

College regionalisation: Proposals for implementing 'Putting Learner at the Centre'

Response from Lead Scotland (Specialists in Linking Education and Disability)

Lead Scotland is a charity that enables disabled adults and carers to access inclusive learning opportunities. At a local level, we do this by providing direct support to learners¹ through flexible person-centred learning opportunities and individualised guidance and support to help them plan their learning journeys. At a national level, we provide information and advice on the full range of post-school learning and training opportunities, as well as influencing and informing policy development.

Our response to this consultation

Our response relates specifically to the needs of disabled learners and learners who care for disabled people. Lead Scotland adheres to a social model of disability, therefore we support and represent the interests of any learner who experiences barriers in the educational system, rather than only those with a medical diagnosis of disability or ill-health. Any reference to learners with additional support needs in this response should therefore be taken to include disabled learners and carers as well as other learners who experience barriers in learning.

Our response has been directly informed by the views of a range of disabled learner and carers, as well as relevant Lead Scotland staff and volunteers.

General comments

Disabled people and unpaid carers account for a significant proportion of Scotland's population. Around 20% of the working age population in Scotland are disabled, and around 12% are carers (excluding those with general childcare responsibilities). Both groups experience significant inequalities in relation to education, employment and income, and overall life chances. e.g

- **Educational attainment:** disabled people are twice as likely as non-disabled people to have no qualifications. Female carers who work full-time and care for more than 50 hours a week are twice as likely to have no qualifications as non-carers, and men are 1.5 as likely to have no qualifications.
- **Employment and income:** only around 50% of disabled adults are in employment, compared to 80% of non-disabled people, and the average gross hourly pay for disabled employees is £11.08 compared to £12.30 for non-disabled employees. Many carers are unable to work as a result of their caring commitments. The main carer's benefit is £55.55 per week, equivalent to £1.58 per hour.

¹ We receive local authority funding to community learning and development services in Aberdeenshire, Dundee, Fife, Highland, North Lanarkshire, Moray and West Lothian.

- **Health:** people with learning disabilities are 58 times more likely to die before the age of 50 compared to non-disabled people. Carers providing high levels of care are twice as likely to be permanently sick or disabled, and 80% of carers say their caring role has damaged their health.

Access to education for both disabled people and carers is therefore vital in terms of improving educational attainment and earning potential, reducing reliance on welfare benefits, and facilitating access to life-enhancing experiences. The above statistics clearly indicate that both groups should be specifically targeted in policy developments in terms of improving skills, qualifications and employability.

Consultation questions

Planning further education provision regionally

What role should we expect other partners to play in meeting regional need?

Who should be involved?

It is vital that regional planning has specific regard to the needs of learners with additional support needs, and should therefore involve a range of partners with a role in supporting and representing such learners. Lead Scotland would recommend that key partners should include:

- ourselves (at both a national and where appropriate, regional, level), in terms of providing expert advice on the need of learners with additional support needs, as well sharing examples of good practice;
- voluntary sector organisations which support learners with specific needs², including specific impairments. Many of these organisations run projects which specifically support their service users to access learning, training, employment and other opportunities;
- community learning and development providers (CLD) who provide learning opportunities specifically for learners with additional support needs as well as those with a more general remit;
- Skills Development Scotland, in terms of identifying the learning and training opportunities sought by learners with additional support needs, and tailoring careers and educational guidance;
- social work departments, in terms of identifying and meeting the personal care needs of disabled learners and the support required by carers (this support is vital to allow many learners to take part in education)
- Local health boards, in terms of identifying and meeting the healthcare needs of disabled learners (again, vital to allow many learners to take part in education).

Lead Scotland is aware that the Government will shortly be refreshing its 'Partnership Matters' guidance which specifically relates to the needs of

² We have suggested various key organisations in the annex at the end of this document.

learners with additional support needs, and would recommend that this is used as a key tool in regional planning processes. This guidance has already helped to establish various local partnership forums across Scotland and we would recommend that these partnerships are fully involved in all regional planning processes, as well as highlighted as examples of good practice in partnership working.

What should be considered during planning processes?

In relation to learners with additional support needs, Lead Scotland would recommend that the following factors should be taken into account during regional planning processes:

- the number of learners with additional support needs at schools in local schools³ (this information can be gathered via education authorities' procedures regarding the Additional Support for Learning Act);
- historical data regarding the destinations of school leavers with additional support needs in each region;
- the existing level and range of provision for such learners in local colleges, community learning and development (in both the local authority and voluntary sectors), and training programmes;
- options for collaborative work between various learning providers to facilitate access to learning for additional support needs, as well as providing appropriate learning opportunities;
- pooling of expertise, good practice and funding to meet the needs of learners with additional support needs, including provision of reasonable adjustments (e.g. equipment and learning materials), equality policies, and procedures regarding special arrangements.

In order to avoid a 'postcode lottery' for learners with additional support needs, Lead Scotland would also recommend that provision for learners with additional support needs should be considered and monitored at a national level. This will be necessary to ensure that colleges are meeting their legal duties under the Equality Act regarding provision of reasonable adjustments and avoiding discrimination, as well as ensuring that learners can expect the same level of support regardless of where they choose to study.

Lead Scotland has significant expertise in this area, and would be pleased to assist the Scottish Government in national policy and planning regarding supporting learners with additional support needs.

Example of good practice: Lead Scotland case study

Kate is 19 and has Aspergers Syndrome. She was happy at primary school, but when she progressed to secondary school where the students knew she was different, she felt bullied and singled out. When she was 13 she attempted suicide, and was subsequently referred to a specialist unit where she stayed for 2 years.

³ While it will be more difficult to collect data on the total number of adults with additional support needs in each area, the proportion of school pupils could be used a proxy.

When Kate was integrated back in secondary education this was not wholly successful, although the school staff helped her receive an exceptional entry place at Aberdeen College to study an access course. Kate completed this course and subsequently achieved a Visual Communication and Photography certificate at Intermediate level 2.

After college, Kate became isolated and was unable to find a job. Her confidence dipped, and she sought support from Skills Development Scotland. Her careers adviser suggested an Aberdeen University course called "Breakthrough". This programme is for anyone recovering from mental illness who wants to return to work, education or training. The course encourages a variety of skills, including CV writing, assertiveness and interview skills. Although Kate enjoyed this course, she felt it was not right for her and a bad transport experience left her feeling afraid to return.

Kate was referred to Lead by Skills Development Scotland where she has fully engaged. She meets with the Lead Learning Coordinator every week and takes part in 2 different learning programmes. She wants to share her skills and experience with others, and is now about to volunteer with Lead and hopes to achieve her Millennium Volunteering Award. Kate is now travelling independently again and can see a positive way forward. Kate says: *"Before I got in contact with Lead, I was at home 24/7, did not feel like I fitted in anywhere, and I was unable to get out and achieve what other 19 year olds around me could. After the Learning Coordinator got me into activities and meetings that they have, I feel like a new option has been opened for me. I have come out of my shell more around others and have gotten enough confidence to sign up as a volunteer for Lead to help others like me get the lifeline I was thrown. There is still a long road ahead of me and many areas where I lack confidence to improve, but I know that with the support network that Lead has set up for me, I know I can achieve it"*.

Ensuring regional boundaries are invisible to students

Capturing national specialisms within the funding model

It is important to ensure colleges with specialist provision are given the appropriate support and funding to allow them to continue to be specialists in their field, as well as being able to attract learners from across Scotland. This is particularly important for colleges such as Newbattle Abbey which, as Scotland's only residential adult education college⁴, must be able to continue to serve learners across the country as it is unlikely that colleges closer to a student's home will meet their specific needs.

However, Lead Scotland would recommend that specialist colleges should also be encouraged to develop their partnership working with other colleges to ensure that they are not left behind in the new regional structure, as well as enabling them to share specialist expertise and knowledge.

⁴ Newbattle is the only college which specifically caters for adults who have returned to learning later in life.

In 2005, the Scottish Executive consulted on proposals to meet the needs of learners with complex needs requiring specialist residential provision. As Scotland does not have a specialist residential college, one of the options in the consultation was for a small number of Scottish colleges to develop and expand their expertise in supporting such learners (rather than establishing a new residential college in Scotland). Through Lead Scotland's Information Service, we are aware that many young people and their families would value this type of model, as it is very difficult to obtain local authority funding to secure such provision outwith Scotland. We therefore recommend that such an approach is developed, and that these colleges should form additional partnerships as a means of building and sustaining expertise in this area.

Estimating regional need

The proposed indicators

Lead Scotland believes that the proposed indicators are appropriate, but would also suggest the following indicators:

- a breakdown of disabled people for all suggested indicators
- the number of school pupils with additional support needs (which will include disabled learners, young carers, and those experiencing other barriers), including the number of pupils attending special schools
- regional data on the number of learners attending courses specifically designed for students with complex needs (DPG 18 courses)
- historical data on the range of courses taken by learners with additional support needs, and the educational support they have required
- number of people in each region with poor literacy and numeracy skills.

This data will allow colleges to identify the number and range of potential learners with additional support needs in each region, as well as helping them put in place appropriate learning provision, additional support, and anticipatory reasonable adjustments. This will help colleges to meet their legal duties under both the Equality Act and the Public Sector Equality Duty.

Is an annual rebasing of regional allocations an appropriate review period?

Yes. Assuming that the onus on collecting such data will be on colleges (or lead colleges within each region), we believe that a shorter cycle would impose significant administrative burdens. Although many data sources are updated quarterly, the majority are likely to be updated annually, making it easier to collect and utilise data on a consistent timescale.

Funding for courses and student support

Proposals for non-recognised qualifications (NRQs)

Lead Scotland is concerned by the proposal for colleges to concentrate further on courses leading to qualifications. Although the Government states that it recognises the value of some NQRs as a means of meeting some learners' additional support needs, we are concerned that colleges will interpret the proposal as a means of focusing solely on courses which have clear progression routes to employment.

Although there are clear advantages of participating in employment-oriented courses, Lead Scotland is concerned this will have a detrimental impact on learners who may not progress to employment, or those who may need to take non-vocational programmes as a stepping stone to job-related courses. This is a particular issue for learners with profound and complex needs who are unlikely to move into employment, but nevertheless acquire significant life-enhancing benefits from learning. For many learners, this includes:

- building self-confidence and social skills (which for some, can help facilitate independent living)
- improving physical and mental health and well-being
- developing aspirations to progress further (which may or may not include progression to employment or employment-related courses)
- facilitating progression to further learning
- improving family relations.

Appropriate provision for this group of learners should therefore be regarded as preventative intervention, in terms of reducing long-term likelihood of ill-health, mental health problems, family breakdown and welfare dependency.

Lead Scotland would therefore recommend that while it is possible to prioritise investment in qualifications which help learners to get a job, it is vital to ensure there is an adequate range and level of remaining 'non-priority' learning areas. This would be in line with the Government's commitment to put learners at the centre by ensuring that individual freedom to choose courses is not eroded.

In addition, Lead Scotland recommends that each region considers the level and range of courses available across the region to ensure that learners do not need to travel further than they would at present to attend their chosen course. While this may not be an issue for many learners, many disabled learners may find it difficult (or impossible) to travel to college campuses which are not close to their home. This could affect learners with physical impairments, those on the autistic spectrum, learners with mental health problems or learning disabilities, and those with low self-confidence who may be unable to travel alone. Although the consultation states that Access and lower SCQF level courses will continue to be available close to home, many disabled learners take higher level courses and may therefore be placed at a disadvantage if they experience problems travelling to another campus.

It is also important that learners who are currently enrolled at college are not expected to attend another college if their chosen course is no longer available at that college. Many learners with additional support needs may have low self-confidence and social anxiety and may find it very difficult adapting to a different college environment. One of our learners told us:

"It's important to stay with the college you know, as you form relationships with staff and this makes progress easier."

This learner also told he would be worried about the support he would get (to meet his additional support needs) if he was no longer able to attend his chosen college.

Additional support needs element

Lead Scotland is very concerned that the proposal to change the way in which colleges receive funding for learners with additional support needs appears to be driven by cost and not learners' needs. This would undermine the Scottish Funding Council's significant work in 2005-06 towards creating a 'needs-led' funding model for such learners, as well as reducing the level of funding available for supporting such learners. ***We would strongly recommend that this proposal is not implemented.*** If the proposal is developed further, we would urge that a full disability equality impact assessment is carried out to determine the likely impact on learners. This is a legal duty under the Public Sector Equality Duty. In a recent case⁵ involving a local authority, the Lord Justice reiterated the importance of carrying out an impact assessment before policy formulation.

In particular, we believe that the proposed funding methodology would lead to significant cuts in colleges' budgets for Extended Learning Support (ELS) and Dominant Programme Group 18 (DPG 18) as it will no longer be possible to draw down additional funding for learners who require support which is not classed as 'complex'. This could also result in colleges being less likely to accept applications from learners with additional support needs as it will be less likely that they will receive additional funding to meet their needs.

We do not believe that a subject-based method of allocation takes into account the actual cost of specialist support required by such learners. As ELS and DPG 18 funding are not currently ring-fenced in many colleges, there is no guarantee that such funding is actually used towards meeting the needs of learners with additional support needs. The method proposed in the consultation is likely to further erode the likelihood that this funding is used for the intended purposes. This is a particular concern if colleges will be funded on a regional basis, resulting in funding for additional support needs being spread over a group of colleges, making it harder for individual colleges with a large number of learners with additional support needs to provide adequate support.

We are also concerned about the proposal to allocate funding for students with complex needs on the basis of a scale of need. We believe that it would be very difficult to place a student's individual needs into a category as each student's individual needs and circumstances will inevitably be very different. For example, a learner with a hearing impairment taking a Social Science course may require a significant amount of communication support to allow them to access lectures and learning materials. Alternatively, a learner with a similar impairment on the same course, may require far less (or no) additional support as they may have developed different coping strategies.

⁵ R (Kaur) v London Borough of Ealing (2008)

This is also a significant move away from a 'needs-led' model as it implies that learners' needs can be categorised into groups, rather than treating the learner and their needs as individual. A similar proposal was suggested in the 2005 Scottish Funding Council consultation (i.e. a proposal to develop a support grid for categorising learners' needs for drawing down ELS) and subsequently rejected as result of widespread disapproval among consultation respondents. Lead Scotland therefore believes that this proposal is likely to generate significant disagreement across the sector, and should not be put forward for a second time.

Should student support be based on regional demographics?

No. While it may be appropriate to allocate institutional funding regionally, a regional model for student support funding is likely to create disparity and inequality for learners in different regions, and would go against the intended principle of putting learners at the centre. It is important that learners are able to expect the same level of financial support regardless of where they choose to study, and that learners are not placed at a financial disadvantage compared to learners in similar circumstances in different regions.

As welfare benefits and other types of student support are based on national data, it would appear inconsistent and complicated to base student support on regional demographics.

Retention

How should colleges and the SFC work together to help improve retention rates?

Lead Scotland believes that the proposal to increase the funding cut-off for student attendance from 25% to 50% could inadvertently be discriminatory against learners with additional support needs. This is likely to be particularly problematic for disabled learners and carers who are more likely to have lower attendance as a result of ill health, medical issues or caring responsibilities.

This could potentially result in the following outcomes:

- colleges may be less likely to accept applications from learners with additional support needs if they make assumptions that such learners will not meet the attendance requirements;
- learners with additional support needs may be pushed into taking shorter courses (which may not be appropriate for their needs) as it will be easier to meet a 50% attendance requirement. One of our learners told us that he did not think this would be fair for learners with additional support needs: *"I prefer longer courses, why should I have to make this choice?"*;
- learners with additional support needs may feel under increased pressure to improve their attendance, when doing so may be detrimental to their health and well-being.

Instead, Lead Scotland recommends that the proposal to include targets for improving retention in outcome agreements should be adopted, as well as improving support structures in colleges to make it easier for students to complete courses. This includes improved counselling services, greater

flexibility regarding coursework and exams, and ensuring that funding for ELS and DPG 18 are at least maintained at current levels.

Regional structures

Are there any other options for regional structures beyond the four we propose?

Lead Scotland believes that it would be most appropriate for each region to decide how to set up their own regional structure. As suggested earlier, we would also recommend that colleges with significant expertise in supporting learners with additional support needs (including those with complex needs) should form additional partnerships as a means of building and sustaining expertise in this area.

Outcome agreements

Combining SMART objectives with longer-term economic and social objectives

We support this proposal in terms of ensuring targets regarding learners with additional support needs are met within appropriate timescales. For example, this could be used to measure:

- the number of disabled people and carers achieving qualifications compared to non-disabled people and non-carers
- the proportion of learners with additional support needs progressing to further study or employment
- using self-assessment to determine the number of learners acquiring new 'soft' skills, such as improved confidence, social and communication skills, and improved aspirations.
- improvements in literacy and numeracy skills.

Are there other indicators on college contribution that should be included in an outcome agreement?

See above.

Which key stakeholders should be involved in the outcome agreement process and what should their role be in influencing, signing off and monitoring performance?

See our response to the first question.

Summary of Lead Scotland's key recommendations:

- the proposal to change the way colleges are funded for additional support needs should not be implemented. If the proposal is developed further, a full disability equality impact assessment should be carried out to determine the likely impact on learners;
- the Scottish Government's 'Partnership Matters' guidance should be used as a key tool in regional planning processes to ensure that the needs of learners with additional support needs are given appropriate consideration;
- the needs of learners with additional support needs should be considered at both regional and national levels to ensure that learners can expect the same level of support regardless of where they learn;
- each region should provide an adequate range and level of courses to ensure that those who may not progress to employment are supported, and that those learners who are unable to travel to a different college campus are not excluded;
- the proposal to increase the student attendance cut off to 50% should not be implemented as this will be disadvantageous to learners with additional support needs.

Lead Scotland has significant expertise in supporting disabled learners and carers, and would be pleased to assist the Scottish Government in further policy and planning in this area.

Lead Scotland December 2011

Annex: Key agencies to involve in regional planning

Organisations supporting people with particular impairments:

Learning disabilities	Enable, People First, Scottish Consortium on Learning Disability
Visual impairments	RNIB
Hearing impairment	Action on Hearing Loss (RNID), National Deaf Children's Society, Deaf Action, Deaf Connections
Mental health	Scottish Association for Mental Health, Penumbra
Autistic spectrum	National Autistic Society Scotland

Specific learning difficulties

Dyslexia Scotland