

# An emergency amendment to extend age of entitlement to additional educational support from 25 to 26 and to define within Government guidance the Covid 19 pandemic as an exceptional circumstance

Y Pwyllgor Deisebau | 9 Mehefin 2020  
Petitions Committee | 9 June 2020

Reference: RS20/12730

**Petition Number:** P-05-962

**Petition title:** An emergency amendment to extend age of entitlement to additional educational support from 25 to 26 and to define within Government guidance the Covid 19 pandemic as an exceptional circumstance

**Text of petition:** We call upon the Welsh Assembly to direct our Government to urgently amend the Learning and Skills Act to allow for funding within specialist colleges to be extended from the age of 25 to 26 for those affected by the Covid 19 pandemic and to urgently scrap or amend it's guidance document no: 221/2017 November 2017 so that the Covid 19 crisis is defined as an exceptional circumstance.

The ALN Act 2018 will in time change the law but young people with complex needs cannot wait. Decisions about how long they may be supported in specialist colleges are being made today. Vital time is being lost by schools and colleges which may have closed or may be operating in a very limited way. For those with complex needs their critical access to learning resources are restricted. People with complex needs often learn from being



out in the environment to develop critical life independence and employability skills. Outside is a classroom yet this is now being heavily restricted. Covid 19 is altering this ability to learn in a material way.

Many parents and young people are fearful that this is one year open to them out of the 2 maximum. Although the guidance allows for exceptional circumstances it is interpreted in practice as limiting provision to two years and does not define adequately what would amount to an exceptional circumstance. The law however only allows for support up to 25 and this needs to urgently change to give those affected during this pandemic another chance. A chance for another less interrupted year.

This will otherwise manifest into skills being lost and consequent greater reliance on the state. That is not desirable for so many reasons not least the fact that the loss of critical skills will be devastating for the individual involved.

We call upon our Government to help those most vulnerable. To support them for what they may have lost and give them another chance. A chance for an opportunity not to be missed. For many it is a difference between a life of dependence and independence.

## 1. Specialist provision

The Learning and Skills Act 2000 deals with the planning and funding of post-16 education. The Welsh Ministers currently have a general duty under the Act to secure proper provision (for those aged between 16 and 19) and reasonable facilities for education and training for learners over the age of 19.

The Welsh Government also has a power under section 140 of the Act to arrange for an assessment to be conducted of any person under the age of 25 where it appears they have learning difficulties and where they are receiving, or are likely to receive, post-16 or higher education or training. Currently, these assessments are conducted by Careers Wales through an annual contract with the Welsh Government. An assessment results in a report setting out a person's educational and training needs, the post-16 education or training required to meet those needs and the provision required.

Specialist further education (FE) establishments are available to support young people to access mainstream FE provision or to specifically deliver specialist educational provision. Specialist FE establishments are mainly found in the independent sector and do not routinely receive recurrent funding from the

Welsh Government. Funding is therefore provided by the Welsh Government to secure provision for individuals at these establishments.

## 2. Welsh Government Guidance

The Welsh Government's published guidance, Securing provision for young people with learning difficulties at specialist further education establishments in April 2017. This states that, for 16-25 year olds with learning difficulties who wish to undertake post-16 education and are not able to access the provision at mainstream FE in order to meet their identified educational and training needs:

The Welsh Government's policy is to fund the duration required based on the young person's capability to progress and achieve against their education and training outcomes. For the majority of young people accessing specialist provision, the duration will be comparable with the duration of provision available within mainstream FE establishments, i.e. two academic years.

The guidance states that specialist FE establishments are responsible for assessing a young person's progress against their agreed programme of study and giving consideration, in conjunction with the young person, their parent/carer and Careers Wales, as to whether a request for **an extension to the agreed programme is necessary**. The FE establishment is also responsible for submitting a request to the Welsh Government for an extension of time to complete the original programme of study that the Welsh Government agreed to fund. The guidance states:

Requests to extend a young person's placement beyond the programme's original agreed end date will only be agreed in exceptional circumstances. The Welsh Government will need to be satisfied that the circumstances giving rise to the need for the extension were unavoidable and that the extension is objectively necessary to ensure that the young person's identified educational and training needs are met.

### 3. ALN Act

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 establishes a new statutory framework for supporting children and young people with Additional Learning Needs (ALN), from birth; whilst they are in school; and, if they are over compulsory school age, while they are in further education. The Act also transfers the responsibility for specialist post-16 provision from the Welsh Ministers to local authorities. The Act will be implemented from September 2021.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.