

national transition support team

working together to improve transition
for disabled young people

Education and Skills Act 2008: What does it mean for Connexions and IAG?

Introduction

This leaflet provides an overview of what the Education and Skills Act, which came into force in March 2009 means for Connexions and IAG provision for disabled young people.

What does the Education and Skills Act say?

The Education and Skills Act received Royal Assent on 26 November 2008. The Act places a duty on all young people in England to participate in education or training until the age of 18. This means that by 2013 it will be compulsory for young people to participate in education or training up to the age of 17, and by 2015 up to the age of 18.

The eligible forms of education or training for young people to be participating in are:

- a) Appropriate full-time education or training;
- b) A contract of apprenticeship; or
- c) Part-time education or training towards an accredited qualification as part of fulltime occupation or alongside occupation of more than 20 hours a week.

The Act places corresponding duties on Local Authorities (LAs) and employers to promote enable and support the participation of young people. Local Education Authorities¹ (LEAs) are also required to identify those not participating and encourage them to do so.

Footnotes

1. Throughout the Education and Skills Act the term 'Local Education Authority' is used to refer to those local authorities with education functions identified in section 12 of the 1996 Education Act. The term 'Local Education Authority' has been in use since 1944 to identify

those authorities but it has given rise to some perceptions that a Local Education Authority has an identity of its own separate from the local authority. In line with government policy to improve outcomes for children by promoting greater cooperation between agencies delivering children's services, and the introduction of the post of director of children's services and lead member for children's services in the Children Act 2004, local authority children's services (mainly education and children's social services) are being integrated. To reflect this it is now government policy that the terms 'Local Education Authority' and 'children's services authority' should no longer be used. Education legislation, for the time being, uses the term 'Local Education Authority' and, as the Act both amends and builds on a number of Education Acts, it uses the term 'Local Education Authority'.

This leaflet will therefore refer to 'Local Education Authorities' accordingly.

What is the key change in the legislation for Connexions?

Responsibility for provision

The Learning and Skills Act in 2000 gave a power to the Secretary of State to provide support services known as Connexions. This was done through 47 Connexions Partnerships often delivered in part by Local Authorities (LAs). In April 2008 funding for Connexions passed from the Connexions Partnerships to LAs. The Education and Skills Act 2008 reflects this change by transferring responsibilities back from the Secretary of State to LAs.

This means that LAs have a duty to provide Connexions support services to young people aged 13-19 and young people with learning difficulties and/or disabilities up to 25. In particular Connexions services should be used to encourage and assist young people in engaging and remaining in education and training.

The Secretary of State does however have the power to direct Connexions services in the following ways:

- To concentrate on specific groups of young people such as those Not in Education, Employment or Training (NEET)
- To specify that Personal Advisors have minimum qualifications
- To work together with Connexions-Direct (the national telephone helpline and internet based service)
- To share information appropriately and securely with other organisations involved in social security or in finding suitable education, employment or training. This could be an organisation such as Jobcentre Plus.

Responsibility to provide learning difficulty assessments²

The Act also transfers responsibility for learning difficulty assessments from the Secretary of State to LAs. In a letter from the Secretary of State to Children's Services Directors it was made clear that these assessments should be carried out by Connexions.

This means that Connexions should carry out an assessment of every young person with a statement of Special Educational Needs (SEN) in Year 11 who is likely to be leaving school. In addition, an assessment should be arranged for every young person with learning difficulties up until the age of 25 who are receiving or are likely to enter post-16 education, training or Higher Education. This assessment is known as the 139A/140 assessment after the relevant sections in the Learning and Skills Act 2000. This assessment should be seen very much as part of the transition process and indeed should draw upon information from other documents and professionals involved.

Footnotes

2. According to the Learning and Skills Act, 2000: A person has a learning difficulty and/or disability if:

- a) He/she has a significant greater difficulty in learning than the majority of persons of his/her age, or
- b) He/she has a disability which prevents or hinders him/her from making use of facilities of a kind generally provided by institutions offering education or training for young persons of his/her age.

Carrying out the 139A assessment

Below is an introduction to carrying out the 139A assessment. Connexions staff should refer to the full guidance: Department for Children, Schools and Families (DCSF) 'Assessments of young people with learning difficulties - Guidance to Local Authorities' (April 2009). NB: Fresh guidance will be released by DCSF after the Apprenticeships, Skills, Children and Learning Bill 2009 becomes law. This guidance will be available for consultation.

In carrying out the 139A/140 assessment Personal Advisors should build on previous assessments and interventions, such as:

- Transition Plan
- Last annual review
- Individual Education Plan
- Pastoral Support Plan (if in place)
- Connexions Action Plan (if in place)
- Record of Achievement (Progress File).

They should also seek input from individuals in other statutory agencies such as:

- School and LEA staff
- Health professions
- Social services.

The assessment report should allow the Learning and Skills Council (LSC) and other education training and other support service providers to distinguish provision that would meet the needs of the young person. Generally this means that the young person's learning ability, learning behaviour and/or behaviour in learning settings and any relevant medical conditions or disabilities needs

are explained.

The importance of the 139A learning difficulty assessment increases in light of the Apprenticeships, Skills, Children and Learning Bill (ASCL) 2009 which is currently going through parliament. The ASCL Bill places a general duty on LEAs to provide education and training for young people in their area, including young people who are under the age of 25 and subject to a learning difficulty assessment. The ASCL Bill references the learning difficulty assessment as an assessment under section 139A or 140 of the Learning and Skills Act 2000 (assessments relating to learning difficulties). The ASCL Bill will specify that the assessment is subject to statutory guidance which LEAs must have regard to when assessing young disabled people in their area.

Draft statutory guidance has recently been published on section 139A/140 assessment and this guidance is presently being publicly consulted on. The final published guidance should clarify the statutory framework for the assessment procedure and should state which professionals are qualified to carry out the learning difficulty assessment and the range of agencies that should be involved. It is important that guidance clarifies the framework for assessment in the interest of safeguarding young disabled people's progression in life and learning.

Connexions and NEET

Learners not sufficiently engaged in the system or receiving effective support may well become part of the group termed 'Not in Education Employment or Training' (NEET). 27% of disabled young people are NEET at the age of 19, which is in stark comparison to their non-disabled peers, 9% of whom are NEET³ (Disability Rights Commission, 2002). Connexions has a duty to ensure that those in the NEET group between 13-19 are identified and support offered. The Education and Skills Act 2008 allows the Connexions service provider to enter into a learning and support agreement with young people who are not participating or at risk of becoming NEET. This agreement is between Connexions and the young person where the latter agrees to an

assessment and to enter some form of learning/training in return (in some cases) for financial support.

Connexions and Transition

There is an acceptance amongst policy makers and agencies involved in transition that more collaborative working is needed to improve young disabled people's experiences of transition from school to adulthood. It is important to remember however that the young person's voice must be central to this and not automatically overruled by professionals and other adults. This is very much in the spirit of the Act where IAG should be delivered in the best interests of the young person even when this goes against the interests of adults involved or institutions.

Careers education

The Act amends the 1997 Education Act so that in addition to schools providing a programme of careers education they are also required to provide access to external careers advisers to deliver careers advice and guidance. The Act also requires schools to present careers information in an impartial manner and in the best interests of the pupil. It should also cover the full range of learning and career options. Important in delivering IAG is the new routes open to young people such as the 14-19 Diploma but also the expansion of apprenticeship provision.

Further information

Assessments of young people with learning difficulties: Guidance to Local Authorities. (DCSF, April 2009)
www.everychildmatters.gov.uk/youthmatters/connexions/assessments/

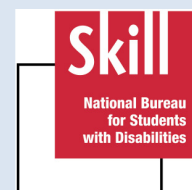
Quality standards for Young People's Information, Advice and Guidance (DCSF October 2007)
www.everychildmatters.gov.uk/resources-and-practice/IG00253/

Skill: National Bureau for Students with Disabilities
www.skill.org.uk

Transition Information Network
www.transitioninfonetwork.org.uk

Produced by Skill: National Bureau for Students with Disabilities, for the National Transition Support Team

To find out more about Skill: www.skill.org.uk



The National Transition Support Team is based at the Council for Disabled Children, NCB. Registered charity no 258825.

To find out more about the National Transition Support Team and the Transition Support Programme:

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www.transitionssupportprogramme.org.uk



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