent living skills courses in FE colleges. A further 200 were supported in residential placements in Wales and England.

15. Wales has four colleges with specialist provision. Bridgend College, with its residential provision in Weston House was cited for its specific expertise in 24-hour care and curriculum provision for young people aged 16 to 25 with moderate to severe learning or physical disabilities. Beechwood College caters for learners aged 16-25 with autistic spectrum disorders and Asperger's syndrome. Pengwern College in Rhuddlan, supports students with moderate to severe learning disabilities. Coleg Elidyr in Carmarthenshire is the specialist FE college for students with moderate to severe learning disabilities. The Minister also referred to the development of special facilities in Neath Port Talbot College in partnership with the Royal National Institute for the Blind.

16. There are currently seven residential colleges in England which have facilities and the necessary specialism to take profoundly disabled children. They have long waiting lists. Given that the FE system in England is developing in ways different to Wales, the availability of places over the border may be reduced.

17. The Welsh Assembly Government receives more applications for support from learners requiring a residential place, than those who do not.

18. The Minister's transition reference group, which was established in October 2007, has an education and training sub-group. It is made up of young people, parents, and statutory and voluntary agencies, which include representatives from Fforwm, Careers Wales, the RNIB, Scope Cymru, and SNAP Cymru. In correspondence the Minister told us that the group is currently reviewing guidance and developing a template for a multi-agency transition plan, to be used as a model of good practice throughout Wales.

19. We also examined the provision available at day-care centres. As a result of her visits to two local day-care centres, the Principal Petitioner had gained a negative perception of the facilities available, which included the wide age range of those supported, the tardiness in carrying out assessments, and the attitude of some staff. We are unable to comment as to whether this is true of all day-care provision throughout Wales.

The need for strategic leadership

20. We pressed the Minister and her officials to give us a clear explanation of her strategic direction. We were aware that learners with profound and multiple needs are frequently in out-of-county residential placements. However, we sought to determine - given the significant financial implications of funding out-of-county placements - whether her policy was to ensure local provision at further education colleges.

21. The Minister stressed that her policy was centred on learners and their needs and that transition planning was key to identifying appropriate options for provision. Her aim was to ensure that the option of accessing further education in a local FE college would be available to all, whilst providing choice for those wishing to take up the option of out-of-county residential provision. In its written memorandum, Skill supported this, suggesting that since the numbers of young people year on year with profound and complex learning difficulties is likely to be small, a local approach with joint working protocols between education and health and social care would not be bureaucratically burdensome.

22. We maintain that the benefits of local provision are demonstrable and that they would lead to positive impacts on learners and their families, and the cost to the public purse would be considerably reduced. **We recommend that the Welsh Assembly Government develops this policy fully and implements it with appropriate levels of support as soon as is practicable.**

23. The experience of the Principal Petitioner was that no-one had actually asked what her daughter wanted to do: 'I do not think that any of her wishes have been taken into consideration'. Scope Cymru confirmed that this was a common problem and that frequently parents and children were not asked about what they wanted, or that if they were asked, it would often be too late in the process of deciding on further provision. The evidence therefore suggests that transition planning needs to begin at an earlier stage, a point acknowledged by the Minister in her evidence. **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 identifies 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.**

Defining "complex needs" and the assessment process

24. Complex needs are defined by the Welsh Assembly Government as those with profound and multiple learning difficulties. Other

areas of need such as autism can be equally complex and also require a multi-agency approach. Written evidence from National Autism Society Wales was forthright in presenting the dissatisfaction of specialist autism education providers with local co-ordination and planning, and the lack of provision in the FE sector.

25. Under the Special Education Needs Code of Practice, pupils' needs are categorised as follows:

Cognition and learning

Behavioural, emotional and social development

Communication and interaction

Sensory and/or physical

26. The pupil annual statistic census, or PLASC, helps the Government to provide a consistent approach.

27. With regard to assessment, the Principal Petitioner explained that a holistic approach is adopted in specialist schools, where specialists - teachers and therapists who are familiar with the learners' needs - are involved in the process. Further education colleges, we were told, do not adopt this approach, as they often lack this specialism.

Funding

28. The Minister explained that she had been considering specific funding to support discrete specialist provision as well as access to mainstream or residential provision. In 2008-09, she committed more than £40 million in specific funding. Allocation of funding depends on learners having an individual learning and skills plan, which is drawn up by Careers Wales. (See below paragraph 36).

29. We were provided with evidence that showed that expenditure on residential provision has increased in recent years.

30. We wished to ascertain whether the total funding available to FE colleges for additional learning needs was adequate. We were informed that the funding to FE colleges is a discretionary funding stream, with recent funding being between 75 per cent to 100 per cent of that requested.

31. On the criteria for awarding exceptional funding, we were told that the level of this funding tends to fluctuate according to need but that it would cover, for example, extra learning support, extra equipment, and communication facilities.

Access to funding

32. From our case work, we are all aware of numerous difficulties learners face in accessing funding. Many families have to pursue and argue their cases, often against time pressure and with little support from those whose role it is to represent their interests.

33. We are also concerned about much evidence suggesting that funding packages take too long to put in place, with the time taken over the decision-making process often adding to the obvious distress of the situation.

34. Some of us pursued the issue of delays experienced by learners and their families in waiting for decisions from the Department for Children, Education, Lifelong Learning, and Skills, regarding funding for out-of-county places. We know that some families have not been informed of a decision until as late as the last week of August, when provision is due to commence the following week. The Minister readily acknowledged that this situation was not satisfactory and that she was seeking improvement. **We recommend 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.**

35. When we questioned the Principal Petitioner, we were told, 'Funding is always an issue; it always comes down to money'.

The Role of Careers Wales

36. As already stated, it is the role of Careers Wales, in consultation with learners, their families, and other agencies involved, to draw up individuals' learning and skills plans. It has the lead role in ensuring the delivery of the elements of the transition plan. In discussing individual need in the final year of school, plans are developed for appropriate transition to day provision in FE colleges, or with support from local health and social services departments integrated, or residential placement in colleges in Wales or England.

37. The Minister is undertaking a review of Careers Wales which is considering its specialist functions and its role with regard to additional learning needs. The review is expected to report shortly.

38. The Minister also referred to Careers Wales new, interactive website, My Future, for disabled children and young people.

Key workers

39. Key workers support disabled children and young people and their families, and act as conduits by which other services are accessed and used effectively. They work with families and professionals to ensure delivery of an inter-agency care plan for learners and their families.

40. The Minister stressed the importance of her established policy of key workers to ensure effective transition and gave her commitment to continue to seek expedient implementation. It was hoped that key workers might be used to assess the needs of

learners at an earlier stage than has been the custom.

41. The Welsh Assembly Government is currently funding and supporting - with additional finance from convergence funding - a pilot scheme to consider learning needs and transition in post-16 education, with particular reference to the role of key workers. **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.**

Multi-agency approach

42. The support and guidance of key workers can underpin effective multi-agency co-ordination into adulthood for disabled young people.

43. From our own experience of our case work, we were not convinced that every agency understands the descriptors provided for multiple disabilities and definitions. We feel that there is a need to develop a shared understanding of terminology.

44. We heard that the need for a multi-agency approach to supporting learners needs can sometimes hinder the decision-making process regarding funding both educational and health and social needs.

45. In the case of the Principal Petitioner, she had a very strong perception that agencies lacked a defined role and that there was a general lack of communication between them: 'I am very often the one talking to all of them to try to bring it all together'. It was clear to us from the evidence we scrutinised, that in this case, none of the agencies had taken ownership.

Third-party agreements

46. This option arises where colleges cannot provide what is needed because they lack appropriate staff expertise, facilities, equipment. An FE college, in consultation with the Welsh Assembly Government, can enter into an arrangement with a third party. The arrangements are formalised to ensure that the quality of education and training provided by the third party matches that available to learners on college-led courses.

47. The Principal Petitioner's experience was that many institutions would not enter into such arrangements, because 'they did not have enough learner units', that is, funding.

48. We find it surprising, that, where appropriate, a third-party agreement is not entered into as a matter of course between local specialist schools and colleges. **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.**

Transport

49. There is no requirement in the Education Act 2002 to provide transport for disabled learners. However, the Welsh Assembly Government's circular 05/2007 states that local education authorities must specify the transport arrangements that can be made for students with learning difficulties and/or disabilities. The Minister told us that good practice suggests that, where possible, LEAs and their partners should provide support for learners up to the age of 21, and ideally up to the age of 25, wherever possible. **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.**

50. The Principal Petitioner explained that she had requested transport so that her daughter might attend a skills centre in Barry. Her request had been refused, because funding was not available for the escort who would be required to provide personal care for her at the centre. She also expressed her readiness - and she assumed that other parents in her situation would have similar dedication - to travel a reasonable time and distance to a hub where provision similar to that provided by specialist schools would be available.

Welsh-medium provision

51. Some of us are aware of examples which suggest that some local authorities are unable to provide a statement of special needs through the medium of Welsh. In response, the Minister said that she would shortly be consulting on her Welsh-medium education strategy, which would include reference to the need for statementing to be carried out in Welsh, where requested and appropriate.

Summary of Recommendations

We recommend that the Welsh Assembly Government develops this policy fully and implements it with appropriate levels of support as soon as is practicable.

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 identifies 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.

We recommend 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.

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.

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.

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.

Annexes

Annex 1 - Post 19 students with additional learning needs

Petition wording

'We the undersigned request that the National Assembly for Wales address the issues that are facing 19+ students who have complex physical and learning disabilities. For students who do not wish to attend residential, there is no appropriate College in Wales for them to attend that can meet their complex needs.'

Petition raised by: Julie Prosser

Number of signatures: 10

Link to a response to the Petitions Committee by the Minister for Children Education Lifelong Learning and Skills:

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-els-home/bus-committees-third-els-agendas.htm?act=dis&id=122454&ds=4/2009>

Note - the response to the Enterprise and Learning Committee referred to in this letter appears as Annex B to the Welsh Assembly Government's written memorandum - see below

Annex 2 - Written memoranda

Welsh Assembly Government

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-els-home/bus-committees-third-els-agendas.htm?act=dis&id=123348&ds=4/2009>

Annexes A-E:

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-els-home/bus-committees-third-els-agendas.htm?act=dis&id=123366&ds=4/2009>

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-els-home/bus-committees-third-els-agendas.htm?act=dis&id=123358&ds=4/2009>

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-els-home/bus-committees-third-els-agendas.htm?act=dis&id=123359&ds=4/2009>

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-els-home/bus-committees-third-els-agendas.htm?act=dis&id=123367&ds=4/2009>

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-els-home/bus-committees-third-els-agendas.htm?act=dis&id=123370&ds=4/2009>

Papers to note

Skill

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-els-home/bus-committees-third-els-agendas.htm?act=dis&id=122403&ds=4/2009>

National Autistic Society Wales

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-els-home/bus-committees-third-els-agendas.htm?act=dis&id=122426&ds=4/2009>

Annex 3 - Transcript of Oral Evidence

2 April 2009

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-third1/bus-committees-third-els-home/bus-committees-third-els-agendas.htm?act=dis&id=125111&ds=4/2009>