

Cyflwynwyd yr ymateb hwn i ymchwiliad y [Pwyllgor Plant, Pobl Ifanc ac Addysg i weithredu diwygiadau addysg](#)

This response was submitted to the [Children, Young People and Education Committee inquiry into Implementation of education reforms](#)

IER 48

Ymateb gan: Natspec

Response from: Natspec

Nodwch eich barn mewn perthynas â chylch gorchwyl yr ymchwiliad. | Record your views against the inquiry's terms of reference.

Further to an initial response to the call for evidence for this inquiry, this submission provides an update on the implementation of the Additional Learning Needs (ALN) system for post-16 learners. It is from Natspec, the membership organisation for providers of specialist further education and training.

[Natspec](#), along with other stakeholders including the Third Sector Additional Needs Alliance ([TSANA](#)) remain very concerned that post-16 learners with complex ALN will be significantly disadvantaged by the statutory guidance in the ALN Code. We believe that the Code is at odds with the intentions of the ALNET (Wales) Act and that this will result in a reduction in the number of learners with complex ALN able to access post-school education and training.

Our key issues of concern are outlined below.

Ambiguity in the ALN Code on what further education and training is, and when it commences. For a learner who stays in special school until they are 19 years old, as most learners in special schools do, this uncertainty puts them at significant disadvantage in the ALN system compared to their less disabled peers. Under the SEND system, Welsh Government use what they call 'discretionary powers' to ensure all 19-year-old special school leavers can access further education and training at a further education institution (FEI) or a specialist FE college. The ALN Code does not uphold these discretionary powers and instead requires local authority (LA) officials to make an assessment of a 'reasonable need' for education and training for learners whose ALN cannot be met by their regional FEI.

We have long held without adequate protections, the move to devolve decision making and funding for learners whose FE needs cannot be met by FEIs to local authorities will result in some learners being judged to have no continuing need for education – even though they can continue to learn, provided they have access to appropriate specialist provision. We are already hearing of local authorities (LAs) planning to move special school leavers straight into day services if they are unable to attend an FEI, rather than commission specialist FE placements. Even the most high-quality day service provision is no replacement for time-limited, target-driven, highly personalised programmes of learning aimed at preparing learners with complex ALN to lead successful post-college adult lives. The ambiguity of the Code means that there is a high level of risk that LAs will make inconsistent decisions driven by financial considerations rather than learner need or potential. The result will be a postcode lottery and inequitable access to FE.

We welcomed Welsh Government's [interim arrangements](#) in 2022 for funding specialist post-16 ALN placements via a ringfenced fund administered through Local Authority Education Grant. This has protected learners and ensured that they are not disadvantaged by the type of additional learning provision they require. Final funding arrangements are to be confirmed over the coming months and we urge the Committee to call for the sustained ringfencing of funding for learners whose additional learning provision is a specialist FE college, so that they have continued protection and equal access to FE.

A related matter is that the unprecedented pressures facing health and local authorities means we are increasingly concerned about the removal of the lead commissioner role in the new arrangements and the negative ramifications this will have for learners requiring jointly funded FE study programmes. In 2016 Welsh Government Support for Learners Division updated their own policy to make themselves the lead commissioner. This ensured that internecine disagreements would not hold up transitions to FE for learners whose study programme require funding from more than one LA budget. We urge the Committee to call for Welsh Government to provide guidance to local authorities laying out clear responsibilities for education, social care and health officials so there is no negative impact on the learner experience or outcomes.

Individual Development Plans (IDPs)

Under the new system, a just assessment of a reasonable need for education and training necessitates age appropriate and not school-orientated, aspirational IDP outcomes as these will be the basis on which LA officials are required to make decisions.

Colleges are experiencing significant disparity in the quality and sufficiency of information they receive about learners. They tell us that some learners currently have neither learning and skills plans (LSPs - used under SEND arrangements) or IDPs. If a learner has no IDP, or outcomes are poor, then a judgement that they do not have a 'reasonable need' for education and training could be made by LA decision makers based on inaccurate or inadequate information.

That IDPs include all relevant information to identify the right ALP is crucial for learners with complex ALN, the vast majority of whom require therapeutic knowledge to enable access to the curriculum they need. Many therapists in specialist FE colleges are dual professionals combining their therapeutic expertise with their roles as educators of both staff and learners. However, we are aware of ALNCOs in schools being asked or told to remove learners therapeutic needs from IDPs. For this group of learners, it is vital that their post-school education and training therapeutic needs are included in IDPs so that the most appropriate ALP can be identified.

Access to information and guidance for learners and their families.

Under ALN arrangements, Careers Wales Advisors lose their statutory roles in facilitating routes to further education and training for learners with complex ALN.

An ALN system which implicitly incentivises LAs to not commission placements at specialist colleges and the fact that specialist colleges will not fall under the auspices of the Commission for Tertiary Education and Research, puts at risk the timeliness, availability, sufficiency and quality of post-school information and guidance available. Welsh Government should ensure online accessible information is available to learners and their families. We believe that the [ALN pathfinder website](#) will be an effective place to do this.

Protocols for reassessing ALP when FE placements break down. The default position laid out in the ALN Code that learners will attend their local FEI unless the FEI states they are unable to meet a learner's needs is likely to result in a rise in failed placements and an increase in young people with ALN becoming NEET. We are increasingly aware of learners who, unable to cope with the demands of a busy FEI, are stopping attending. In these circumstances, there are no provisions in the ALN Code for a learners IDP to be reviewed and the right ALP sought. We believe that procedures should be put in place to support such learners access to FE. For some learners it may be a combination of specialist and mainstream FE is what they need, and

barriers should be removed that prohibit the person-centred aspirations of the reforms.

Transport for adult learners with ALN

Welsh Government's lack of a coherent post-16 education transport policy is resulting in some learners being unable to take up placements at specialist colleges because they are unable to get to them.

Equitable entitlement to three-year FE programmes

The ALN Code espouses that a two-year limit to FE learning is the norm. Since the initial draft of the ALN Code, we have highlighted along with many others, that in reality, this is simply not the case. Many learners with complex ALN access Independent Living Skills provision in mainstream FE colleges for multiple years. We recognise that indefinite programmes are undesirable but stress that learners with ALN simply take longer to learn and it is not unusual for them to require three years to complete programmes of education and training that would typically be achieved by their less-disabled peers in two years. Crucially, learners with ALN whose ALP is a specialist FE college should not be prohibited from being able to undertake three-year vocational programmes in line with their aspirations and life goals.

We are aware of multiple examples of young people with ALN wishing to pursue vocational 3-year FE courses and learners with profound and multiple learning disabilities who need three years to complete their programmes being refused funding.

In summary it is very disappointing that these long-standing concerns are now manifesting and adversely affecting the lives of young people with ALN and their families.

We welcome the Senedd inquiry and this opportunity to contribute to it.