



SEN and Disability Green paper

A response to the Department for Education from the National Institute of Adult Continuing Education

About NIACE

The National Institute of Adult Continuing Education (NIACE) is an independent non-governmental organisation and charity. It is a membership body with corporate and individual members drawn from a range of places where adults learn: in further education colleges, workplaces, local community settings, universities, prisons and in their own homes via technology. The ends to which NIACE activities are directed can be summarised as being to secure more, different and better quality opportunities for adult learners in the UK. It is particularly concerned to advance the interests of those who have benefited least from their initial education and training, and adults and young people with disabilities fall into this category all too often. NIACE maintains a keen interest in public policy in relation to disabled adults and young people because of the pivotal role of learning in their lives and because of the wider benefits of learning for all.

Introduction

1. Following a short introduction that contains some important generic comments, this paper responds to a selection of the consultation questions in the Green Paper. NIACE welcomes the opportunity to respond to the DfE's consultation on reforms to the system designed to assess and support children and young people with special educational needs and disabilities. We would like to see a continued effort made to improve the connections between services for children and young people and those aimed to support adults. This report does not convince us that there has been sufficient thought given to how the two sets of agencies and services in education connect together at the age of 25 and beyond. However, the Green Paper promises greater detail 'by the end of this year' and implementation in 2015. NIACE considers this too long a wait for improvements and too little focus on what happens at the age of 25.
2. NIACE sees this consultation as an important stage in agreeing a base from which to move forward. It offers a fair set of values but many generalities and the detail will be needed before proper judgements on their efficacy can be made. NIACE notes that the document does cover some key things: the intention not only to produce clear information for parents but also the promise of training for key workers to help guide families through the processes, including the management of a personal budget, is welcomed. Frequently governments have believed that the solution was more information: this approach if carried through assumes a model of support, advice and learning in relation to families which NIACE supports. Other proposals to be welcomed include the wish to see families with more control of the process, and agencies forced to work to one assessment system.
3. The most disappointing element in this Green Paper is the complete lack of any recognition that neither disability nor educational need end at 25 for most people. Such artificial constructs, enshrined in law but not in people's hearts and minds, and certainly not understood by most of the population, can only limit horizons and opportunities. It would have been helpful for the Green paper to recognise this problem of the State's making and set out a means by which it might be addressed. For that minority of disabled people touched by this Green Paper some of these proposals, when developed, may well improve the lives of future generations of a minority of disabled people.
4. The Green Paper in general does not mention Further Education provision. The case studies provided are useful, but case studies featuring FE provision are noticeable by their absence. There is a significant amount of ongoing work in the post-16 learning and skills sector that reflects many of the key features of good practice identified by the Green Paper such as: partnership working, provision

that is using person-centred approaches to underpin planning and delivery, and vocational provision supporting learners to progress into employment.

5. As there is different terminology used to refer to learners with SEN and disability in schools and learners in Further Education ('learning difficulties and/or disabilities') it makes it difficult to be clear exactly which young people are included in the proposals of the SEN and Disability Green Paper. Further clarity on this would be helpful. For instance, it seems that the needs of learners with moderate learning difficulties who do not have a statement of Special Education Needs or a 139a assessment are not being addressed in the Green Paper. The use of the term 'complex learning difficulties' takes the focus away from this group of learners who in terms of sheer numbers alone are the group most disenfranchised as they won't be 'on the books' of any agency. Clearly it would be odd to treat a 17 year old in school differently from one in a college.
6. ***(Question 1): How can we strengthen the identification of SEN and impairments in the early years, and support for children with them?*** NIACE appreciates and acknowledges the importance of early intervention. However, it is important that the system does not disadvantage those children and young people with an acquired disability as they get older. The time when young people are in FE is when many (such as those who develop first episode psychosis) first develop a mental health disability. The system needs to recognise this and not disadvantage these young people because their disability is acquired and is often slow to be recognised/diagnosed and treated.
7. ***(Question 2) Do you agree with our proposal to replace the statement of SEN and learning difficulty assessment for children and young people with a single statutory assessment process and an 'Education, Health and Care Plan', bringing together all services across education, health and social care?*** NIACE agrees with the proposal to replace the statement of SEN and learning difficulty assessment with a single statutory assessment process. This core proposal of a single assessment process aged from 0-25 could, if effectively implemented and funded, greatly improve the process of transition for young people with SEN and disabilities from child to adult services and beyond the age of 25. NIACE is pleased to see the recognition of the sometimes fractured assessment and support services between school and post-school opportunities.
8. Multi-agency working is of course key to the process of a single assessment, effective transition planning and realisation of an individual's Education, Health and Care plan. This partnership approach has to be reflected at the highest strategic level in the form of cross- Government support and ownership of the Green Paper proposals and their implementation. There needs to be a strategy to support this approach with legislation to ensure that it happens. Multi agency

planning only works well when there is a resource for the agencies to draw on. Voluntary organisations frequently cannot participate if there is no resource.

9. A key role of the single assessment should be to enable the passing on of relevant information at transition from school to post-16 education and training. One of the biggest barriers cited by college staff is the lack of information about learners passed on to them by schools about how best to support the learner and their past learning and achievements. It is essential that systems are put in place so that this information is shared.
10. The current arrangements for assessment in relation to higher education admissions are byzantine, especially for those who find organisational skills a challenge. The challenge of moving between children's and adult services in relation to psychiatric support are not designed to be seamless, and this is recognised in paragraph 26 of the SEN and Disability Green Paper.
11. ***(Question 3) How could the single assessment process and 'Education, Health and Care Plan' better support children's needs, be a better process for families and represent a more cost effective approach?*** It will be important that the assessment process addresses such issues as how often the assessment will be reviewed and how an assessment will be triggered for instance for a individual who acquires a disability during childhood or early adulthood, Disabled children and young people and those with long-term health problems are more vulnerable to mental illness (especially around adolescence) there may be a need to re-assess in the light of the onset of mental illness. This is true in school and FE but especially around the transition to FE. NIACE has heard many times of disabled young people who have acquired a mental health condition but because their primary disability was something else, all of the focus on working out their support is based on their historic support needs rather than on (or also on) what is currently causing them the most distress and difficulties in their lives and their learning.
12. In order for the assessment process and the 'Education, Health and Care Plan' to be a better process to support young people's needs it is important it is recognised that as a young person gets older a combination of their individual aspirations, personal choice and their condition means that their needs and the range of solutions will become even more widely differentiated. This is in part personal and sometimes by the known/likely trajectory of their condition in adulthood. Around mental health disability for example (and some other fluctuating long-term medical conditions) the support and advice may very much need to take into account a step up and step down approach in order not to limit people's potential and aspirations, and to maximise their outcomes in education and work.

13. A single funding system for those aged 0-25 will be crucial to ensure the single assessment process can deliver an effective transition to adult services. There needs to be a fundamental change in culture and practice to reform the funding system. The narrative of the Green Paper reflects the existing split between the funding for school pre-16 and post-16. However, it contains little detail on any proposals on how the existing funding of school pre and post -16 and also FE funding will be aligned. Changes in order to develop an integrated funding system will need to address how the funding will flow and who will regulate it particularly in light of the move of the YPLA to become the EFA and the different funding criteria set by the Skills Funding Agency.
14. The use of a person-centred approach to planning and support for the individual's Education, Health and Care plan is essential.
15. **(Question 10): What should be the key components of a locally published offer of available support for parents?** In addition to the key components listed in the Green Paper NIACE would like to see included in this offer some signposting to support for parents themselves. Access to education and training for carers has an important role in this support. Carers will need support around their role in person-centred planning and of management of individualised budgets, not just with the mechanics of the process but also with striking the right balance between support for their son or daughter and encouraging their independence as they become young adults. Education and training can empower carers as learners in their own right by providing opportunities for carers to re-train or update skills in order to return to work, courses to support carers in their caring role and courses that offer a break from caring and from the stress of the caring role.
16. There are young carers and young adult carers (16-25) who have impairments such as mental health difficulties and young people with a learning difficulty. Transition and progression to adult services can be a particularly difficult issue for these young people. NIACE is currently running a project on access to education and training for young adult carers including those with learning difficulties. A policy paper based on the findings of this work will be available from NIACE in July 2011.
17. **(Question 33): What more can education and training providers do to ensure that disabled young people and young people with SEN are able to Participate in education or training post-16?** In order for providers to be able to ensure that disabled young people and young people with SEN are able to participate in education or training post-16 there needs to be high quality provision on offer. Whilst the proposal in the Green Paper that there should, by 2015, be access to better quality vocational and work-related learning options so that young people can progress in their learning post-16 is laudable, the reality of the current economic climate and the impact of the cuts in funding will make this

impossible. There are reports that colleges with their new 'flexibilities' are choosing not to develop provision for learners with learning difficulties and/or disabilities or to maintain it, based on cost. This will obviously have an impact on the choices available to young people post-16. (Choice is only mentioned by the Green Paper in the context of early years and not for the later years when choice means more to the individual.) Management of expectations for young people, parents and providers needs to be followed through the whole system in terms of what can and can't be delivered and/or funded.

18. Young disabled people and young people with SEN must be empowered to as far as possible, make their own decisions as to where they will progress to after school and what learning programme they chose to do. It is important that providers listen to the learner voice. In post-16 education and training this will include young disabled people who are in forensic settings, young people in offender provision, young people who are 'looked after' and care leavers, and young adult carers who are disabled (16-25). The Green Paper highlights the importance of the views of young people being taken into account when considering how to develop and improve local health and social care services through HealthWatch, and this should also be the case for education services. Education services should be included in the remit of HealthWatch. The Learner voice is crucial in shaping services at a provider and local level.
19. Some learners may want to access discrete provision however; education and training providers have to produce comprehensive and accessible information about the whole curriculum offer. This could also be in the form of taster days and link courses. Education providers have to be receptive to what the young person has to say and respond in a person-centred and creative manner that will involve adapting and developing provision that best matches the young person's choices. Young disabled people and young people with SEN have right to chose from the whole college offer and learn in an inclusive environment. Education funding has to be changed so providers can be learner- led rather than led by running courses that attract funding through accreditation.
20. Education or training post-16 providers need a well trained workforce of teaching and support staff. The proposal for LSIS, DfE and BIS to support the development of SEN and disability training for staff in colleges is welcome. **All** staff should be trained appropriately not just those working in discrete provision.
21. Training for staff who work with young people with mental health disability may need a more differentiated approach working closely with mental health services. Training need to include wellbeing and mental health with a focus on how to help people with mental health difficulties in learning rather than how to become a mental health specialist. For young people who develop some mental health disabilities as they prepare for adulthood, education is not necessarily about building on what they have done before – everything may be changed for them

for a time. They may become disabled/ need SEN assessment for the first time post-16. They will need highly flexible, personalised solutions with the potential to step up and step down their support and learning (without becoming NEET). The evidence is that some of their learning curriculum will need to focus on wellbeing and recovery as well as mainstream subjects and that providers will need to address mental health and wellbeing much more carefully/deliberately than many have done to date.

22. There has to be a commitment from senior management and Governors at colleges to Inclusive Learning, and training and support to maintain and develop this approach.

23. (Question 34): When disabled young people and young people with SEN choose to move directly from school or college into the world of work, how can we make sure this is well planned and who is best placed to support them? Post-16 FE funding should focus on job outcomes rather than accreditation to encourage providers to support young people into the world of work. The Wolf report recommends that funding and performance measures should promote a focus on employment outcomes rather than on the accrual of qualifications

24. NIACE notes the intention of the DfE to build on the findings of the Wolf Review of Vocational Education. The Wolf review recommends that funding for full-time students age 16-18 should be on a programme basis and should follow the student. The review also recommends the continuing flexibility for these young peoples' programmes with no restrictions placed in terms of which level or type of qualification they can pursue and appropriate progression routes *“for the student or apprentice to move sideways (or indeed ‘downwards’) in order to change subject or sector.”* Such an approach would be welcomed in an aligned funding system for young disabled people and young people with SEN.

25. Recommendation 7 in the Wolf review is that:

‘Programmes for the lowest attaining learners – including many with LDD as well as those highly disaffected with formal education – should concentrate on the core academic skills of English and Maths, and on work experience. Funding and performance measures should be amended to promote a focus on these core areas and on employment outcomes rather than on the accrual of qualifications.’

The focus on employment outcomes and work experience is welcome. However, the focus on English and Maths will be most relevant when it is contextualised and embedded within the work setting. The focus should be on what learners can do. Learners should not be forced to do something repeatedly that they cannot do as this is a waste of educational time and talent. This should not be a

barrier to employment as we know that many people with learning difficulties want to work and can and do without qualifications.

26. To support the transition to work many young people with SEN will need on-going support in the workplace from a job coach. This means support for young people post-25, support for sustainable careers. Colleges currently find it very difficult to put the funding in place to support this. The Education, Health and Care plan will need to identify an appropriate agency and funding to provide the service. The Getting a Life programme has done some interesting work on self-employment and mini-enterprises and the curriculum should enable young people to pursue such opportunities if they chose.
27. Apprenticeships are a key route into work and should be inclusive of all learners. Information, advice and guidance will play a key role in supporting the transition to work. There is concern about the loss of expertise in IAG with the changes in Connexions and cuts in services.
28. For those disabled young people and young people with SEN who choose to move into the world of work from school, in order to be ready to do this opportunities for work experience whilst still at school are crucial. The Government is supporting the proposal in the Wolf Review to remove the statutory duty for work experience opportunities at Key Stage 4 (14-16) so there are more opportunities available to young people when they are older. Young people with SEN in particular have not been routinely accessing work experience at Key Stage 4 but there is evidence that it is crucial they do so as early as possible to develop their learning skills in the workplace – the ‘place and train model’. What is needed are measures put in place to assure work experience is available for young disabled people and young people with SEN at this early age. The Wolf Review does also stress the importance of work experience for what are described as ‘Lower attaining pupils.’ Work experience has to be a core part of an effective curriculum that will support the transition to work.
29. The suggestions above are equally relevant to young disabled people and young people with SEN who don’t have a Education, Health and Care plan or an individual budget. Their needs should not be forgotten.
30. ***(Question 35): Do you agree that supported internships would provide young people for whom an apprenticeship may not be a realistic aim with meaningful work opportunities? How might they work best?*** Young people with learning difficulties and/or disabilities should not be deterred from applying for Apprenticeships. Apprenticeships are the major way forward to supporting young people into employment and as such there should be a presumption for them to be inclusive where possible.

31. There needs to be greater clarity on what an internship is. Should they be classed as work programmes leading to employed status, or are they a FE learning programme in which case there should be clear progression and some sort of outcome for the young person at the end of the programme? Some of the current Project Search projects have encountered funding issues because of the definition of the Programme.
32. There are a number of questions to seek further clarity about the proposed supported internships. Will there be a national system to support their development? What will success look like for the young person on a supported internship? Is it a job or work experience that might lead to a job? Who the programme is aimed at? It is important not assume that learners with learning difficulties and/or disabilities equates to low attainment. Learners with learning difficulties and/or disabilities have diverse range of skills and needs. There could be in danger of developing a programme that stigmatises young people with learning difficulties and/or disabilities, this could lead to a barrier in itself.
33. There is evidence of good practice from colleges running different versions of the supported employment and Project Search models. It is important that there is flexibility in the system so a range of approaches based on the supported employment model can be developed.
34. It is often crucial that there is a degree of on-going support once a young person leaves the programme. Many providers struggle with how to set up in-work support once a young person has left college and there is no on-going funding. In some cases this role can be taken on by supported employment services if they exist in the locality and there is some good practice whereby existing employees provide on-going support. This needs to be taken into account in any development around supported Internships.
35. It is essential to secure employer engagement, especially with rising unemployment. It is important to ensure that employers and providers were incentivised to recruit more learners with learning difficulties and/or disabilities into Apprenticeships and this would also apply to supported internships.
36. **(Question 36): How can employers be encouraged to offer constructive work experience and job opportunities to disabled young people and young people with SEN?** Employers will continue to need encouragement and support to offer work experience and job opportunities to disabled young people and young people with SEN. Employers need to be asked what they need in this process. Support to help employers develop in-house roles such as job coaches will embed the supported employment approach and spread the cost. There is expertise in supported employment agencies that can support employers in doing this. Some education and training providers have a good track record in working with employers and there is much to learn from their experience. That being said

providers are reporting that they are finding it harder to source work experience and job opportunities in the current economic climate.

37. (Question 37): How do you think joint working across children's and adult health services for young people aged 16 to 25 could be improved? The Green Paper correctly identifies the need to address a number of longstanding issues. This (improving joint working across children's and adult health services for young people) is one of those issues which (in line with the principles of the new Health and Social Care Bill and the aspiration in the Green Paper that young people will make use of direct payments) should not simply be seen as a question of improving joint working by professionals. It needs to be considered from the different perspectives of:

- Offering young people and their families a more empowering (learning) approach which includes an entitlement to services to support them in making the transition. This may also serve them well in developing skills to plan for the future, handle this and future transitions well and exercise choice and control;
- The commissioning and provision of services that are designed and required to support transition ;
- Improving the choices and control that young people (and their parents or carers) are able to exercise about the services they want to help them before, during and after this age-related transition;
- Recognising that early intervention isn't just about intervening early in terms of chronological age it is also about intervening early to prevent or minimise difficulties at different life stages;
- Challenging the very rationale that has created the barriers many young people face at this stage in their lives.

38. The need for young people to transfer from children's to adult health services are of course of our making - because we have systems and legislation based on once upon a time, administratively and clinically convenient divisions based on age and biological development. These divisions create fault lines which all too often run through the lives of disabled young people's learning, through no choice that they or their parents have made. The radical solution would be to dismantle these divisions and their often pernicious effects.

39. Services such as First Episode on Psychosis Early Intervention Teams have shown that this can be done. They work with young people between ages 14 and 35 years (based on current evidence based understandings of the condition and best practice in treatment). Removing the traditional age boundaries of children's and adult health services has had a positive effect not only for individuals with first episode psychosis and the delivery of effective mental health services but also for effective working with further education to improve education and

employment outcomes for this group of disabled young people who otherwise experience some of the highest levels of exclusion from education, employment and training of any group of disabled people. The evidence based Back on Track Programme which began in Portsmouth has been widely reported as a model of effective practice by NIACE, illustrating how removing the need for people to transfer from children's to adult services has enabled extremely effective joint working with further education.

40. Staff in further education colleges need time to support young people with issues arising from transitions and to advocate on their behalf when necessary. Information advice and guidance staff should be charged to provide ongoing support for individuals as they go through children's to adult services transitions. It should for example also become a high priority for the Work Programme when supporting disabled young people. The Getting a Life programme has developed four pathways to support transition planning including transition planning for good health, which provide a useful illustration of how other sectors involved with young people are drawn into and can help to support this process.
41. If staff in children's and adult services are to offer people a bridge that they can cross then staff will require support to do so – through training, information and the freedom to work flexibly to personalise the transition and meet the needs of individuals. The ability to help vulnerable young people to move from one health service to another through understanding of different services, the provision of information and empathy shouldn't need to become a specialist skill it should be an essential one.
42. ***(Question 39): Do you agree that our work supporting disabled young people and young people with SEN to prepare for adulthood should focus on these areas: ensuring a broad range of learning opportunities; moving into employment; independent living; and transition to adult health services? What else should we consider?*** As with all young people disabled young people and young people with SEN should be supported to lead fulfilling lives which included being citizens in their own right. There is need for a variety of ways into employment and learning including opportunities for informal learning that can be a route back into learning for some and a way of building confidence.
43. The proposals in the Green Paper need to include the whole picture as there is a broad spectrum of need including such as people with sensory impairment, those with mental health difficulties and those young people who acquire a disability.

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