



## **Amendments to the Children and Families Bill: briefing for House of Lords Report Stage**

These government amendments have the support of the Association of Colleges: AoC, Ambitious about Autism, the Association of National Specialist Colleges: Natspec, Disability Rights UK, The National Deaf Children's Society: NDCS and the Special Educational Consortium: SEC.

### **Clause 36**

LORD NASH, BARONESS SHARP OF GUILDFORD, BARONESS CUMBERLEGE  
1 Page 30, line 20, after 'In' insert 'making a determination or'

### **Clause 36**

LORD NASH, BARONESS SHARP OF GUILDFORD, BARONESS CUMBERLEGE  
2 Page 30, line 21, leave out 'have regard to his or her age' and insert 'consider whether he or she requires additional time, in comparison to the majority of others of the same age who do not have special educational needs, to complete his or her education or training'.

### **Clause 37**

LORD NASH, BARONESS SHARP OF GUILDFORD, BARONESS CUMBERLEGE  
3 Page 31, line 10, leave out subsection (4)

### **Clause 44**

LORD NASH, BARONESS SHARP OF GUILDFORD, BARONESS CUMBERLEGE  
4 Page 35, line 9, leave out 'his or her age' and insert 'whether the educational or training outcomes specified in the plan have been achieved'.

### **Clause 45**

LORD NASH, BARONESS SHARP OF GUILDFORD, BARONESS CUMBERLEGE  
5 Page 35, line 37, leave out 'child or young person' and insert 'young person aged over 18'.

- a) These amendments remove the requirement on local authorities to ‘have regard to age’ when deciding whether to award, maintain or cease to maintain an Education Health and Care Plan (EHCP) for young people over the age of 18. The current wording in the bill is repeated in four clauses and is as follows: *‘In forming an opinion for the purposes of this section in relation to a young person aged over 18, a local authority must have regard to his or her age.’*
- b) Instead they provide greater clarity regarding who should receive an EHCP in this age group. They move the focus away from explicit consideration of age, and towards whether a young person requires more time – compared to their peers – to complete their education, and whether outcomes have been met.
- c) An increased focus on outcomes for young people, including important markers of adulthood such as employment or independent living, is one of the key drivers behind the Bill and one which we fully support. This briefing includes three case studies of young people whose access to education beyond 19 allowed them to achieve outcomes that would otherwise be unattainable.
- d) We believe it will be important to ensure that planned outcomes remain challenging and that the focus on high aspirations is maintained. This, and the new wording, will have to be fully reflected in the Code of Practice.

## **Case Studies**

Time spent to ensure that young people are well prepared to move into adult life pays dividends for them, their families and ultimately for the public purse. The NAO report ‘Oversight of special education for young people aged 16–25’ (Nov 2011) states:

*‘Equipping a young person with the skills to live in semi-independent rather than fully supported housing could, in addition to quality-of-life improvements, reduce these lifetime support costs by around £1 million. Supporting one person with a learning disability into employment could, in addition to improving their independence and self-esteem, reduce lifetime costs to the public purse by around £170,000 and increase the person’s income by between 55 and 95 per cent. If properly focused and effective, therefore, investment in special education should provide long-term returns.’*

The following stories illustrate how important an additional period in education beyond 19 can be to achieving successful outcomes.

## **Irving**

Irving is a hardworking and sociable young man with a keen interest in politics. He was diagnosed with Asperger's at an early age. He has given us permission to tell you about his journey through education. When Irving took his GCSEs aged 16 he got 2 Bs and 2 Ds. He did not get the grades required to progress to A Levels as he wanted. He took a GNVQ in ICT the following year, and gained a Distinction. Irving spend the next 6 years Irving undertaking various college courses - spending some time in education and some time out of education - developing his skills at a pace that worked for him. During this time Irving also volunteered in some local organisations which improved his confidence.

At the age of 22 he gained a B in GCSE English and a C in Maths, which allowed him to take his A Levels in Government and Politics and Geography which he passed in 2008, aged 24. Irving has since completed his degree at the University of Hull, gaining a 2.1 in British Politics and Legislative Studies. He completed a successful work placement in the House of Lords, and now has a job at City University. He is an Expert Adviser to Ambitious about Autism.

Irving's journey through education demonstrates two things: first, that young people achieve their potential at different ages so we need a flexible approach in their late teens and early twenties to allow them to succeed; and secondly, that young people with autism can achieve great success – just like any young person – given the right support and enough time.

Our concern is that, had the 'have regard to age' clause been in place, a local authority may have felt Irving wasn't making enough progress at age 18 or 19, and withdrawn the support of an EHC Plan during his periods out of education.

## **Esme**

Esme started at Derwen College when she was 19. She has Down's syndrome and communication difficulties, and took time to settle into college life and routines, initially needing support to attend sessions and participate.

Esme tried different vocational areas and chose Catering as her main department, where she began building up her skills base, learning a range of food preparation and cooking tasks. She gained qualifications in Basic Food Safety and Health & Safety in the Workplace which would help her to find work.

Esme moved to supported accommodation off campus where she began to take more responsibility for her own learning and actively take part in sessions. This improvement in independence resulted in her moving to a semi-supported residence where she further developed the skills needed to live independently in the

community.

Esme undertook work experience placements in the college enterprises including Tiffin's café and Betty's Coffee Shop. This led to an external placement at the local branch of Tesco in Ellesmere, where Esme worked in the staff canteen and the store, and demonstrated that she was able to transfer and use the skills she had learnt in college.

The Ellesmere branch liaised with the Metro branch in Esme's home area and provided a reference. Esme now works part-time in Tesco's Hammersmith Metro and travels there independently. She is also working with Remploy to supplement her skills and assist her in CV writing and interview techniques. Esme shares a flat in London and has daily drop-in care support.

Without extended access to education and the chance to develop her independence skills, Esme would not be employed and living independently.

## **Ben**

Ben, who has cerebral palsy, attended a special school where he gained six GCSEs and an A/S Level. During that time he lived at home. At the age of 19 Ben decided he wanted carry on with his education and more importantly to become independent. He chose National Star College because he felt it would be a good stepping stone towards independence as it was the first time he lived away from home.

The team worked with Ben to provide him with a wide range of devices to enable him to take control of his environment. His wheelchair was modified so that he could operate his chair and his laptop through a foot-controlled switch. Using the foot and head switch Ben can open doors and windows in his room and operate the TV. "All of these gave me a freedom I never had before," he explains.

Through transitional support and life skills training Ben became more confident and took over managing his own care. He received a BTEC level 2 qualification in sport and perhaps more importantly for Ben, he discovered Boccia.

Due to funding issues Ben had to return to the family home for two years after leaving college. Three years ago he returned to Gloucestershire where he lives in supported housing. He decided to focus his skills and energy on Boccia. As well as being on the England team, Ben founded the first Boccia club in Gloucestershire and plays a key role in the sport in the South West.

Ben's journey through education demonstrates two things: first, that young people achieve their potential at different ages so need a flexible approach in their late teens

and early twenties to allow them to succeed in education; and second, that they can live more independent lives when provided with the right skills and environment.

For further information or clarification please contact:

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