

Education & Lifelong Learning Committee

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Special Educational Needs inquiry: Phase 3 - transitions

Evidence submitted by Disability Rights Commission Wales (DRC)

1. Establishing the evidence base for disadvantage

1.1 As part of the Disability Debate instigated by the DRC, a series of discussion papers have been launched. The latest of these is entitled 'The surest start – improving the life chances of young disabled people' published in May 2006. Much of the content of our submission stems from our discussion paper.

1.2 In 'Changing Britain for good – putting disability at the heart of public policy' (January 2006), DRC highlighted how at age 16, young disabled people are twice as likely not to be in any form of education, employment or training (NEET) as their non-disabled peers (15% compared to 7%). This gap increases between the ages of 16-19 to two thirds as likely (27% compared to 9%). Proportionally, Wales has more young people not in employment, education, and training than in any other nation or standard region in Great Britain.

1.3 Alongside eliminating child poverty, the DRC's 'Disability Debate' has established that action to ensure the increased participation of young disabled people in post-compulsory education and training is a key priority in promoting more equal life chances.

1.4 Two recent highly influential reports on the future of equality have come to the same conclusion.

1.5 The Fabian Society's Commission on Life Chances and Child Poverty found that young people aged 16-18 who are not in education, employment or training are at much higher risk of experiencing poor outcomes in adult life and passing on this disadvantage to the next generation as they themselves become parents.

1.6 Similarly, the Equalities Review, tasked by the Prime Minister to identify the most deep and persistent causes of disadvantage in Great Britain, found that not being in employment, education or training for six months or more between 16 and 18 is the single most powerful predictor of unemployment at age 21.

2. Multi-faceted causes of disadvantage

2.1 What exactly leads such a disproportionate number of young disabled people to be out of education, employment or training?

2.2 Research by Tania Burchardt for the Joseph Rowntree foundation suggests that we should consider a range of factors including self-esteem, parental expectations, school experience, careers advice, and the local context of employment and further education opportunities.

2.3 Burchardt's research found that since the 1970s the aspirations of disabled 16 year olds have risen to the same level as non-disabled 16 year olds. However, by the age of 26 young disabled people are much more likely to think that their previous efforts have gone to waste.

2.4 The effects of negative personal experiences of unemployment and a lack of opportunities to fulfil their ambitions lead these young adults to increasingly believe that anything they do will have little bearing on their life chances. Research cited in 'Improving life chances for disabled young people' reveals that 60% of disabled young people not entering further and higher education said that they believed they would not have got the support they needed. This implies a culture of low expectation, poor self esteem and a failure to communicate pre-existing good practice in the FHE sector.

2.5 One caveat to bear in mind with some of these statistics is that they do not include people with learning disabilities. However, a recent report looking at access to education and employment for people with learning disabilities found a further set of issues relating to these young people, especially those with complex impairments and support needs. The research found that whilst they are at a lower risk of disengaging with learning, their experience after school is often 'a "pass the parcel" situation, with schools passing the young person with intellectual disabilities to colleges of further education, who in turn pass the young person on to "non-work options".' This is also evident in Estyn's report, 'Success for all' (2004)

3. Experiences prior to post-16 transition

3.1 By the age of 16 young disabled people are more likely to have had negative school experiences, including bullying, a lack of accessible leisure opportunities and the increased likelihood of growing up in poverty.

3.2 Some young people will have encountered difficulties in transition between primary and secondary school. This is especially noticeable in the cases of pupils without statements unable to draw on relevant resources and expertise to assist the transition. Education services for non-statemented pupils are not covered by key aspects of the Disability Discrimination Act (DDA). This is the reason why the Commission is sceptical about the committee's recommendation to reduce statements without first pressing for a change in reserved legislation enabling all reasonable adjustments under the DDA to apply to non-statemented disabled children.

3.3 The committee's scoping paper highlighted potential difficulties with the change in school size, and working with a plethora of subject teachers. More work is needed to;-

- Enhance the element of disability equality training provided within Initial Teacher Training
- Ensure that disability equality features as part of the ongoing training of teachers who were

inducted prior to the introduction of the DDA and SENDA

- Encourage the employment of more disabled teachers. The DRC is currently undertaking a Formal Investigation into how 'Fitness to Practice' rules are used inappropriately to prevent profession entry into teaching in Wales.
- Better sharing of information between primary and secondary schools (especially in relation to the growing number of disabled pupils without statements)

3.4 The Prime Minister's Strategy Unit report Improving the life chances of disabled people brought together a substantial amount of information about experiences of young disabled people, finding the "disabling social, attitudinal and environmental barriers, which can cause disruption and anxiety, and delay or even prevent the achievement of independent living and social inclusion". The report found that for many young disabled people, the passage from one life stage to another presents a number of unique and significant challenges and found substantial gaps in the provision of services at points of transition, especially after leaving education at 16 or 19.

3.5 This can lead to a very different experience of young adulthood for disabled people. For example, whilst we accept that aged 16 young people begin to accumulate some of the rights and responsibilities of adulthood this is often not the lived experience for many young disabled people. Significant inequities exist in respect of the life choices available to young disabled people such as seeking part-time work, going into further education, making active steps towards going to university, establishing greater independence from their parents, becoming active consumers, carving their independent identities, becoming engaged in political movements and community activities, forming serious relationships and having sex.

3.6 Nowhere are these inequalities shown more clearly than in the views of young disabled people themselves. In 2002, NOP interviewed 305 young disabled people aged 16-24 on behalf of the DRC. Over a quarter (28%) of respondents aged 20-24 said they had not achieved the things they hoped to when they were younger. The majority (74%) of all the young disabled people interviewed felt that governments rarely listened to their views.

3.7 The task of public policy at points of transition is to encourage, support, offer direction, provide opportunities and mitigate risks. It must fulfil this role seamlessly through the key points of transition. Failure to do so can see young people fall down the cracks between one life stage and the next, often never to recover

4. Tackling a culture of low expectation

4.1 As with elsewhere in life, low expectations continue to infect the way public policy and services respond to young disabled people.

4.2 This problem was highlighted in DRC Chairman Bert Massie's speech 'Achieving equality and social justice – a future without disability?' A 'lazy fatalism' means public policy and services fail to fully recognise young disabled people's evident disadvantage for what it is and so lack the impetus to act appropriately.

4.3 In his foreword to the Adult Learning Inspectorate report on the standard of current provision for disabled learners, David Sherlock, the Chief Inspector of Adult Learning for England echoes this concern when he says that too often "compassion is seen as not only sufficient, but as a justification for restricting ambition and growth". This applies equally in tight-knit families and communities throughout Wales – risk aversion is often absolute for disabled young people, in a society where risk-taking is ever more prominent.

A recent S4C documentary featuring the integration of disabled pupils within Ysgol Plasmawr featured a blind pupil undertaking solo canoeing lessons on a lake. In our risk averse society, few educationalists with countenance this esteem-building activity for their pupils.

4.4 The report found that in practice, there are few appropriate courses and a poor curriculum for disabled learners and that local colleges and training providers often do not have the skills to support disabled people. These shortcomings in the system mean that disabled people are often denied the opportunity to fully realise their potential.

4.5 Unless public policy and services are sufficiently motivated by, oriented towards, designed and capable to deliver the goal of ensuring that disabled people can fully participate in society, reach their potential and leave childhood fully prepared for independent and successful adult life, a cycle of low expectations will continue.

4.6 In moving forward, and in responding to the incoming ‘disability equality duty’ on the public sector, it will be crucial to re-examine expectations of young disabled people, to identify where low expectations have become embedded in public policy design and delivery, and to make the necessary changes.

5. Transition to post-16 education

5.1 Superficially, participation rates of disabled students in further and higher education appear to remain disappointing. The number of disabled students in universities in the UK decreased from 19,120 in 1998 to 15,508 in 2000. Numbers had increased to 21,059 by 2004. However, given sectoral expansion, the proportion of disabled students only increased from 4.0 to 5.1% from 2000-4. In Wales, the proportion of disabled students in further education or work-based learning amounts to 3.8% of the student population. This figure is especially disappointing as the FE sector together with vocational training should represent the most appropriate route out of poverty for disabled people with poor academic qualifications from school, and who may favour part-time study on account of their impairments.

5.2 These figures are likely to be superficial though as a significant proportion of people with hidden disabilities may choose not to declare an impairment. The failure to declare may be caused by a range of factors the most prominent of which represent a choice by disabled young people not to appear ‘different’ from their non-disabled peers. For some, there may be fears well-founded or otherwise, that declaring an impairment would lead to largely negative consequences. Research conducted by the Department of Work and Pensions estimates that 52% of people actually covered by the DDA do not regard themselves as disabled people.

5.3 DRC fears that a combination of a reduction in the number of statemented children, together with an unwillingness to voluntarily declare an impairment may mean that a significant number of young disabled people will become lost in the system, unaware of the types of support and adjustments which may make a real difference to their academic studies or work experience. Close scrutiny is required on any association between course drop-out rates and undeclared impairments, and whether a failure to declare an impairment in employment or work placements results in disadvantage or disciplinary action in the workplace.

5.4 Non-statemented students with hidden disabilities are also least likely to have their support needs identified by social care professionals, or find that budget constraints mean that their largely achievable adjustments for learning and training cannot be met.

5.5 Questions have been raised concerning the variability of careers advice provided by colleges in Wales. Delays in undertaking assessments have led to further delays in the installation of assistive technology for those requiring it.

5.6 In 'Taking away the strain' (2003), DRC Wales highlighted inconsistent provision of auxiliary aids and services within Welsh colleges. In particular the report highlighted a lack of interpreter support – a matter which WAG are now addressing. The report also highlighted the need to provide more support for ergonomic furniture and to make budgets available for quick purchase of some equipment.

6. Transition to training and employment

6.1 Disabled people have lower expectations in relation to employment. Research carried out by NOP amongst disabled young people for the DRC revealed that 86% considered it harder for disabled people to find jobs. By the age of 30, 30% of disabled people expected to be earning less than their non-disabled peers.

6.2 Despite the willingness of 9 out of 10 employers to countenance making adjustments for disabled employees, there is a clear distinction between the willingness to make accommodations for employees who develop impairments as compared to recruiting disabled employees from the outset. Stereotyping and falsely held assumptions about aptitudes are deeply engrained despite the fact that the employment provisions of the DDA have been in place for larger employers since 1996 and for firms employing less than 15 staff from 2003.

6.3 Following the enlargement of the European Union and the resultant increase in migration of Eastern and Central European workers into Wales, it is interesting to note that most employers have addressed their skills shortages by employing migrant workers. Employers have been less forthcoming in making necessary adjustments enabling the employment of long term Incapacity Benefit claimants. Estyn also points to the lack of opportunities for progression into employment for people with learning difficulties in further education.

6.4 In terms of transition into training, DRC is increasingly concerned about 'qualification

requirement creep' within vocational training. Anecdotally, DRC has been alerted to the cases of two aspiring plumbers with dyslexia from Wales. Both had their aspirations dashed due to a requirement that they have a minimum 5 GCSEs before embarking on the relevant NVQ course. The basic inconsistency here is that, were the individuals to qualify as plumbers, they could use the UK Government's Access to Work scheme to assist with practical support for the elements of their jobs which they may find difficult. Given the low levels of qualifications amongst disabled people, we must clearly guard against quashing aspirations in this way.

6.5 The Commission is concerned that the legal requirement for a careers service representative to be involved in a transition planning interview only applies to statemented young people. Attempts to increase numbers of disabled students without statements may expose this inconsistency to the detriment of many disabled people who could be placed in vocational training or open employment.

6.6 We would also press WAG to address a further anomaly in arrangements for disabled employees. At present DELL or Access to Work will only cover the costs of learning support but not any costs associated with personal care. DRC Wales has come across at least one case where a woman needed to attend a work related conference, However, she was unable to attend since no-one would cover the cost for overnight accommodation for her support worker.

7. Transition at the age of 19 or over

7.1 The report 'Improving life chances for disabled people' highlighted a particular difficulty for disabled young people experiencing impairment related delays in their schooling. Some young people will be aged 19 or over when they leave school. They will no longer be able to access children's services which cut off at 18. Nor will they feature under calculations for NEET which only tend to apply between the ages of 16 and 18. For young people often facing the greatest barriers and educated in a special school setting, this can lead to enforced segregation into supported employment, life skills training, or day care which may not always be in the best interest of the young person. The report 'Improving life chances for disabled people' highlights the need to tackle the cliff-edge that currently exists between children's and adults services in England. The same cliff-edge seems to exist in Wales too.

8. Meeting the challenge

8.1 The DRC wants all young disabled people to have substantive opportunities to flourish and reach their individual potential, and to begin adult life fully prepared and with high hopes for their future.

8.2 This is in wider society's interest too. Leaving large numbers of people outside of education, employment or any form of active engagement in society carries with it significant economic and social costs. For example;-

- One third of the recipients of ASBOs in Wales are deemed to have learning difficulties
- A significant proportion of the prison population have mental health problems

Providing only poor quality options in education or maintaining people in low income jobs with poor

prospects is simply a waste of public money.

8.3 Public policy then is faced with two challenges:

- Taking preventive measures to ensure that future generations do not follow the same path
- Re-engaging those who have fallen out of education, employment and training and through doing so seeking to mitigate the impact this has had on their life chances

8.4 With respect to preventive measures, public policy needs to deal with the critical points at which young disabled people's opportunities and aspirations depart from those of their peers. It needs to deal with the failure of critical systems and institutions including at the points of 'handover' between these systems and institutions.

8.5 Public policy also needs to respond to wider social, economic and cultural factors to help challenge and overcome the reasons some young disabled people become increasingly less optimistic about their future, are less able to take control over their lives and come to feel marginalised and without a voice.

8.6 The DRC is addressing the second of these challenges through our work on welfare reform, employment and skills. For the most part, these responsibilities are reserved. However, the following are within WAG's sphere of influence

- Working with Welsh representatives of the sector skills councils to promote the types of unique skills which disabled people can offer the workforce. For example, an ability to manage a complex or fluctuating condition, multi-tasking skills demonstrated through managing a household and a condition at the same time, potential insight into good customer care practice amongst disabled customers viewed as a business asset. Sector skills councils seem to concentrate solely on the demand side without considering the supply of skills to match demands
- Through Careers Wales and localised entities, ensure that disabled people leaving education know how to market their existing competencies in ways which may benefit them in effective job search and in building confidence.
- The Home Office initiative to promote volunteering amongst disadvantaged groups as a skills enhancer need to be replicated in Wales. Representatives to this effect should be made to the Minister for Social Justice.
- As part of the Employment Action Programme, WAG should seek to influence the attitudes and practices of employers in Wales to recruit according to core competencies and search for soft skills rather than have an undue reliance on academic qualifications.
- Work placements. Estyn highlighted the lack of clarity amongst employers regarding funding issues. A clear barrier is that many work placement opportunities are short lived. Whilst work placements are covered by the DDA, in reality, in these circumstances, it might be considered unreasonable for an employer to fund or facilitate such adjustments. This may severely limit the types of placements which some groups of disabled people may undertake. The DRC considers that colleges should receive appropriate funding to ensure that adjustments accompany the placed student.

8.7 Many of these issues featured prominently in DRC's 'Skills for liberty' conference in Swansea in April 2006 and will be raised in a forthcoming meeting with the Education Minister.

9. A targeted strategy

9.1 The DRC proposes that the situation facing young disabled people demands targeted action. We propose an 'aim higher' type strategy for young disabled people.

9.2 Such a strategy will need defining, and we welcome suggestions, but we believe its essential ingredients must include two key factors:

Raising the aspirations of young disabled people about their futures

9.3 This would require a number of key agencies and organisations to work together to communicate a clear message to young disabled people about the value of their contribution to society, and their right to hold high aspirations and to pursue their goals. This would include:

- A strong and unified signal from WAG of its commitment to raising the aspirations of young disabled people and its intolerance of the disproportionate numbers leaving education or training age 16, through the messages given in ministerial speeches.
- Key WAG departments, ASPBs and employers' organisations promoting case studies of successful disabled people and disabled people in key roles in public life. There has been a singular failure to establish effective means of disseminating examples of best practice in Wales.
- Positive messages communicated through Sure Start children's centres and Cymorth, the Children and Youth Support Fund, to ensure that the early influences that shape individual and group identity of young disabled people, including the views of their parents and teachers, give young disabled people high aspirations.
- Action by schools, local authorities and youth services to promote and facilitate the participation of young disabled people across school life, such as guaranteed places on school councils, and in extra curricular and leisure activities, such as the need for transport to attend after-school clubs.
- Local authorities, social enterprises and community groups working to promote and facilitate the increased involvement of young disabled people in community activities and decision making. In addition to the requirement of the Disability Equality Duty to involve disabled people in the development of policy and service delivery, an increased level of accountability of services to young disabled people and more control placed in the hands of young disabled people, building on the examples set by Funky Dragon.
- Better transition planning is a must. This needs to include improved co-ordinated between schools, LEAs, colleges, social services departments, the disabled person, parents/guardians, and the careers service. DRC supports Estyn's call for better systematic recording of transition plans by colleges. DRC wonders to what extent Careers Wales representatives in the Transition Plan interviews are equipped to spot the latent skills of disabled young people and promote self-esteem in applying such skills to a training/work context. Teachers and others involved in transition planning interviews seem to be unaware of support schemes such as

Access to Work to assist disabled people in employment. We would also advise that an advocate be appointed to work with the disabled young person prior to the final transition interview. DRC would also like to know whether it is common practice to offer communications support for Transitional Planning meetings

- Greater coherence in support systems. At present, the statementing regime applies up to age 19 in schools. The application of transition plans to non-statemented pupils is possible but is likely to be applied inconsistently. The funding regime to support disabled students – via the Disabled Students Allowance is completely different in its operation. Support for those in work is different again – primarily via the Employment Service’s Access to Work Scheme. To our knowledge, there is no coherent funding provision covering support for life skills, nor for vocational training. In fact, benefit traps persist for those undertaken training and volunteering opportunities whilst continuing to claim disability benefits (some of these traps have recently been removed). The danger lies in the lack of consistent support for the continuum between pre and post 16 education, training, job search, and actual employment. Gaps inevitably appear and often affect the most disadvantaged. The difficulty that we face in Wales is that most of these support systems are linked to powers that are reserved in Whitehall. We would however encourage WAG to plug some of the gaps through ‘added value’ initiatives. Individualised budgets are highlighted as a longer term means of enabling greater coherence in the report ‘Improving life chances for disabled people’.
- Provision of adapted equipment. DRC Wales was initially concerned about a lack of co-ordination between LEAs, social services, and the health service in terms of the supply of adapted equipment. This often led to instances where certain types of equipment could only be utilised either at school or in the home and not vice versa. Some progress has been made with addressing this issue, However, problems persist with the diverse approaches to equipment supply between schools, colleges, and the workplace. The danger again is that support is not available at critical stages such as home study, job search, or interview preparation. DRC considers that ensuring that any relevant support provided to an individual by the LEA should follow that individual into post-16 activity. This would perhaps help address the undue delays that people encounter at the start of a college course or placement.
- Inconsistency in transport arrangements. The provision of transport to and from colleges is patchy. Increasingly people facing moderate barriers are forced to undertake lengthy or complex journeys to college without relevant support, As Estyn has pointed out, the availability of travel training agencies to assist with orientation are patchy and rehabilitation schemes to assist people with sensory impairments with orientation have been downgraded.
- Sharing of individual information. Whilst appreciating the constraints stemming from Data Protection legislation, the DRC is concerned about too prescriptive an interpretation of the Act. We believe that if parents are approached for consent as to the supply of information across the transition chain, the vast majority would only be too pleased to provide such consent in the hope of achieving a more consistent transitional process. The Disability Equality Duty which will apply to all Welsh schools in April 2007 and all other public authorities from December 2006 will highlight the need for more consistency.

Increasing participation in post-compulsory education

9.4 A package of incentives, rather than penalties, for schools, colleges and wider public services to work together in partnership to increase meaningful participation of young disabled people in post-

compulsory education. These would include:

- More and better sharing of information within school's careers advice and Careers Wales about the support and help available to young disabled people to participate in further and higher education.
- Further workforce development of the learning and skills sector to guarantee that it has the capacity to ensure that young people with learning disabilities have the skills they need to meet their aspirations for independent adult life and meaningful outcomes, including work options.
- Education business partnerships, local chambers of commerce and volunteering agencies working with schools and youth services to promote the participation of young disabled people in valued work experience and volunteering opportunities.
- Strategies aimed at improving provision post 14 and the Welsh Baccalaureate will need to be monitored by the Welsh Assembly to ensure that they promote opportunities for young disabled people. DRC is especially concerned that disabled pupils have an equal chance in participating in the broadest range of work placements as compared to their non-disabled peers. Work placements are now covered by the Disability Discrimination Act, however, participants are not entitled to support through the Employment Service's Access to Work scheme. For those pupils needing adjustments to participate in short work placements, the onus on providing the requisite support and equipment must fall on schools/LEAs.
- Improved measures of quality control and inspection to ensure that better outcomes for young disabled people (including social outcomes, such as having friends) are made an integral part of the new responsibilities of Estyn and WAG
- A more coherent approach is needed to the sharing of information about individual students amongst agencies to enable smooth transitions to post 16 education, training and employment support.

10. Conclusion

10.1 In conclusion, DRC would like to draw the committee's attention to 'Are you listening' – a consultation undertaken by Barnardos Cymru to inform the Children and Young People's National Service Framework in September 2003. Amongst young disabled people aged 15 and over, transition was identified as the most significant challenge.

"At the moment I'm doing work experience in Tesco's. I don't like it. And after that I have to go to either Kwiksave or Woolies which I don't want to do either. I've told the teachers but they say I have to go – it's nice of them to let us go to these shops. I want to work with the little children in the school or the nursery, but they won't let me. But they let the girls do it..."

"If a mainstream person went on to college, they could pick what course they wanted to do...and if

they didn't want to do PE they wouldn't pick it. However, there are limited courses for people with special needs and they still have to do subjects that they don't want to as in school."

"Since sixth form my experiences have been bad. I'm supposed to still have one to one support but they sometimes use my cover to cover someone else and I have been left in the common room on my own to do nothing. Out of ten one to one staff, only two are willing to change my pad, the others say that it's not in their job description! I'm not supposed to go in the lift on my own but on a few occasions I have been forgotten about and no-one realised I was on my own."