

# Education Committee Inquiry: The impact of COVID-19 on education and children's services



## Evidence from Natspec

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### Introduction

Natspec is the membership association for organisations which offer specialist further education (FE) for students with learning difficulties and disabilities. We represent 94 colleges and approximately 5,500 students and provide training for the wider further education sector to help improve provision for 16 to 25-year-olds with Education, Health and Care (EHC) plans. As an FE organisation concerned with the education of young people with high needs, we have focused our evidence on the impact of COVID-19 on this group, their families, and the providers who support them.

We have organised our evidence around the published terms of reference for this inquiry but also included a set of general points which we think will be of interest to the Committee.

### General points

- We encourage the members of the Education Committee to ensure their inquiry covers the full range of the education sector, including young people and colleges, and not just schools and children. In particular we would ask the Committee to consider the impact on young adults aged 19 to 25 with EHC plans who are funded under the 16-19 funding system. Throughout the pandemic, this group has been frequently overlooked in government guidance.
- The pace and volume of the work required of government departments were considerable and swift decision-making was often called for. Perhaps inevitably, this resulted in guidance being published that caused confusion and led to questions for which there were not always immediate answers. Headline information (for example, announcements made in daily Downing Street COVID-19 briefings) often preceded the detail which led to periods of anxiety about what providers were expected to do in practice. Often decisions were made, based on mainstream or

special schools, rather than FE settings. Guidance for FE colleges routinely lagged behind guidance for schools. The specific needs of minority groups, particularly 16-25 years old with more complex needs, were not always addressed.

- Specialist colleges or special post-16 institutions (SPIs), as they are formally categorised by DfE, have not been consistently defined within the guidance and have sometimes been missed completely. SPIs have been placed in different categories – sometimes alongside special schools, sometimes with general further education colleges; in some places they are covered by the term “other FE providers”; in others by “other specialist settings”. This has meant that staff in SPIs have not always known where to find the guidance they need or that they have had to extract and combine sections from different guidance documents. Our members report that often they have found themselves individually interpreting generic guidance to apply it to their highly specialist setting. Some members say they have found very little of the guidance to be clearly targeted at or directly useful to them.
- Department for Education (DfE) officials took an increasingly collaborative approach as the weeks unfolded; at first they did their best to alert key stakeholders to imminent announcements, but over time they began to involve us in drafting guidance and shaping messages to ensure they were understood by and helpful to different audiences. Where matters required addressing, DfE officials were generally quick to work with us once we had alerted them to the issues.

## Keeping schools and colleges open for the children of critical workers and vulnerable children and young people

[The announcement](#) of school and college closures, “except for the children of key workers and vulnerable children” was made on the evening of Wednesday 18 March. Use of the term ‘closing’ was in itself confusing as it quickly transpired that settings were expected to remain open for these two groups. For specialist colleges, where all students have an EHC Plan, this appeared to mean they should remain open for the entire cohort. There were also issues around the terminology used in the announcement, specifically ‘key workers’, as they were then called, and ‘vulnerable’.

### Key workers

The list of key workers (or ‘critical workers’ as they became known) was not published until the evening of Thursday 19 March, causing much confusion and giving colleges little time to organise staffing for the following week or inform families about which young people were eligible to be in college. Natspec received multiple questions from members in the 24 hours between the announcement and the clarification on who was considered a critical worker. Examples include

*“If we are considered key workers, will staff will be offered PPE as we are dealing with learners who would spit, hit, and extract other bodily fluids. I have always said that my main priority is to look after staff as they look after learners and at this point in time no one knows the extent of this. Does risk assessment around health and safety and wellbeing take priority over just remaining open to babysit a few learners?”*

*“Also just hearing that government is forecasting that around 10% of parents will be considered as key workers by their criteria...”*

*“If we are to stay open, can **all** of our staff be regarded as essential – so they can access the daycare/schools?”*

*“Staffing is a concern as they are anxious for their own children. I will just give you one real example today an LSA came to office pouring her eyes out totally in pieces. She is a very young mum with four*

*children all under 10 and is being expected to send them to school so that she can look after someone else's child who would be fine staying with parents at home (parents are not key workers)"*

In the absence of timely government guidance on who qualified as 'key workers', colleges were forced to interpret the headline announcement and make their own decisions unilaterally. One college immediately wrote to all staff confirming that they were key workers, while at another college, staff with the job title of 'key worker' automatically presumed they were in scope.

### **Vulnerable children and young people**

There was significant confusion created by the conflation under the same heading of 'vulnerable' of children and young people with a social worker and those with EHC plans. This was further exacerbated by the apparent contradiction between Public Health England (PHE) guidance and Department of Education advice, with each using the term 'vulnerable' slightly differently. While PHE was advising that adults with a learning disability should be considered 'clinically vulnerable to COVID-19' and therefore should be practising stringent social distancing and remaining at home, the DfE was advising that children and young people with an EHC Plan (many of whom have learning disabilities) should continue to attend school or college. Many members turned to Natspec for advice. This comment is typical of those received:

*"There is a conflict between staying open and the "social distancing", for our students who are all in the vulnerable groups. Families are really confused."*

The lack of clarity in the days following the announcement resulted in real misunderstandings and subsequent action that had direct effect on learners and their families. For example, the lack of explicit mention of colleges and young people in the early DfE guidance, and no reference at all to 19 – 25 year olds with an EHC Plan, led to one member informing us, *"Following last night's announcement, stating that it is children with an EHCP who are to continue to attend school, with the majority of our learners being adults, we have made the very hard decision to close."*

It took some time for more nuanced guidance to be produced for specialist settings and for a much more logical direction to be set, in which schools and colleges were asked to risk assess on an individual basis which learners with EHC Plans should continue to attend and which should remain at home. Colleges and families were largely comfortable with an approach which said that learners with an EHC Plan should remain at home where it was safe for them to do so.

## **The capacity of children's services to support vulnerable children and young people**

While colleges continued to provide education and support for young people who were now at home, they were not able to meet all the other needs of these young people and their families. Many of our students are aged 19-25, meaning that they fall under adult rather than children's services. The amount of support they have been able to access from adult services has varied considerably. In many cases, families have had not access to respite; some are reporting that they have had no support beyond that which the college has been able to provide remotely.

Some local authorities appear to have struggled to fund support in the home, in part because they have had to continue to pay in full for services that would normally have been provided by the college, as set out in the earliest (22 March) guidance on maintaining provision for vulnerable children and young people. This document guaranteed that "funding [for schools and colleges] from both national *and local* government will be maintained and not reduced." However, particularly in March and early April, there was confusion amongst local authorities who did not all seem to be aware of this funding guarantee. One wrote to specialist colleges explaining that they would not be able to continue to pay for services the college was no longer providing as they were now having to source the support elsewhere.

## The effect of cancelling formal exams, including the fairness of qualifications awarded and pupils' progression to the next stage of education or employment

Only a very small proportion of students in specialist colleges take GCSE or A level exams. However, those who do have often had a poor or disrupted experience of education prior to coming to college. Ofqual have decided to proceed with an approach to standardisation of results that includes learners' prior attainment which we consider to be an unreliable indicator of future performance for many of our students. Likewise, Ofqual will be factoring the past record of providers in relation to GCSE and A level performance. For small SEN specialist providers, whose cohorts vary considerably from year to year, this will not be helpful in arriving at grades for this year's students. We are pleased to see that Ofqual will be considering these weaknesses in the standardisation process but are not entirely reassured that this will guarantee fair outcomes for students with SEND in small specialist settings.

Initial proposals from Ofqual for awarding qualifications other than GCSEs or A levels seemed to omit qualifications relating to personal growth or independent living skills, which would have disproportionately disadvantage young people with SEND. Although Ofqual has now rectified this, it caused considerable concern amongst FE colleges, both specialist and general. In its original consultation document, Ofqual also proposed accepting alternative assessment methods that would discriminate against those with SEND in order to meet the needs of the majority, which we believe would have contravened the Equality Act 2010. Although the regulator has softened this statement in its published awarding arrangements, Natspec is not reassured that awarding organisations have been advised strongly enough that they must consider very carefully the impact on certain groups of learners of changed assessment methodology and the need to ensure accessibility for learners with SEND.

Progression for many of the students in our colleges is not predicated on qualification achievement; we urge the Committee to recognise the importance of this. Students with SEND need to have developed the skills, confidence and independence to make their next steps into adult life. Despite the best efforts of colleges, all learners have missed out on significant aspects of their FE programme, whether they have remained in college or spent the last few months at home, but the impact on some has been greater than on others. For a minority, lost time in college is seriously jeopardising their successful transfer to another setting or will result in them failing to achieve planned outcomes by significant margins. While we welcome the DfE's recent indication that learners needing further time on a supported internship will be funded for an additional period of time, there are other learners with SEND who would also benefit from some kind of extended placement. We would like ESFA and local authorities to commit to extending high needs placements or provide an alternative form of funded transition support for a small proportion of learners who were due to leave college this summer where their progression is likely to be thwarted as a result of COVID-19.

## Support for pupils and families during closures

Specialist colleges have continued to support students who have remained at home, and their families. Most have done this in addition to providing ongoing onsite provision. In May, 81% of Natspec colleges reported that they had some students onsite; around 11% of day students were still attending and 41% of residential students. They have provided remote provision for the remainder through virtual learning platforms, video-conferencing and by emailing or posting material to students. They have conducted regular wellbeing checks and provided continuing access to therapy. Their primary focus has been on the health, safety and wellbeing of the students and of their families. Natspec has put a great deal of resource into helping colleges stay focused on the quality (rather than quantity) of the learning and support offered to young people in their own homes. There has been a proliferation of 'e-learning material' from a variety of sources which colleges have found rather overwhelming. Natspec quickly realised that colleges needed support to shape their own remote approaches rather than being offered

an array of material that they would then have to sift through to determine its relevance for their particular students. Working with practitioners from our member colleges, we have produced a [series of themed resource packs](#), containing effective practice principles and self-audit tools along with exemplar resources created by different colleges to support members and the wider sector to maintain the quality of the provision for young people with more complex SEND throughout this period.

While we are confident that specialist colleges have striven to offer their students a meaningful offsite learning experience, this period has underlined the fact that there is no substitute for the highly personalised face-to-face learning and support students would normally be offered on site, in the community or in the workplace. There has undoubtedly been a significant impact on students' progress towards achieving the goals and outcomes in their EHC plans.

While all learners (those who have continued to attend college and those who have remained at home) have been affected, there are some courses where planned learning approaches have been more negatively impacted or have had to be abandoned altogether. These include courses with substantial work placements, including supported internships, and those where the normal learning environment would be in one or more community settings, including social enterprises. Learners on supported internships, for example, are typically at the end of their funded full-time education; their internship is designed to provide the bridge between college and work. Without access to workplace learning, many students will not have had the opportunity to develop the skills and confidence needed for the employer to be able to offer them paid work.

Specialist colleges have updated safeguarding policies to reflect changed working practices, including an increased use of the internet as staff communicate with students and families in their own homes and more learning and progress-reporting taking place online. Regular wellbeing/welfare checks have included questions to help identify safeguarding concerns; some colleges have reported that they are following existing 'missing person' protocols where they have failed to make contact with home-based students in line with planned contact arrangements.

## The financial implications of closures for providers, pupils and families

It was reassuring for colleges to receive confirmation in March that ESFA funding would continue. Initially there was less clarity that local authority funding for high needs provision was also guaranteed; although this was referenced in government announcements, it was less explicit. For example, no mention was made of 'top-up funding' or 'Element 3', terms familiar to FE settings and local authority SEND teams, which would have signalled much more clearly that this funding would also continue. As mentioned above, a lack of direct guidance to local authorities from the DfE on this matter meant that some local authorities threatened withdrawal of funding in the early weeks.

There was much more uncertainty about care contracts: PPN 02/20 was issued on March 20 but further guidance did not come out until April 6, by which time many local authorities had informed colleges that they would be reclaiming funding from care contracts. Guidance on summer term payments of high needs funding was also issued very late, meaning that colleges began to deliver provision without a guarantee of payment.

Many specialist colleges are reporting concerns about financial sustainability. In a recent survey of Natspec members, 80% of respondents indicated some level of uncertainty regarding cash flow for 2020/21. This uncertainty was mainly as result of lack of progress with placements and transition planning for learners moving from school to college. Despite the statutory deadline of March 31<sup>st</sup> for agreeing places for learners transferring into FE settings, as set out in the SEND Code of Practice, 17 out of 54 colleges responding had *no* funding agreed for 20/21. The vast majority had under 20% of expected new students confirmed. While late placements is a perennial issue for our sector, the situation

is now exacerbated by the difficulties in planning for transition caused by COVID-19 (e.g. parents and young people cannot make exploratory visits to colleges; college staff cannot conduct face-to-face assessments; local authority staff are redeployed to COVID-19-related roles or prioritising COVID-19-related tasks).

Many colleges that have remained open have incurred additional expenses, although they have not yet reported these as unmanageable. For some there was added expenditure in staying open over the Easter holidays. While guidance was issued to schools about reclaiming additional expenditure for Easter opening, this did not include colleges.

## The effect on disadvantaged groups

There have been multiple immediate and short-term effects on young people with SEND. They have missed out on the highly specialised, person-centred education and support they need to thrive. Learners who have remained on site have not had access to the same range of specialist staff and learning environments as normal (for example, in residential colleges self-isolating households of young people have received all their education within their residences rather than in fully resourced classrooms, workshops or workplace/community settings, and with their housemates rather than their usual peers). For learners assessed as being safer at home, homebased learning has been challenging to provide, especially for young people whose learning is normally highly experiential, sensory, and/or delivered by a multidisciplinary team of expert teachers, support staff and therapists. Families have been asked to cope with the 24-hour care of their children - with minimal external input - as well as trying to support their ongoing education and engagement with various therapies, with little or no access to any form of respite.

As explained above, many young people with more complex SEND due to transfer into a specialist FE setting have no confirmation of a place for September and a complete lack of certainty about how or when decisions will be made. This is causing increased anxiety at a time when anxiety levels are already high. Successful transition out of college is also at being put at risk while critical face-to-face transition planning about future living arrangements, care packages and/or employment support cannot take place. There is a danger that the significant investment in education and support for these young people will result in little return, and the young people themselves will not reach their potential in terms of independence, autonomy or economic activity.

We also have concerns about the longer-term effects not just on our current cohort of students but on future generations of children and young people with SEND. There is a significant risk that by issuing a [notice](#) under the Coronavirus Act to modify S42 of the Children and Families Act, the Secretary of State for Education has paved the way for new, undesirable norms to be established. We are concerned about the apparent variability in the interpretation of 'reasonable endeavours', with some local authorities offering very limited provision and making little or no attempt to engage with young people and families over how individual provision is to be made when that which is outlined within an EHC plan cannot be provided. Government must do everything in its power to ensure that these modifications are reversed as soon as possible before any form of acceptance of diminished provision becomes entrenched.

We believe that the extreme effects of COVID-19 have only served to highlight the strains under which the SEND system was already operating, as clearly identified by the recent [Education Committee SEND Inquiry report](#) and the [NAO Report](#). The most detrimental effect of COVID-19 on children and young people with SEND would be the loss of commitment to address the fundamental flaws in the current SEND system and the consensus about what needs to change that were building pre-pandemic.