



## PLANNING FOR LIFE AFTER 16

### Education - special needs support in colleges

#### The system

The system in FE and Sixth Form colleges is as follows:

- › Colleges are funded by the Young People's Learning Agency (YPLA)
- › The funding given to colleges includes an allocation for special needs support. The term LLDD (Learners with Learning Difficulties and Disabilities) is generally used for special needs in colleges.
- › Local Authorities must ensure that the needs of students with learning difficulties are assessed. These assessments are called Section 139a assessments (because they are prescribed in section 139a of the revised Learning and Skills Act 2000).
- › All young people with a statement must have a Section 139a assessment in the year they are due to leave school. Assessments should also be carried out on young people with a learning difficulty but no statement who are likely to need additional support to access education or training, and who would benefit from an assessment.
- › In most cases, Section 139a assessments are carried out by Connexions advisors on behalf of local authorities.
- › Colleges receive copies of Section 139a assessments and are supposed to provide the support they specify. The funding they receive from the YPLA for LLDD is intended to cover this.
- › Funding for LLDD is intended to pay for, among other things, speech and language therapy
- › If a college needs additional funding to meet the needs specified in a Section 139a assessment, they can apply to the YPLA for more money. They would probably need to make a strong case and there is no guarantee their request would be granted.

#### How the system works

This sounds reasonably straightforward, but if you have grappled for years with statements and the SEN system in schools, you may not be surprised to learn that it does not always work as well as parents might like. Typically, the situation in many colleges is that:

- › Most courses are taught by tutors who are specialists in their subject. They vary in how much they know about special needs.
- › Colleges have specialist departments to coordinate and deliver support to students who need extra help. These learning support departments (their names may vary) generally have a strong tradition of providing literacy support and help for students with hearing or visual impairments but may not have the same level of expertise in speech and language impairments.
- › Students are generally expected to be adult enough to make their own way to the learning support department if they need help. College staff do not routinely deliver support proactively or monitor students in the way that some young people with speech and language impairments might need.
- › Social or life skills training would be beneficial for many students with speech and language impairments. They are included in the special courses for LLDD but are not usually made available to students on mainstream courses.
- › Even though their funding is supposed to cover speech and language therapy, there is no tradition of colleges providing it for students on mainstream courses and they do not always know how to access it or understand why it might be needed.
- › Regrettably, Section 139a assessments are not legally binding in the way that statements are. This can make it more difficult to resolve problems if your son or daughter's college is not supportive. See below for more guidance on resolving disputes.

## Making the system work for you

It is important to start the process as early as possible – year 10 is not too soon. It may take time to identify the right college and course for your son and daughter, and ensure that appropriate support is put into place. Remember, too, that some colleges will require students applying for certain courses to take entry tests, so allow time to arrange for any support your son or daughter needs. Make sure you keep on top of the application process so that you find out in good time if your son or daughter has not been accepted on their preferred course, and try to have a back-up plan in case you need it.

Colleges are large places and the message does not always get through that students on, or applying for, mainstream courses need extra help, even if they have had a Section 139a assessment. Application forms usually ask prospective students to indicate if they have a disability or learning difficulty, and if your son or daughter fails to do this, there is a risk the college will not realise he or she needs support. For more information about disclosing a disability and your rights under the Equality Act, see the factsheet Education - Disability Discrimination. Even if your son or daughter has ticked the right box, you might still have to work quite hard to make sure everyone is aware of his or her needs.

## Your questions answered

**My son or daughter has significant speech and language difficulties. What can I do to ensure he or she receives appropriate support at college?**

- If you have a choice of colleges, visit them all. Some may have a more supportive set-up than others.
- Make sure that your son or daughter's Section 139a assessment, like a statement, clearly describes his or her difficulties and specifies what support he or she needs.
- If your son or daughter does not have a statement, he or she is still entitled to a Section 139a assessment, but as they are not given routinely to young people without statements, you might need to be proactive to ensure they receive one. You can request a Section 139a assessment by writing to your local authority. Alternatively, if your son or daughter has a Connexions advisor, ask them to arrange one.
- Robust evidence is essential to ensure strong and accurate Section 139a assessments. This means high quality reports for Annual Reviews and a well-written Statement. If any of these are inadequate, or your son or daughter does not have a statement, you might wish to consider private assessments.

**My son or daughter has had a Section 139a assessment but it was not very detailed and he or she is not getting the help he or she needs**

Unfortunately when it comes to Section 139a assessments, there is no equivalent of the Tribunal for settling disagreements or challenging decisions. If the initial assessment was carried out by a general advisor try asking the Connexions service if your son or daughter can be reassessed by a specialist advisor with the appropriate expertise. Failing that, if the assessment was not carried out properly you may have a case for judicial review. (This may also apply if you requested a Section 139a assessment but were refused.) You would need to discuss this with a solicitor who specialises in disability and education law.

**My son or daughter's college is not delivering (properly) the support specified in his or her Section 139a assessment**

Initially, try discussing the situation with the head of support for LLDD. It is always better to negotiate solutions informally if possible. Making positive suggestions about possible ways forward can be more successful than just focusing on what has gone wrong. It may be helpful to involve your Connexions advisor in negotiations if he or she is supportive. If you cannot reach agreement, though, you still have the right to make a formal complaint.

## The Complaints Process in Colleges

Some colleges publish complaints procedures on their websites, though you might have to put 'complaints' into the search box to find them. If not, they may include them in their prospectuses or students' handbooks. In some cases, colleges have standard complaint forms, which are often available from their front office or elsewhere.

If you cannot find a formal complaints procedure, it is advisable to make your complaint as follows:

- Write a formal letter, addressing your complaint in the first instance to the head of LLDD support, or head of your son or daughter's course, whichever is the more appropriate.
- If you do not receive a satisfactory response, or fail to reach agreement, take your complaint to the Principal of the College.
- Beyond that you can go to the Board of Governors.
- As a final resort, you can write to your local authority, who commission colleges to provide appropriate education, or to the YPLA, who fund them.

For more information on any of these issues, see the factsheet *Education: Sources of Further Information* or contact the **Afasic Helpline on 0300 666 9410 or 0207 490 9420.**

**Afasic - voice for life**

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