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## 1 Introduction

- 1.1 This paper contains evidence from Natspec (Association of National Specialist Colleges) relating to the issues that are being looked at by the Labour Party Review, together with some additional areas that impact specifically on post-16 providers. Our response focuses on the experience of our core members, specialist colleges, although much of it relates equally to general further education colleges (GFEs) and other post-16 providers. Natspec works closely with AoC and AELP. Our evidence does not cover the impact on schools.

## 2 Natspec: introduction

- 2.1 Natspec is the membership association for specialist colleges as defined by the DfE and is also open to other organisations, including colleges and independent providers, which make provision for students aged 16+ with learning difficulties and/or disabilities. Natspec promotes a 'mixed economy' of specialist further education and training provision for young people with learning difficulties or disabilities that broadens their choice, supports their aspirations and represents their best interests.
- 2.2 Members offer either day or residential provision, and the majority of places are commissioned by local authorities and funded through the Education Funding Agency (EFA) high needs funding system.
- 2.3 Member organisations offer personalised learning programmes and interdisciplinary specialist support and expertise to enable students to make a successful transition to adult life. They support learners to be ambitious, to realise their aspirations and to develop the skills to make progress towards their goals. Natspec members believe that young people with learning difficulties or disabilities should be encouraged to have high aspirations for the future, and should be able to choose the college that will best enable them to achieve their goals.
- 2.4 Natspec requires member colleges to provide:
- Challenging but safe adult environments which encourage students to develop personally and socially.
  - Specialist interdisciplinary teams with expertise in teaching, learning support, therapies and assistive technologies which enable students to learn effectively.
  - High quality, personalised Study Programmes linked to Education, Health and Care plans, which support students to achieve their aspirations for work or higher education.

- Opportunities for students to develop their communication skills, express their views, and make choices and decisions.
  - Suitably experienced and qualified staff, who have regular opportunities to update their professional practice.
- 2.5 Natspec therefore supports the aims and ambitions of the Children and Families Act and has worked closely with the government and the DfE to try and ensure successful implementation.

### 3 Working with Local authorities

- 3.1 Our members continually tell us that the biggest challenge created by the legislation (and the high needs funding reforms which sit alongside it) is the need to work with multiple LAs. The travel to learn patterns in post-16 are quite different from those for schools; there are fewer providers, they have particular specialisms and it is quite common for students to travel across LA boundaries to find the programme that is right for them. The current area reviews are likely to make this even more prevalent. Many colleges work with 4 or 5 LAs where they make day provision, and with up to 40 when they are also residential.
- 3.2 Because there has been no attempt to promote a nationally consistent set of approaches and paperwork to support commissioning and funding, providers find themselves dealing with a very wide and varied range of practices. These include differing requirements for information, different formats for EHCPs, reporting and reviews, and different expectations about the role of the college (for example in contributing to writing plans).
- 3.3 This had created a significant administrative burden on colleges, with many of them having been obliged to recruit extra staff to manage the various processes. The cost to providers in following up different contacts within LAs and dealing with multiple agencies for funding has led to extra administrative staff being taken on, pushing up costs and reducing efficiencies. Unlike LAs, which have been given additional resources to manage implementation, providers have received no additional funding.

### 4 The drafting of EHCPs

- 4.1 Colleges have noted considerable variations in the style and quality of EHCPs. Natspec surveyed its members about this in May 2015 and will undertake a follow up survey early in 2016/17. Some of the concerns noted include:
- Extensive use of copy and paste from previous statements to populate the plan, thereby failing to ensure that the plan is personalised and takes account of the views of the young people and their family/carers.
  - Very poorly conceived and badly written outcomes, with a lack of focus on adulthood, for example: 'to achieve accreditation at a level reflective of his capabilities', which is both meaningless and does not enable the college to put together a relevant study programme. Or 'to develop fine and gross motor skills', which gives no context for how this might enhance life as an adult.
  - Limited focus on personalisation, either because the people writing the plan did not have the time or the skills. One respondent noted 'The student's clearly expressed wishes were ignored and that the focus was purely on getting them through the next year of classroom study with no holistic skills and preparation for adulthood'

- 4.2 Parents report that they are often not involved in producing the plan, or that their views and those of the young people are not fully taken into account. Very few parents are aware of or have had access to an Independent Supporter.
- 4.3 The timescale for the production of the plan set out in the Code is frequently not adhered to. The delays in making placement decisions and confirming funding create anxiety for young people and their families and uncertainty for colleges. Early results from our 2016 survey indicate that over half of students expected in 2016-17 have not had their funding confirmed, missing the March 31 deadline by several months.

## 5 The transition to EHCPs

- 5.1 The original timescale for the transfer of all Learning Difficulty Assessments (LDAs), the post-16 equivalent of statements, was September 2016. Natspec pointed out in its consultation response to this proposal that this would mean some young people having to change to an EHCP just as they went into the third year of their course. Somewhat inevitably, the transfer has not gone according to timescale, with many LAs slow to start the process and young people not knowing for sure if their plan would be in place for September. The DfE has responded to this crisis by delaying the completion date to December 31 2016; a welcome move but a situation that could have been avoided entirely if the transfer date had been the same as that for statements.

## 6 The variability of the local offer

- 6.1 The variability and frequently poor quality of the local offer is particularly apparent in relation to post-16 provision, with limited information available about the full range of options for school leavers. The recent Ofsted ‘Moving Forward?’ report stated that “The provision of specialist, impartial careers guidance to learners with high needs was generally weak. The young people and their families interviewed by inspectors frequently stated that they had received insufficient information about the full range of opportunities available to them. Of the 20 local authority websites that inspectors reviewed, 16 failed to provide sufficiently detailed information”
- 6.2 Many LAs have developed policies, which limit access to post-19 provision and which are based on criteria that are not in keeping with the Code. However, these policies are not publicly available on their Local Offer website, but reported to parents during discussions about their child’s future. In particular, LAs often:
  - focus on employability as the only legitimate outcome, when other outcomes are equally valid for many young people with complex needs
  - limit time in education to two years only, thereby failing to recognise the extended time that some young people need to consolidate their learning
  - fail to understand the benefits of residential provision for young people who need to develop their independent living and social skills in ‘real life’ settings away from the family home. As Ofsted in Moving Forward reported, ‘Learners on the autistic spectrum significantly improved their independence and social skills by living in a dedicated residential facility. Alongside their college course, they took part in community activities and undertook supported external work experiences.’

- Will not consider ‘out of area’ provision, despite this being the wish of the young person, and being the only option that can offer the course of their choice with appropriate support.
- 6.3 This variation in local policies has resulted in a post-code lottery of provision, with neighbouring authorities approaching post-16 and post-19 options quite differently. This leads to considerable inequity across the country, with some young people being denied access to potentially life changing educational opportunities.
- 6.4 The local offer should also help young people to work their way through the system beyond education and to understand the options available to them when they complete their college course. However, there is rarely good information about how to find suitable housing or supported employment.

## 7 The SEN Code of Practice

- 7.1 Post 16 providers have not been subject to a Code in the past, so this is a major change for them. They have generally welcomed the Code and the guidance it provides, but have been surprised at how easy it seems to be for the timelines and approaches to be ignored.

## 8 Funding

- 8.1 The high needs funding system has caused considerable problems since its introduction a year before the Children and Families Act. It is complex and still poorly understood in some areas. Furthermore, the process has been amended each year and is about to change again, thus adding to the confusion for LAs and providers.
- 8.2 Natspec member colleges have reported delays to issuing of contracts, with many still outstanding in June for placements from the previous September. One college in January 2016 had received no payment from 20 out of 39 local authorities and did not have contracts in place with 20.
- 8.3 Cash flow issues and budget planning are therefore a significant concern; some colleges have reported overdue fees of over £1million. It will be very difficult for providers to reduce costs further if they cannot set budgets relating to future numbers or guarantee they will be paid for existing students.
- 8.4 The approaches to procurement being adopted in some local authorities are open to question in relation to issues of choice for young people and the processes for managing EHCPs outlined in the Code of Practice.

## 9 Conclusions

- 9.1 Natspec supports the intentions of the reforms and the principles that underlie them. However, implementation has been rushed, with too little time being given to transfer to the new system, inadequate training and insufficient consideration given to post-16 provision.
- 9.2 Natspec has further information available to support the evidence given above and would be happy to share this as the review progresses.