



Support for students with learning difficulties and disabilities in post - 16 education in England

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Section Social Policy Section

This note outlines arrangements for students with learning difficulties and disabilities in post - 16 education in England. It gives an overview of policy in this area and current funding arrangements. It also discusses the proposals in the 2011 SEN and Disability Green Paper, *Support and aspiration: A new approach to special educational needs and disability*. This note also highlights areas of concern.

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1 Introduction

The system for delivering funding and support to students over age 16 with special educational needs (SEN) is different to the system pre-16 in many areas including assessment processes, funding systems and even terminology. In post-16 education students with special educational needs (SEN) tend to be referred to as ‘learners with learning difficulties or disabilities’ or LLDD. The term ‘learning difficulty’ is defined in the *Learning and Skills Act 2000* as having ‘a significantly greater difficulty in learning than the majority of people of that age, or having a disability which prevents the use of facilities generally provided by post–16 education and training providers’.¹ ‘Disability’ is defined under the *Disability Discrimination Act 1995* as having ‘a physical or mental impairment which has a

¹ [Learning and Skills Act 2000](#) s13(5)

substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities'.²

Extra support is provided to young people with a wide range of needs, including learning difficulties like autism or dyslexia, physical disabilities such as visual impairment or mobility problems and behavioural disorders. A report by the National Audit Office (NAO) *Oversight of special education for young people aged 16–25* gave an estimate of the numbers of young people receiving extra support in 2009/10:

In the 2009/10 academic year, over 30,000 young people aged 16–25 received extra support for higher-level special educational needs, at a cost of around £506 million.² A further 87,700 with lower-level needs in further education received around £135 million of special educational support. An additional 28,800 students with lower-level needs were supported in mainstream schools, where the cost of support is not separately reported.³

The system for delivering funding and support to students in post-16 education is complicated. Administration of provision for LLDD varies depending on the age of the learner, the learner's level of difficulty or disability and the level of study being undertaken. Provision may be overseen by local authorities, government agencies or educational institutions. Provisions for students with SEN are a devolved matter and arrangements and support therefore varies across the UK. This note will only cover the situation in England.

2 Policy relating to LLDD in the post-16 sector

2.1 Disability discrimination legislation and post-16 education

In October 2010 the *Equality Act 2010* replaced most of the existing disability discrimination legislation, Disability Rights UK have published a document *Understanding the Equality Act: information for disabled students* which explains how the Act works.

To summarise the current position with regards to disability discrimination in post-16 education, providers of further and higher education are under a legal obligation to make sure that students with disabilities are not treated unfavourably and to ensure that they are not placed at a substantial disadvantage compared to students who are not disabled. Education providers must also make 'reasonable adjustments' to ensure that disabled students are not discriminated against. Making reasonable adjustments could include: changes to practices or procedures, changes to physical features, changes to how learners are assessed or providing extra support and aids (such as specialist teachers or equipment).

An overview of the law in the area of education and disability discrimination is given on the Directgov website at [Learning and your rights](#).

2.2 The SEN and Disability Green Paper

The 2011 SEN and Disability Green Paper, *Support and aspiration: A new approach to special educational needs and disability* proposed a series of changes to the support system for children and young people with SEN. The paper acknowledged that opportunities for young people with LDD fell short of what they needed to make a successful transition into adult life and made proposals in relation to improving training and employment prospects:

² *Disability Discrimination Act 1995* s1 (1)

³ National Audit Office *Oversight of special education for young people aged 16–25* 4 November 2011 HC 1585 p5

4.12 We want all young people with SEN or who are disabled to be able to access education and training so that at each stage of their education they are able to progress by building on what has gone before. We want to see a greater focus on outcomes, particular employment, currently something that is often lacking.

[...]

4.15 Where the costs of meeting young people's support needs, including the needs of disabled young people or those with SEN, are below £5,500 a year, colleges are able to use the Additional Learner Support funds provided to them for this purpose. The Department for Education will explore how this fund is being used to support young people aged 16 to 19, identifying where best practice has had a positive impact on both educational and life outcomes

[...]

4.18 We know that, for disabled young people and young people with SEN, taking part in high quality, appropriate and tailored work experience opportunities can be crucial to their successful transition to adulthood. For some young people, experience of work and on-the-job training is more likely to help them secure employment than qualifications or classroom-based learning. Too often, these opportunities are not available or do not offer a structured and supported approach that genuinely helps the young person to make progress.

4.19 We want more disabled young people and young people with SEN to be able to have constructive experiences of the world of work while they are still at school, to help prepare them for the transition to adult life. We will promote innovative practice such as that seen in some of the Getting A Life sites, where young people with learning disabilities receive help and support to enable them to access paid work in the evenings and at weekends.

[...]

4.21 We anticipate that some disabled young people and young people with SEN will take part in the National Citizen Service pilots from 2011, and the Department for Education and the Cabinet Office have selected lead pilot providers partly on the basis of their approach to supporting young people with additional needs. The Department will monitor the national roll-out of the National Citizen Service and learn from the pilots to make sure that disabled young people and young people with SEN can participate at the right time for them.

4.22 Higher education helps many young people fulfil their potential, and the Department for Business, Innovation and Skills will help disabled students with talent and ability to access higher education through appropriate targeted funding and support. The Department is establishing a new framework, with increased responsibility on universities to widen participation in higher education. It has also established a new £150 million National Scholarship Programme, which forms part of a package of measures (including the pupil premium) to support disadvantaged young people to achieve at school or college and turn that into success at university. One of the national criteria for the programme will be support for disabled students.

The responses to the Green Paper were set out in [Support and aspiration: A new approach to special educational needs and disability Progress and next steps](#). There was 'general agreement' among respondents with the focus in the Green Paper on access to vocational and work related learning and support with job seeking.

2.3 Transition planning for students leaving compulsory education

The SEN Green Paper was critical of the support and opportunities available to young people during their transition to adulthood. Assessment processes and support services during this period are split between different bodies and this can create problems for learners and their families.

In England school children with disabilities may have a Statement of Special Educational Needs (SEN), this will state their individual learning needs and the support that should be provided. This Statement is only valid post-16 if the student stays on in school.

Section 139a of the [Learning and Skills Act 2000](#) places local authorities under a duty to arrange a learning difficulty assessment (LDA) for students in their last year of compulsory education who have a statement of SEN and who they expect to continue in post-16 education. Having a Section 139a Learning Difficulty Assessment means that the local authority is responsible for the student's education, training and support needs, in some case up to age 25.

Local authorities also have the power to undertake LDAs for young people who do not have a statement but appear to have learning difficulties and are receiving, or are likely to receive post-16 education.

LDAs should set out the young persons' educational and training needs and the provision required to meet those needs. Information for local authorities with regard to LDAs is set out on the Department for Education website at [LDA guidance for local authorities](#). Two PQs were asked on LDAs on 1 December 2012:

Special Educational Needs: Young People

Mr Jim Cunningham: To ask the Secretary of State for Education if he will bring forward proposals to make it mandatory for local authorities to carry out learning-difficulty assessments for young people with disabilities or learning difficulties before they switch to post-16 providers; and if he will make a statement. [82892]

Mr Gibb: Local authorities already have a statutory duty to ensure learning difficulty assessments take place for all young people who had a statement of special educational need at school if they are moving from school into post 16 education or training. This provision was made under the Education Act 1996 (as amended by the ASCL Act) and section 139A of the Learning and Skills Act 2000.

Mr Jim Cunningham: To ask the Secretary of State for Education if his Department will take steps to ensure that learning-difficulty assessments carried out by local authorities for students with disabilities or learning difficulties intending to progress to further education are (a) conducted in an efficient manner, (b) completed and (c) form a reliable basis on which to plan support or an appropriate programme of learning; and if he will make a statement. [82893]

Mr Gibb: Local authorities have a statutory duty to ensure learning difficulty assessments take place for all young people who had a statement of special educational need at school if they are moving from school into post 16 education or training. In exercising its functions under this section an authority must have regard to statutory guidance issued by the Secretary of State for Education.

The statutory guidance makes it clear that those undertaking learning difficulty assessments should have the relevant expertise and a professional responsibility to deliver high quality and consistent assessments.⁴

The 2011 SEN and Disability Green Paper proposed that by 2014, children and young people who currently have a statement of SEN or LDA will undergo a single assessment process and will be given an 'Education, Health and Care Plan' outlining their support from birth to 25. It is intended that this change will end the 'cliff edge' that young people face when they leave school at 16 or 18 and their SEN statements stop and they lose their statutory rights. It will also avoid the need for a completely new reassessment. These proposals were well received by respondents to the Green Paper.⁵

On 21 September 2011 the government announced that 20 pathfinders covering 31 local authorities and their Primary Care Trust (PCT) partners would be set up to trial the main proposals in the Green Paper.⁶ Some of these pathfinders will test the proposals relating to young adults focusing specifically on birth to 25 assessment, the single plan and improving young people's transition pathways into adulthood and employment.

3 Support for students with LDD in further education (FE)

For the purposes of this note FE is post-16 education which is below degree level and not taught in a school. The system for LLDD in FE is complicated; this was highlighted in the Association of Colleges [draft response to the Green Paper](#):

The introduction post-16 of two different funding agencies funding students based on a combination of level of need and learner age, each with different funding 'rules' some of which mean that fees have to be charged, each funding different curricula, has been unnecessarily confusing and has, in some cases, led to a reduction in provision for learners with SEN/LDD. The current disconnection between the funding and legal responsibilities should be resolved as a matter of urgency. We believe that the split between two Government Departments and the introduction of two funding agencies has been extremely unhelpful to attempts to 'join up' provision for learners with SEN/LDD.⁷

The government provides FE colleges and training organisations with Additional Learning Support funding (ALS) to cover the additional costs associated with learners with learning difficulties and disabilities. ALS funding can be used by colleges to provide a wide variety of different types of support for students with learning difficulties such as additional study support, study materials in different formats or specialised computer software. Students may be assessed on enrolment at a college to ascertain if they are eligible for ALS and to arrange extra support. A report by Ofsted in 2010 [The special educational needs and disability review: A statement is not enough](#) contained the following finding highlighting the benefit of ALS:

⁴ [HC Deb 1 December 2012 c1092](#)

⁵ [Support and aspiration: A new approach to special educational needs and disability Progress and next steps](#) para 4.4

⁶ Department for Education press notice [20 pathfinders to test out proposals in the special educational needs and disabilities Green Paper](#) 21 September 2011

⁷ [AoC Response - Support and Aspiration: A New Approach to Disability – The SEN and Disability Green Paper](#) May 2011 p7

In the colleges visited, the young people who received additional learning support achieved as well as other students on the same courses.⁸

In April 2011 John Hayes, the Minister of State for Further Education, Skills and Lifelong, said that skills training for people with learning difficulties was a government priority ([HC Deb 27 April 2011 c489](#)):

Further Education: Learning Disability

Mr Tom Clarke: To ask the Secretary of State for Business, Innovation and Skills what steps he is taking to ensure that further education institutions provide places for people with profound and multiple learning disabilities; and if he will make a statement. [51276]

Mr Hayes: Skills training for people with learning disabilities is a priority for the Government. The Young People's Learning Agency is responsible for funding all learners aged 19-24 who are in receipt of high level and exceptional level Additional Learning Support (ALS) amounts over £5,500 either with or without a Section 140 or 139a Learning Difficulty Assessment. The Skills Funding Agency is responsible for funding all learners aged 19+ who are in receipt of low level ALS amounts up to and including £5,500 either with or without a Section 140 or 139a Learning Difficulty Assessment.

We expect further education colleges and other training providers to recognise the needs of this group of learners within their local communities when planning delivery and to develop innovative ways of responding to their needs, working with a wide range of partners in order to meet them.

Disability Alliance have a publication called [Funding further education for disabled students](#) which outlines the type of support which is available to students in FE, there is also information on the Directgov website at [Disability support at college](#).

3.1 Students aged 16 to 18

The Department for Education sets the policy framework for SEN in England including for young people aged 16-18 and the Education Funding Agency (EFA) oversees funding for these learners. Tuition is free for this age group.

3.2 Students aged 19-25

Responsibility for funding individuals aged 19 to 25 with LDD is split between the EFA and the Skills Funding Agency (SFA); this is explained in a document [Skills Funding Agency Funding Rules 2012/13 version 1](#):

Investing in further education (FE) and skills training for Learners with learning difficulties and/or disabilities (LLDD) remains a priority for the Agency (SFA). This means making sure the right level of support is available to ensure barriers to access are removed and Learners are able to maximise their potential.

- The Agency is responsible for securing education for individuals aged 19 years or more, including learners aged 19-24 with ALS needs up to and including £5,500 in year. This will include individuals who have a Learning Difficulty Assessment (LDA) where the Agency is funding on behalf of the EFA which has the legal responsibility for funding individuals up to 25 with an LDA. The

⁸ [The special educational needs and disability review: A statement is not enough](#) p9

EFA will fund on behalf of the Agency all learners aged 19 or more but not 25 years of age with ALS needs above £5,500 in year who do not have an LDA.

- The duties of local authorities, the EFA and the Agency are not affected by this arrangement which is being used solely to allocate funds to Providers.

Tuition is free for students up to the age of 25 with a LDA, students over 19 without a LDA are liable to pay fees and they are assessed under the same fee remission criteria as all other students. Fee remission criteria were set out in the Disability Alliance publication [*Funding further education for disabled students*](#):

If you're an adult learner aged 19 or over, you usually have to pay fees unless you're getting Employment and Support Allowance (ESA) and in the Work Related Activity Group, or you're unemployed and receiving Job Seeker's Allowance (JSA).

You can also usually get fee remission (meaning you don't have to pay fees) if you're studying one of the following:

- a basic Literacy or Numeracy course
- an Entry Level or Level 1 course
- GCSE Maths or English (and you have not already passed at Grade C or above)
- your first full Level 2 qualification
- your first full Level 3 qualification (and you are under 25 – unless you do not already have a full Level 2 qualification)

Sometimes colleges will offer concessionary rates to students who don't meet these conditions but who find it difficult to afford their course fees. Examples might include:

- students receiving income-related benefits such as Income Support or Housing Benefit
- students receiving Working Tax Credit
- students on specific courses for learners with learning difficulties and disabilities

Individual colleges can use their discretion about providing support with tuition fees and each should have a statement on its policies. You should speak to the Student or Learning Support Co-ordinator at your college to find out if you might be eligible.

Generally you're more likely to get support with fees if you need skills training to help you get a job.

3.3 Students aged 25 and over

Adult FE students over 25 years of age with learning difficulties and disabilities are funded by the SFA. Adults are liable for fees and fee remission criteria apply as given above in section 3.2.

3.4 FE provision for students with learning difficulties and disabilities

Under provisions in the *Apprenticeships, Skills, Children and Learning Act 2009* section 41, local authorities must secure enough suitable education and training provision to meet the

reasonable needs of all young people aged 19-25 with a section 139a LDA. The majority of post – 16 FE students with learning difficulties and disabilities study in mainstream schools or colleges and most students study at their local provider. If however the local provider cannot offer a suitable course students may be eligible to attend a residential specialist college. Most of these colleges are independent and cater specifically for students with disabilities or learning difficulties. Information on the cost of specialist SEN provision for 16-25 year olds was given in a PQ on 25 April 2012:

Further Education: Finance

Mr Mike Hancock: To ask the Secretary of State for Education what steps he is taking to ensure that funding reductions do not disproportionately affect specialist 16 to 19 education providers that are not schools. [104463]

Mr Gibb: The budget for specialist provision for young people with a learning difficulty or a disability aged 16 to 25 has not been reduced: at £261 million for 2012-13 it is higher than in previous years. Decisions on placements in post-16 specialist provision are made by local authorities.

The unit cost savings announced for 16-19 funding in 2012-13 do not apply to Independent Specialist Providers (ISPs) who are funded via a different system from schools and colleges. ISP funding is based on agreed bands of funding which reflect the full placement costs for each individual attending that provision.⁹

The Green Paper proposed setting up clusters of FE colleges, independent specialist providers and special schools across England to share their practice and their knowledge and skills in supporting young disabled people and those who have SEN.

Courses

Students with disabilities may take any type of FE course which is suitable for their ability and interests in the same way as other students.

Many students with learning difficulties require courses to assist them with independent living. Since August 2010 most life skills courses have been replaced by foundation learning courses; most colleges run some type of foundation learning programme, these courses are at entry level (pre GCSE level)¹⁰ and contain a personal and social development component as well as basic vocational or subject learning and functional skills. Foundation learning courses are designed to support the progression of learners towards a learning programme at level 2, or an Apprenticeship programme, or towards independent living or supported employment. Details of the foundation learning programme are available in a YPLA document *A Guide to Funding Foundation Learning* January 2011.

Internships

The SEN Green Paper proposed introducing a system of internships for students with LDD:

We will explore whether we could introduce supported internships for those for whom an apprenticeship may not be a realistic aim, including enabling retirees to volunteer to train as job coaches.¹¹

⁹ [HC Deb 25 April 2012 c927](#)

¹⁰ Information on entry level courses is available on the Directgov website at [Entry level qualifications](#)

¹¹ DfE *Support and aspiration: A new approach to special educational needs and disability* para 4.3

On 26 June 2012 a DfE press release¹² announced that supported internships for 16-25 year olds would be trialled in 14 colleges in England in the autumn 2012:

The trials will test a study programme for supported internships that could be adopted by all further education colleges from September 2013.

The supported internships trial, backed by £3 million from the Department for Education, will provide a structured learning programme at an employer, like a restaurant, library or clothes retailer, that is tailored to the individual needs of the young person. It will equip them with the skills they need for the job, backed by expert job coaches to support interns and employers, and give them a chance to study for relevant qualifications.

3.5 Transport for post-16 FE students with learning difficulties and disabilities

Under Section 509 of the *Education Act 1996*, local authorities must ensure that students are not disadvantaged from attending college because of transport difficulties.

The Department for Education have issued guidance¹³ which sets out the duties of local authorities with regard to transport for students in post compulsory education. The guidance states that local authorities must publish an annual Transport Policy Statement, and this should include the arrangements that the local authority will make to help students of sixth form age, and learners aged 19-25 with LDD. The 2010 guidance states the following on arrangements for students with learning difficulties and disabilities (p13):

Specific consideration of Learners with Learning Difficulties and/or Disabilities

27. Section 509AB(1) imposes a requirement that the Transport Policy Statement should set out to what extent the arrangements specified in the statement include arrangements for facilitating the attendance at schools and learning providers of learners with learning difficulties and/or disabilities. Arrangements for this group of learners must therefore be explicitly set out in the Statement.

28. The transport needs of learners with learning difficulties and/or disabilities should be considered in assessments made under Section 139A of the Learning and Skills Act 2000. The local authority may assess learner transport needs in more detail beyond the Section 139A assessment. Arrangements cannot be limited to those learners who have been previously assessed as having a statement of SEN. Learner transport needs will change throughout their educational career and equally their disability status may change. The local authority can take into account receipt of Disability Living Allowance when assessing what support might be needed by a learner (ie as a proxy of the severity of a disability) but may not require the learner to use this to support their transport costs to learning.

29. A learner with learning difficulties and/or disabilities may take longer to complete a programme of learning or training, and therefore it will be good practice for the local authority to extend the arrangements for the provision of transport until a learner has completed their programme even if that is after they have reached the age of 19.

30. If the local authority and/or providers operate an independent travel training scheme it is good practice to include such initiatives in the Transport Policy Statement. The statement should set out the process for the learner or carer to access the

¹² DfE Press Notice "[Helping young people with special needs into work through new supported internships](#)" 26 June 2012

¹³ DfE [2010 Post-16 Transport Guidance](#)

scheme. Plans are underway to incorporate Independent Travel Training as part of Foundation Learning with courses leading to accreditation under the QCF.

The travel arrangements could include providing transport to and from college, or financial support to help with transport costs. Under the legislation, local authorities have discretion to make the arrangements that they deem are necessary in their area, taking local circumstances into account.

4 Support for students with LDD in higher education (HE)

Disability Alliance have a publication called *into higher education 2012* which outlines the different types of services that are available to support students with learning difficulties and disabilities in higher education. Most higher education institutions have disability support staff who are responsible for helping students and delivering the institutions equality commitments. *Into Higher education* gives some examples of the type of support which might be available to students with disabilities:

Common examples of disability-related support that students find useful are:

Technology – specialist software such as mind mapping and voice recognition software, training in how to use it and a computer with specialised accessories to match your needs;

Equipment – an ergonomic chair, a fridge in your room to store medication and adjustments to doors;

Personal support – a person to help you make notes or help in the library, someone to assist in the laboratory, specially trained staff to support you if you have a sensory impairment, for example a sign language interpreter or a mentor to support you adjusting to university life;

Study arrangements – extra support for planning assignments, reading lists in advance and accessible study materials, extra time in exams or other assessments; support with field work or work experience arrangements.

4.1 Financial support for students in HE

Students in HE with a disability, mental-health condition or specific learning difficulty may be eligible for a Disabled Students Allowance (DSA), these grants are provided in addition to standard student support and they are not means tested and they do not have to be repaid. Information on these grants is available on the Directgov website at [Disabled Students' Allowances \(DSAs\)](#):

DSAs – the basics

DSAs are grants to help meet the extra course costs students face because of a disability. For example, DSAs can help pay for:

- specialist equipment you need for studying like computer software
- non-medical helpers, such as a note-taker or reader
- extra travel costs you have to pay because of your disability
- other costs such as photocopying or printer cartridges

DSAs are paid on top of the standard student finance package, or on their own. You don't have to pay DSAs back and they're not counted as income when working out whether you get benefits or Tax Credits.

Details of eligibility criteria are given in a Student Finance England publication [Bridging the gap – a guide to the Disabled Students' Allowances \(DSAs\) in higher education 2012/13](#).

5 Students with autism and Asperger's syndrome

A report [Finished at School: where next for young people with autism?](#)¹⁴ published in October 2011 highlighted the difficulties affecting young people with autism in post compulsory education, the report was discussed in an article in the *Times Education Supplement FE Focus*:

Among the difficulties in creating provision for young people with the condition is a funding system that is based on qualifications, Mr Atkinson said. It means that, too often, they are put on unchallenging foundation learning courses. Instead, the charity proposes that the shift to funding by outcomes could be used to reward progress towards independent living and employment.

Colleges should also be able to replicate the mixed provision available in schools, where students often attend specialist provision for part of the week and engage in mainstream learning for the remainder. At the moment, funding rules prevent students with autism from dividing their time between a specialist college and a general FE college or creating supported learning opportunities through apprenticeships or university study. Ofsted has reported that some areas offer "very limited" opportunities for people with autism beyond the age of 19.¹⁵

Further information on learning provision post-16 for young people with autism was given in a Parliamentary Question on 6 March 2012 ([HC Deb 6 March 2012 c730](#)):

Young People: Autism

Simon Kirby: To ask the Secretary of State for Education what steps his Department has taken to enable autistic young people to follow further education and higher education courses. [96987]

Mr Gibb: Local authorities are responsible for ensuring Learning Difficulty Assessments take place for all young people who had a statement of special educational needs at school if they are progressing to further education. They also have the power to undertake Learning Difficulty Assessments for other young people who would benefit from one. The Learning Difficulty Assessment should set out the provision required to meet the young person's education or training needs. Colleges and other providers are required by the Equality Act to make reasonable adjustments to ensure that disabled young people including those with autism do not experience barriers to their education. Funding for additional educational support is also provided to FE colleges to help provide the additional support students may need to enable them to participate fully in education. The funding is intended to be flexible and support students who have a range of learning difficulties and/or disabilities.

The Government provides funding to higher education institutions, through the Higher Education Funding Council for England, to help them recruit and support disabled students; £13 million will be provided in the academic year 2011/12. The Government

¹⁴ Ambitious about Autism [Finished at School: where next for young people with autism?](#) October 2011

¹⁵ "Adult education is for all, unless you have autism" *Times Education Supplement FE Focus* 13 January 2012

also provide direct support to disabled students in higher education through disabled students allowances (DSAs) which are provided in addition to the standard student support package, are not income-assessed and do not have to be repaid.

The Green Paper “Support and Aspiration: A New Approach to Disability”, sets out our aspirations to help young people with special education needs or disabilities make the most of their future. Our proposals include the single Education, Health and Care Plan covering young people from birth to age 25 and access to better quality vocational and work-related education options. We intend to publish our future plans shortly which will take into account the responses from the Green Paper consultation and early findings from the pathfinders.

A debate “[Education and Training for young people with Autism](#)” was held on 1 November 2011.¹⁶

The National Autistic Society website has a page called [Education: meeting the needs of students in FE and HE](#) which outlines the type of support that students with autism or Asperger’s syndrome might need in college or university.

6 Issues

6.1 Adequacy of provision for LLDD

There has been criticism about the lack of suitable provision for students with learning difficulties and disabilities and the amount of teaching hours that many receive. Post-16 students moving from full time education have often found that ‘full time’ FE courses may only provide around twenty hours of contact time a week. In 2010 Ofsted published a review of SEN provision for 16-19 year olds; the report, [The special educational needs and disability review: A statement is not enough](#) was critical of the limited opportunities for young people with learning difficulties and disabilities:

For young people aged between 16 and 19, access to appropriate provision varied across schools, colleges and post-16 training providers. The choice of education and training opportunities at 16 was limited for many young people with learning difficulties and/or disabilities. It was rare to find education provision equivalent to 25 hours over five days for a college course for young people with learning difficulties and/or disabilities, although this was common for post-16 students in the schools and independent specialist colleges visited. Past the age of 16, young people with learning difficulties or disabilities comprise one of the groups most likely not to be in education, employment or training.¹⁷

Respondents to the Green Paper were critical of the lack of entry level 1 provision in colleges:

Just over half of those responding to our question about opportunities for disabled young people and those with SEN to participate in education and training post-16 wanted to see greater choice and more appropriate and relevant courses for young people who are disabled or have SEN. Many highlighted a lack of entry level and level 1 courses and qualifications in FE designed to prepare young people for the world of work.¹⁸

¹⁶ HC Deb 1 November 2011 c781

¹⁷ Ofsted press release: [A statement is not enough - Ofsted review of special educational needs and disability](#) 14 September 2010

¹⁸ P54

An Ofsted report *Progression post-16 for learners with learning difficulties and/or disabilities* August 2011 was critical of the use of foundation learning courses:

Foundation learning programmes were successful for learners whose main goal was to progress to level 2 provision or higher. But for those learners for whom this was not a main goal, they were too narrowly focused on accreditation. The programmes seen offered too few meaningful opportunities for work experience and other practical learning situations in which to develop skills.

Unlike in schools, foundation learning in post-16 settings could only be funded for around three days a week. This did not provide sufficient time to prepare learners effectively for other destinations, in particular some form of employment.¹⁹

The Association of Colleges' also voiced concerns about provision for students at the lower end of entry level in their *draft response to the Green Paper*:

We believe that for those with the greatest level of need the curriculum should be flexible and personalised allowing for incremental learning, and that the funding process should support the reward of 'softer' outcomes, which would encourage progress. Whilst we believe that FL is generally appropriate for learners at Entry Level 3 and Level 1, we would like the funding methodology to support the use of RARPA (Recognising and Recording Progression and Achievement) for those learners at the lower end of Entry Level.²⁰

A survey conducted by the National Institute for Adult Continuing Education (NIACE) in 2011 stated that some learning disabled students were channelled towards inappropriate courses because of confusion about funding rules:

Niace deputy chief executive Peter Lavender told The TES: "We found a lot of disabled adults are being put in for totally inappropriate qualifications and often the teachers know it doesn't meet their educational needs.

"The Skills Funding Agency (SFA) says quite clearly you don't have to do this, but for some reason senior managers are telling staff there has to be a qualification at the end or they can't draw down funding.

"This rang alarm bells for us because it's taking us back to when Ofsted were heavily critical about this sort of practice five or six years ago.

"We're talking mostly about entry-level or level 1 courses, and they are so important for helping disabled adults stand on their own two feet and become independent.

"But learning has to be personal for each individual. Sometimes the best thing is not literacy and ICT but learning how to catch a bus or shop effectively. The curriculum should be broad and absolutely relevant."²¹

6.2 High numbers of LLDD not in training or employment

Disabled young people are 2.5 times more likely to be not in education employment or training (NEET) than their peers.⁵²² The Ofsted report *Progression post-16 for learners with*

¹⁹ Ofsted *Progression post-16 for learners with learning difficulties and/or disabilities* August 2011 p7

²⁰ *AoC Response - Support and Aspiration: A New Approach to Disability – The SEN and Disability Green Paper* May 2011

²¹ "Learning – disabled take 'inappropriate' courses" *Times Educational Supplement* . 22 July 2011

²² Department for Education (2009) Youth Cohort Study

learning difficulties and/or disabilities gave statistics on the number of young people with disabilities not in education or employment:

A recent longitudinal study reported that an estimated 30% of young people who had a statement of special educational needs when they were in Year 11, and 22% of young people with a declared disability, were not in any form of education, employment or training when they reached age 18 in 2009 compared with 13% of their peers. Current figures from the Labour Force Survey show for quarter 1 of 2011 that 41% of men and 43% of women designated longer-term disabled were economically inactive.

The report analysed the causes of the low numbers of young people with learning difficulties and disabilities staying on in education and suggested that the transition from school to FE was particularly difficult for these students:

Evidence from the focus groups and the case studies, identified that when learners reached age 19, the changes in the arrangements between children's services and adult services, and in moving from the Young People's Learning Agency to the Skills Funding Agency funded provision created additional difficulties. Insufficient advice about personal budgets, the requirement to pay fees and uncertainty about benefit entitlements were identified as potential barriers to participation when learners transferred from local children's to adults' disability services.²³

It has also been suggested that general changes to the funding arrangements for FE courses could also have a potential negative impact on the numbers of learners with LDD taking up education or training:

The other key survey finding was concern that changes to funding arrangements from September will hit learning-disabled adults hardest.

Most adult courses below level 2 - GCSE and equivalent - will no longer be automatically funded, and disabled learners over 25 will no longer have their fees paid if they receive "inactive" benefits such as income support and housing benefit.

Respondents to the Niace survey feared provision for entry-level courses would dry up and recruitment would plummet if learners have to pay course fees - usually £500 to £1,000.

Mr Lavender said: "We are very worried, and teachers are worried, that the most vulnerable learners will be disenfranchised.

"There is a strong link between disability and poverty and the danger is people who need these courses will not be able to afford the fees. They could be left isolated from society."²⁴

The Green Paper aims to address part of this problem by improving work experience opportunities for young people with learning difficulties and disabilities.

6.3 Green Paper's focus on progression to employment in transition to adulthood

The Association of Colleges have expressed concern that the proposals on transition to adulthood focus too much on employment as they feel that this is not a realistic option for many learners with LDD and employment is not something that colleges can provide:

²³ Ofsted *Progression post-16 for learners with learning difficulties and/or disabilities*P7

²⁴ *Learning – disabled take 'inappropriate' courses* Times Educational Supplement . 22 July 2011

We are concerned, for two reasons that the focus of this chapter in the Green Paper is on getting a job. Firstly, as we stated in our submission, we believe that the current education and training system for learners with SEN/LDD cannot focus on employment because this is not usually within the gift of the College, school or training provider to provide. Much more focus should be placed on progression routes at the end of education, encouraging employers to provide progression opportunities to supported employment possibly by the introduction of legislation. We think that the Department for Work and Pensions has a role here, and need to be included within the scope of this Green Paper. Secondly, getting a job is simply not a realistic option for many learners with SEN/LDD, and other opportunities such as supported living need to be considered. Uncertainty for young people, their parents and carers and schools and Colleges about what lies ahead limits expectations, rather than lack of belief in what young people themselves can achieve.²⁵

7 Sources for further advice

Disability Alliance have publications on disabled student support in post 16 education such as [Funding further education for disabled students](#) and [Into higher education 2012](#), they also provide [contact details](#) for further information and advice.

²⁵ [AoC Response - Support and Aspiration: A New Approach to Disability – The SEN and Disability Green Paper](#)
May 2011 p7