

national transition support team

working together to improve transition
for disabled young people

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

Introduction

This leaflet outlines the key issues in the Education and Skills Act 2008 for disabled young people in transition to adulthood.

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 full-time occupation or alongside occupation of more than 20 hours a week.

The Act places corresponding duties on Local Authorities (LAs) and employers to enable and support the participation of young people in their area. Local Education Authorities¹ (LEAs) are required to promote the effective participation of young people in education or training in their areas.

The Education and Skills Act changes legislation relating to support services for young people. It devolves the responsibility for delivering the service known as 'Connexions' to LEAs. The funding for the Connexions service transferred to LEAs in April 2008. LEAs in England now have a duty to provide support

services to young people and relevant young adults to encourage, enable or assist them to engage and remain in education or training. A 'relevant young person' is defined as a person aged 20 to 24 who has a learning difficulty as defined by the Learning and Skills Act 2000². In delivering provision of support to young people in their area, LEAs must have regard to any guidance issued by Secretary of State.

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. However, 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.

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.

139A/140 Assessment

The Education and Skills Act inserts sections 139A into the Learning and Skills Act 2000 and places a duty on LEAs to arrange for an assessment of a person with a statement of Special Educational Needs (SEN) at some time during the person's last year of schooling. This should happen where the LEA believes that person will continue in post-16 education or training or higher education.

It is the LA's responsibility to ensure that they are fulfilling their statutory duties when assessing disabled young people. It is important that assessments are not seen as a separate process from other transition planning processes that support disabled young people as they move on in education and training. It is good practice for periodic reviews of assessments to be arranged by the LEA, involving multi-agency collaboration where necessary. This will allow for the assessment process to be built upon and stay current.

A person with a statement of SEN will be likely to be involved with other statutory agencies and information on the young person may already be held by the school and local authority staff, health professions and social services. Documents such as the Transition Plan and the Individual Education Plan will therefore be helpful in multi-agency collaboration.

LAs have a power to arrange an assessment for disabled young people without a statement of SEN where the learner appears to the

authority to have a learning difficulty and is likely to receive further education, training or higher education. This is important as many disabled young learners may not have a statement of SEN for various reasons, however they may require support in continuing in education and training. The assessment procedure is critical to implementing the ambitions of the Education and Skills Act.

Disabled young people's needs should be appropriately assessed in order for LAs to enable and support disabled young people's participation in education and/or training up to the age of 18.

Apprenticeships, Skills, Children and Learning Bill (ASCL) Bill

The Apprenticeships, Skills, Children and Learning (ASCL) Bill has recently been introduced to Parliament and is being debated in the House of Commons and the House of Lords throughout 2009. The ASCL Bill builds on legislation in the Education and Skills Act.

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 disabled young 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 disabled young people's progression in life and learning.

How will the raising of the participation age affect disabled learners?

If the Act is to achieve its aims of increasing the number of young people engaged in learning, there must be a broad and coherent curriculum offer that puts learner choice at the centre. Courses must cover the full range of subjects and learning styles. If learners do not receive support that they need and are not offered an engaging curriculum then it is likely that they will become part of the category termed 'Not in Education Employment or Training' (NEET). This is of great concern as disabled young people are already more likely to be NEET than non-disabled peers.

As a number of disabled young people need longer to progress and will stay on in education until they are 19, the raising of the participation age is a good opportunity to develop and improve the 14-19 curriculum they are offered through improved course choices, more co-ordinated support, better person-centred planning and inclusive practice.

It is important to recognise that many disabled learners will require additional support in staying engaged in meaningful learning up until the age of 18. Whilst there are opportunities to increase the participation rates of disabled young learners, it is important to co-ordinate appropriate support that will match the needs of disabled young learners in life and learning. Disabled young learners often have difficulty in accessing the curriculum and difficulty engaging with the curriculum. It is therefore essential that there are appropriate courses for everyone and sufficient number of places which meet the range of needs of disabled young people.

The Government is developing the curriculum offer for learners aged 14-19 and those over 19 years old. Ownership of the curriculum changes is spread between the Department for Children, Schools and Families (DCSF) and the Department for Innovation, Universities and Skills (DIUS) because of the age ranges involved. The different routes that are being made available to young people include Apprenticeships, Vocational Diplomas, General Qualifications, and the Foundation Learning Tier (FLT).

How does the Education and Skills Act affect transition?

The emphasis on 'getting transition right' for disabled young people is important as it will soon be compulsory for all young people to stay in education or training until the age of 18. This means that disabled young people's transition into post-16 education is more important than ever. There is more pressure on transition to be person centred and well supported by relevant support services and agencies.

The implications of a poor and uncoordinated transition process are significant for disabled young people. Disabled learners require access to robust Information, Advice and Guidance (IAG) in order to make informed choices about their future opportunities in post-16 education and training. Without a supported and person centred transition and sufficient IAG, the learner may end up in inappropriate and unsupported provision or may risk becoming NEET. Under the Education and Skills Act they will also risk breaching their duty to participate in education or training up to the age 18. The Education and Skills Act has implications for improving transition for disabled young people. A well planned, coordinated and supported transition plan will ultimately help disabled young people to participate in education and training up to the age of 18 and to progress in lifelong learning.

Reaching disabled young people who are Not in Education, Employment or Training (NEET)

The Disability Rights Commission found that non-disabled young people are twice as likely as their disabled peers to move on to post-16 education or training (Disability Rights Commission, 2002). This has a significant impact on the life chances of disabled young people: by the age of 19, nine percent of non-disabled young people are NEET, while 27 percent of disabled young people are NEET (Disability Rights Commission, 2002). It is important that a wide range of learning opportunities are available that will engage this group of young people. With the raising of the participation age, education providers, delivery partners and support services must consider how to engage with young people who are NEET and how to establish good provision and support for those learners who may require extra support in

staying engaged in meaningful learning up to the age of 18. Ways of engaging disabled young people who are at risk of becoming NEET or are already NEET need to be prioritised by LAs, public bodies and education and employment providers.

There is now a duty on Connexions services to ensure that those in the NEET group are identified and prompt support offered. LEAs will need to take into consideration that disabled young people are significantly more likely to be NEET than their non-disabled peers.

The Education and Skills Act 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. These are agreements between a Connexions service provider and young person where the young person agrees to an assessment and to enter some form of learning/training in return (in some cases) for financial support. Moreover, LEAs are required to offer Connexions support to a young person before taking any enforcement action against the young person for failing to comply with their duty to participate in education or training up to the age of 18.

The Education and Skills Act sets out the information that educational institutions must provide to Connexions services to ensure that young people or relevant young adults are offered support appropriate to their circumstances, and in particular, that any young people who are NEET are identified and appropriately supported.

Further information

A transition guide for all services: key information for professionals about the transition process for disabled children.

(Department for Children, Schools and Families and Department of Health, 2007)

www.everychildmatters.gov.uk/resources-and-practice/IG00322/

Assessments of young people with learning difficulties: Guidance to Local Authorities.

(Department for Children, Schools and Families, April 2009)

www.everychildmatters.gov.uk/youthmatters/connexions/assessments/

Delivery 14-19 reform: Next Steps.

<http://publications.dcsf.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DCSF-00805-2008&>

Raising the Participation Age in Education and Training to 18: Review of Existing Evidence of the Benefits and Challenges

<http://publications.dcsf.gov.uk/eOrderingDownload/DCSF-RR012.pdf>

Skill: National Bureau for Students with Disabilities

www.skill.org.uk

The Education and Skills Act 2008 - explanatory notes

www.opsi.gov.uk/acts/acts2008/en/ukpgaen_20080025_en_1.htm

Transition: Moving On Well. A good practice guide for health professionals and their partners on transition planning for young people with complex health needs or a disability

(Department of Health, 2008)

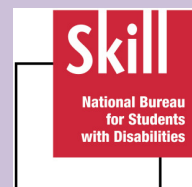
www.everychildmatters.gov.uk/resources-and-practice/IG00322/

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:

Information line: 020 7843 6348

Email: tsp@ncb.org.uk

www.transitionsupportprogramme.org.uk



**Council for
Disabled
Children**

