

CYPE(6)-07-22 - Paper to note 6

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Dear Children, Young People and Education Committee,

I make contact in relation to the Tertiary Education and Research Bill and the forthcoming debate in the Senedd on 15 March 2022.

We welcome the [Children, Young People and Education Committee's Stage 1 report](#) and in particular, the references to young people with additional learning needs (p.137) and the issues raised by Natspec, Estyn and the Third Sector Additional Needs Alliance (TSANA) as part of your consultation.

As previously raised, we are concerned that the proposed Commission for Tertiary Education and Research will not include responsibilities for the further education for young people with complex additional learning needs or for data and research on these learners. We believe the Commission should have responsibility for the oversight and funding of specialist further education colleges.

We bring to your attention paragraph 499 of your report and the reference to the Minister's response to concerns raised about how providers will be accountable for needs of students with ALN. That is:

'The responsibility for securing "specialist ALN provision for individual young people aged 16-25 with complex needs in private specialist colleges where they are required to maintain Individual Development Plans for them" will sit with local authorities. He said local authorities were "best placed" to make arrangements that met individual learners' needs at a local level'.

We take no issue with the premise that local authorities are 'best-placed' to make arrangements that meet individuals' learners' needs at a local level. However, we are deeply concerned that differences in funding and decision-making processes will result in inequitable access to further education and training for young people with learning difficulties and disabilities in Wales. Access to further education is problematised by the proposed devolution of funding (2018 ALN Act) to local authorities for young people whose additional learning provision (ALP) is a specialist college. Along with a breadth of other stakeholders including the Third Sector Additional Needs Alliance (TSANA), and Estyn (paragraph 494 of the Stage 1 report), concerns have been raised that this will result in postcode lotteries of inequitable access to further education across Wales. Local authorities are compromised as assessors, commissioners and funders for Welsh learners whose additional learning provision is not a mainstream further education college. Furthermore, the reference to 'private specialist colleges' in the Children, Young People and Education Committee's report is misleading. In many cases, specialist colleges are non-profit making charitable organisations. All young people in specialist colleges in Wales are funded entirely by the state, whether that be by Welsh Government or by English Local Authorities. Specialist colleges provide

education and training for young people whose needs cannot be met in mainstream further education colleges. Welsh Government delegates tertiary education for this group of young people to specialist further education colleges. It is thus disingenuous to use the label 'private specialist colleges' as this brings with it, connotations of privately funded and elite organisations only accessible to a privileged few as matters of choice and financial circumstance.

In terms of equitable access to further education and training for young people with complex additional learning needs, it is vital that these perceptions are challenged and not promulgated. Young people attend specialist colleges because that is where their specific needs can meet. For a minority of young people with ALN in Wales, specialist further education providers, whether day or residential, are sometimes the only organisations able to offer provision that meets their specific needs. Given the small numbers of young people in scope, it would not be practicable for such provision to be made available in every local area. For this reason, we should guard against definitions of inclusive education as being wholly 'place-based' and recognise the importance for young people with complex learning difficulties and disabilities that it should be 'needs-led'.

Different funding mechanisms for further education for these young people in comparison to their less-disabled peers undoubtedly compromises decision making. Concerns are compounded by the pandemic and the resulting additional financial pressures on local authorities. We are already seeing evidence in regional ALN plans of local authorities preparing for young people unable to attend mainstream colleges, to move straight from school to social care day services. This is wholly incompatible with an inclusive education system where all young people in Wales should be able to access the further education and training they require. It is also counter to the aspirations of a more equal Wales espoused in the Wellbeing of Future Generations (Wales) Act 2015.

To discharge its duties in respect of further education and training, the Commission for Tertiary Education and Research has the power to fund providers of post-16 education and training and we believe it is in the public interest that specialist further education colleges come under the auspices of the Tertiary Education and Research Bill. The Bill provides an ideal opportunity to transfer the funding for young people requiring specialist colleges to the Commission. By doing so, the Commission would have strategic oversight of national costs and be well positioned to undertake the demographic planning necessary to make sure the needs of young people with low incidence and complex needs can be met equitably across Wales. It would reduce pressure on local authorities and provide a vehicle for monitoring expenditure and outcomes associated with these learners.

Young people with complex ALN who require placements at specialist further education colleges often rely on multi-agency collaboration and agreements to fund their placements. Currently, applications to colleges are progressed by Careers Wales Advisors and Welsh Government's Support for Learners Division, effectively serve as the lead commissioner funding young people whose ALP is a specialist FE college. For example, Welsh Government officials will liaise with social services departments and health professionals to ensure young people with complex ALN can access the ALP they require to meet their education and training needs.

Without appropriate interventions, the loss of the lead commissioning role (2018 ALN Act) presents the very real danger of internecine disagreements over what or who will be funded. The ramifications of this for young people with complex ALN whose ALP is a specialist college is late decision making, resulting in poor, or no, transition planning. The resulting uncertainty placing inordinate stress on learners and their families. This is particularly detrimental to young people with complex needs including autism and challenging behaviour where certainty is crucial to health and well-being.

Under the new legislative arrangements (2018 ALN Act), young people in Wales whose complex additional learning needs can be met by a mainstream further education college have an uncontested route onto 'Independent Living Skills' courses. However, for those who need a specialist college, the compromised position of local authorities is likely to result in decisions being made that individuals' needs for education and training are 'unmeetable' rather than a specialist placement secured. It should not be the case that the type of provider the young person requires, determines whether they are able to access further education and training. It cannot be right that some young people miss out on further education, resulting in a significant reduction in their life chances, simply because of the complexity of their ALN.

The Tertiary Education and Research Bill provides the opportunity to mandate equitable access to post-school education and training. To not do so perpetuates the notion of young people with complex additional learning needs as 'other' for whom regulation, quality assurance, research and data collection are not deemed relevant.

Welsh Government should demonstrate a clear commitment to an inclusive and person-centred education system able to respond to individual's needs and avoid the pitfalls of SEND reform in England.

While recognising the far reaching nature of the reforms we urge you to consider the following points in relation to the debate on 15 March:

- Young people with complex ALN should not be excluded from the Commission's responsibilities for data and research and they should have equitable access to further education and training.
- This can be achieved through specialist colleges being included under the auspices of the Commission and the Commission having responsibility for funding for young people requiring specialist colleges.

Yours sincerely

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