

P-05-962 An emergency amendment to extend age of entitlement to additional educational support from 25 to 26 and to define within Government guidance the Covid 19 pandemic as an exceptional circumstance

Dear Sir/Madam

The minister reply is noted. The guidance to which I referred was the guidance published on the WAG website and the one recently quoted in the courts.

That said, I was pleased to note that the Minister states in her letter of 30th June that .." to date, four requests for an extension to an agreed programme of study have been submitted, which include reasons relating to the impact of COVID-19. These requests have been considered on a case by case basis and in line with the policy and I can confirm that they have been approved."

The minister's reference to 2020 guidance updates does not alter the statistics that I provided nor the fact that determining need at age of 16 via a section 140 assessment is unfair and unreasonable if it is rarely if ever updated to take into account the evolving nature of special needs as well as progress and aspirations.. A prediction made at 16 might not be sufficient to last to the age of 25 for obvious reasons. Capability and capacity might change, needs may change, aspirations may change, and a section 140 that is not updated or changed to take in account developments should never pre determine a young person's destination for up to 9 years thereafter. A course set at age of 16 has no reason to be limited to two years whatsoever. In this respect the guidance remains the same. The equality act 2010 is all about removing barriers for those with disabilities. The guidance that I quoted before which broadly remains the same in 2020 is all about creating them.

That is in my view not acceptable. It is certainly unacceptable to not further amend the guidance to take into account specifically the massive impact of Covid19 as I have previously described. My position remains the same as does my disappointment that the Minister has not seen fit to make the amendments called for. Our disabled people in Wales deserve better.

Yours sincerely

Michael Charles