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## **Applying for a place at a specialist further education college: A guide for Young People aged 19-25**

This guide is for the families/carers of young people in Wales, aged between 19-25, who have learning difficulties, which cannot be met by their local college, and who want to attend a specialist further education college.

**Mencap Cymru Student Advice Project.**

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# Applying for a place at a specialist further education college: A guide for Young People aged 19-25

**This guide is for the families and carers of young people in Wales, aged between 19-25 who have learning disabilities, which cannot be met by their local college, and who attend a specialist further education college.**

**The following sections will tell you about:**

1. What the law says.
2. How to apply for a place at a specialist further education college.
3. How your application will be dealt with.
4. What to do if you disagree with the decision.
5. Transport costs.
6. Where to find further information.

## **Future Changes**

The Welsh Government plans to transfer funding for specialist education colleges to local authorities, but this is not expected to happen before the financial year 2017/18. Therefore, the information contained in this guide should remain applicable for all funding applications made up to and including 31<sup>st</sup> January 2017.

## 1. What the law says.

In Wales, the relevant law is set out in the Learning and Skills Act 2000 (LSA 2000). Section 32 LSA 2000 says that the Welsh Ministers must make sure that the following things are available for young people aged 19 and over:

- Suitable education (other than higher education).
- Suitable training.
- Organised leisure-time occupation connected with education.
- Organised leisure-time occupation connected with training.

Usually, education and training are provided by the young person's local college.

If the young person has a learning difficulty additional requirements apply. Section 41 LSA 2000 says that, when making suitable education and training provision for young people with learning difficulties, the Welsh Ministers must take into account:

- the needs of the young person; and
- the content of any assessment carried out by Careers Wales.

In addition, if the young person's needs cannot be met unless the young person attends a residential placement, then the Welsh Ministers must ensure that a residential placement is obtained.

## **2. How to apply for a place at a specialist further education college.**

For young people with a statement of special education needs (SEN statement), the planning process should have started at the Year 9 Annual Review (when the young person was aged 13/14).

In the last year of school any young person with a SEN statement must have a learning difficulty assessment. The assessment is carried out by Careers Wales, on behalf of the Welsh Ministers. The assessment is sometimes referred to as a 'section 140 assessment' (as it is carried out under section 140 LSA 2000) or a 'moving on assessment'. When the young person leaves school, the learning and skills plan included in the section 140 assessment replaces the young person's SEN statement. If the young person does not have a SEN statement, then a request for a section 140 assessment can still be made.

As part of the section 140 assessment, Careers Wales will gather information regarding the young person's needs. This will include:

- the SEN statement and transition plan;
- any Social Services Care Plan;
- a report from the local college regarding whether the college believes that it can meet the young person's needs;
- a letter from the young person's school, following the Final Annual Review of the SEN Statement (which should take place in November).

The section 140 assessment will set out the young person's education and training needs, and how those needs should be met in the future. There are also things that the family/carers will need to do if they believe that the local college cannot meet the young person's needs. In particular, they should:

- request 'letters of support' from any professionals working with the young person (e.g. GP or Consultant);
- decide which college they would like the young person to attend and ask the college to complete an assessment report.

*Some practical things to think about:*

- *The section 140 assessment will be completed in the Autumn Term of the young person's final year at school. This means that the family should decide which college they would like the young person to attend and contact that college well before the Autumn Term, so that the college has enough time to complete its assessment report.*
- *The family and young person should attend all meetings, particularly the Final Annual Review of the SEN Statement.*
- *The family and young person should arrange to visit the local college in the Autumn Term so that the local college has a clear understanding of the young person's needs, and the family and young person know what support the local college can offer.*
- *When you visit the local college or attend any meetings you might want to have someone independent with you for support (such as your Mencap Cymru Regional Officer).*
- *Make sure that you keep copies of any documents that you give or send to other people as things can get lost!*

### 3. How your application will be dealt with.

The Welsh Government produces a Guide - '[Securing provision for learners with learning difficulties at specialist further education establishments](#)' - which provides information about the decision-making process that will be followed by the Welsh Ministers.

If the section 140 assessment concludes that the young person's needs cannot be met by the local college, an application for funding for a specialist further education college will be sent to the Welsh Ministers. The application will be submitted by Careers Wales and must be received by the Welsh Ministers by no later than 31<sup>st</sup> January. Once the application has been submitted it will be considered by the Welsh Ministers, but it is likely to take several months before a decision is made.

Sometimes there is a dispute about whether the local college can meet the young person's needs. Usually a dispute will arise where the family believes that the local college cannot meet the young person's needs, but the local college states that it can. If this happens, it is still possible to ask Careers Wales to submit the funding application, but it is very important that the family makes sure that the application sets out their views clearly. In these circumstances the family may want to prepare a letter, setting out everything that they want to say about the need for a specialist placement, and submit it with the funding application.

Whilst the Welsh Government may pay all of the fees for the specialist placement, sometimes it will pay the course costs and another funding agency, such as social services, will be asked to pay the non-educational costs. Where there are identified health and/or medical needs the local health board may be asked to contribute towards the costs. The negotiations between the Welsh Government and the other agencies can take time and may delay the funding decision. If the Welsh Government cannot reach agreement with other agencies this should not put the young person's placement at risk as, ultimately, it is the responsibility of the Welsh Ministers to ensure that reasonably facilities, including residential facilities where appropriate, are available.

The Welsh Government's Guide notes that *“the Welsh Ministers generally only expect to fund placements lasting up to a maximum of two academic years”*. However, this does not mean that programmes lasting more than two years, or second programmes of study, cannot be funded. If funding lasting more than two years is being sought then *“good reasons”* to award the funding must be set out in the application.

#### **4. What to do if you disagree with the decision.**

If the Welsh Ministers decide that the young person's needs can be met by the local college, it is possible to challenge that decision. In order to challenge the decision you need to be able to demonstrate that the local college cannot meet the young person's needs. The fact that the young person would prefer to go to a specialist college is not a sufficient reason to challenge the decision.

There are several ways in which the Welsh Ministers' decision can be challenged:

- *Complaints Procedure*: it is possible to make a complaint to the Welsh Government about the decision. The complaint will be investigated by someone other than the person responsible for the decision, and it will usually be dealt with within 20 working days.
- *Public Services Ombudsman for Wales*: the Ombudsman is an independent person who has a legal power to review decisions made by public bodies in Wales. Before you can ask the Ombudsman to investigate you will usually need to have already made a formal complaint using the Welsh Government's complaints procedure. Unfortunately, it can take many months for the Ombudsman to complete his investigation. This can cause problems as it may mean that the investigation is not completed before the young person is due to start at college. If you make a complaint to the Ombudsman you should point out that the investigation is urgent, and ask if the investigation can be expedited.

- *Judicial Review*: this is a legal process, which allows the court to review a decision by a public body. If the court decides that the way in which the decision was taken was wrong in some way (e.g. because important information was not taken into account), the court can order that the decision-making process is undertaken again. Judicial review is a complex process and must be started within 3 months of the decision you are disputing. It is important to get legal advice from a solicitor regarding whether you have grounds for judicial review, and whether you can get legal aid to cover the costs involved.

There is a list of useful websites in the ‘Where to find further information’ section of this guide, which will help you to pursue any complaint.

## 5. Transport costs.

If the Welsh Ministers agree to fund a placement at a specialist college, the costs of transport to and from college will not be funded by the Welsh Government. However, it may be possible to obtain free or subsidised transport from the local authority as Welsh local authorities are encouraged to provide transport support to disabled students until at least the age of 21, and ideally up to age 25.

To find out if you are eligible for free or subsidised transport costs you should contact the education department of your local authority or speak to the student support officer at your school or college.

## 6. Where to find further information.

Here are some useful websites:

<b>Organisation</b>	<b>Website</b>
Careers Wales (funding advice for disabled students)	<a href="http://www.careerswales.com/en/education-and-courses/how-can-i-fund-my-study/funding-for-students-with-learning-difficulties-and-disabilities/">www.careerswales.com/en/education-and-courses/how-can-i-fund-my-study/funding-for-students-with-learning-difficulties-and-disabilities/</a>
Law Society (will help you find a solicitor in your area)	<a href="http://www.lawsociety.org.uk">www.lawsociety.org.uk</a>
Public Services Ombudsman (investigates complaints about public bodies in Wales)	<a href="http://www.ombudsman-wales.org.uk/en.aspx">www.ombudsman-wales.org.uk/en.aspx</a>
SNAP Cymru (provides advice to young people with additional learning needs and their families)	<a href="http://www.snapcymru.org">www.snapcymru.org</a>
Useful People (information regarding Special Educational/Additional Learning Needs Policy in Wales)	<a href="https://usefulpeople.wordpress.com/">https://usefulpeople.wordpress.com/</a>
Welsh Government (complaints procedure)	<a href="https://secure.gov.wales/contact_us/makeacomplaint/complaintspolicy/?lang=en">https://secure.gov.wales/contact_us/makeacomplaint/complaintspolicy/?lang=en</a>

For More Information you can also contact:

The Wales Learning Disability Helpline on **0808 808 1111**

Or e-mail [helpline.wales@mencap.org.uk](mailto:helpline.wales@mencap.org.uk)

