

Our recommendations – summary:

Children and Young People with Special Educational Needs and Disabilities (SEND) should be able to access quality education and training which supports their individual aspirations and enables them to lead happy and fulfilled lives.

Natspec supports the ambitious intentions of the 2014 Children and Families Act, but has concerns that a poorly designed funding system and excessive bureaucracy are taking the focus away from meeting the needs of young people.

We ask the government to **undertake post-legislative scrutiny of the Act** via the Commons Education Committee to ensure that it is working for every young person with SEND aged 16-25, and also to implement the following recommendations:

1. Create fair funding for high needs students
2. Provide for 19 to 25-year-olds: investment for independence
3. Help young people understand options: independent careers education, advice and guidance
4. Close the employment gap for disabled people.

Introduction

Natspec is the membership body for organisations which offer specialist education and training for students with learning difficulties or disabilities. We represent 85 colleges and 3,000 students and provide training for the wider further education sector, to improve provision for an additional 27,000 students with Education, Health and Care Plans.

This document sets out our recommendations for the government.

1 Fair funding for high needs students: create an equitable and effective funding system

The current high needs funding system is complex, costly for providers and local authorities, overly bureaucratic and does not work effectively for post-16 learners or providers.

Young people were intended to be at the centre of the system but are in fact subject to a postcode lottery due to variable approaches and policies of different local authorities.

The system places all the responsibility with local authorities, who assess, plan, commission and fund places, creating a potential conflict of interest.

Pressures on local budgets result in a focus on short term savings and a lack of long term planning. In 2011, a National Audit Office report¹ noted that average lifetime costs of supporting a person with a moderate learning disability (£2–3 million) “could be reduced by around £1 million”.

The focus on costs rather than on individual needs and outcomes is also evidenced by placements at specialist colleges being increasingly driven through formal procurement practices which are inequitable and inconsistently applied.

Funding: We seek a commitment to:

- Ensure LA reviews of SEND provision result in longer term planning of placements and stronger partnerships between LAs and providers so that budgets can be set and specialist places confirmed within a realistic timescale.
- Place a requirement on local authorities to work together on systems and processes, and to plan regionally to identify budgets for low incidence high needs provision.
- Either remove SEND placements from the Public Contracts Regulations, or ensure that all local authorities adopt an equitable and 'light touch' approach to procurement for high needs places.
- Undertake research into low-incidence, complex SEND which requires highly specialised provision, to promote joint understanding of what constitutes value for money.
- Ask the National Audit Office to look again at the long-term value for money that specialist post-16 education can provide, following up the report of November 2011.

2. Provision for 19 to 25 year olds: investment for independence

Many young people with SEND need to stay in education and training beyond the age of 19 to make an effective transition to adulthood. Limited access to learning for young people aged 19+ remains a major concern. [Recent DfE guidance](#) has caused confusion and appears to conflict with the SEND Code of Practice which states: 'Local authorities must not cease to maintain the EHC Plan simply because the young person is 19 or over' (Paragraph 9.200).

Assessing whether young people have made progress, or met their educational or training outcomes, can only be done individually on a case by case basis. We call on the political parties to commit to supporting local authorities to make fair and consistent decisions about maintaining EHC plans beyond age 19, and undertake assessments for new plans for young people aged 19+, in line with their duties under the Act and the SEND Code of Practice.

A well-defined education programme, with meaningful and stretching targets, can result in substantial progress for many young people with complex needs over the age of 19. Living more independently, participating in their communities and having good health and well-being adds value to the lives of young people with learning difficulties or disabilities, their families and to society at large. Too often, EHC plans focus only on employment outcomes rather than these wider aspirations.

The situation for those without EHC plans is also very concerning. Funding for adult education is severely restricted and because of the costs of provision for adults with learning difficulties and/or

¹ NAO report, *Oversight of special education for young people aged 16 – 25*, <https://www.nao.org.uk/report/oversight-of-special-education-for-young-people-aged-16-25/>

disabilities, many providers no longer run programmes for adults with LDD. Where courses do exist, learners may have to pay fees and the budget available for learning support is both limited and allocated at the discretion of the provider; it is often not sufficient to meet the needs of learners with more than moderate support needs.

Post 19 provision: We seek a commitment to:

- Issue a clear directive on what it means to continue to make progress towards education and training outcomes which have not yet been achieved.
- Require those responsible for producing EHC plans to set stretching and ambitious outcomes emerging from annual reviews at aged 16 to 18.
- Reverse the cuts in adult education to enable young people aged 19+ with SEND but without EHC plans to access education and training in order to realise their aspirations.

3 Independent careers education, advice and guidance

Careers education, advice and guidance is not available consistently, and where it does exist there is not enough focus on children and young people with SEND:

- The Careers and Enterprise Company, established in June 2015, has reported on their first year in operation², and makes no specific reference to learning difficulties or disabilities.
- The National Careers Service also makes no specific reference to SEND issues.
- A committee of MPs reported on careers advice in July 2016³ but did not make any specific recommendations in this regard.
- Government proposals for a legal duty on schools to allow post-16 providers to talk to pupils about their provision has not resulted in the required legislation.

The next government should introduce this legislation and ensure it particularly references post-16 options for young people with SEND, including specialist colleges.

In addition to these gaps in policy, there are specific issues around the content and accessibility of Local Offers and the paucity of good advice and guidance.

Options: Independent advice and guidance – We seek a commitment to:

- Face to face, well informed and impartial advice, guidance and support for every student with learning difficulties or disabilities.
- Comprehensive information in Local Offers which lets users know what is available both within and beyond the local area, and guides them through the application process.
- Greater scrutiny of Local Offers to ensure that they are comprehensive and accessible.
- Reform of the National Careers Service to properly address and include the needs of young people with SEND.

² Report available from <https://www.careersandenterprise.co.uk/>

³ First Joint Report of the Business, Innovation and Skills and Education Committees, 2016-17, 5 July 2016

4 Increased employment opportunities

Existing and previous commitments to close the disability employment gap are positive, but employment rates for young people and adults with learning difficulties or disabilities remain shockingly low. We are particularly concerned at the very low percentage of people with a learning disability in employment (just 5.8% of adults with a learning disability known to local authorities).

Yet evidence shows that many people with a learning disability are excellent employees and add value to employers - they stay in jobs for longer, take less sick-leave than other employees and have better attendance rates.

Natspec welcomes a range of initiatives that seek to address this and improve employment outcomes for young people with learning difficulties or disabilities. These include the option of undertaking a supported internship, the Disability Confident programme to engage with employers and the recent Paul Maynard taskforce recommendations 'Apprenticeships: improving access for people with learning disabilities'.

Employment: We seek a commitment to:

- Continued cross departmental promotion of the benefits of employing disabled people.
- A fair assessment system for the small number of people with disabilities who are not able to work, and a welfare system that provides them with the financial support they require in order to lead fulfilling lives, as full members of society.
- Further support and resources for providers to develop supported internships and the individualised support that is needed to encourage young people with disabilities to aim for employment, together with a central point of information for employers regarding supported internships.