

Response to DfE and ESFA consultation on Provider funding for the delivery of T levels

**Written evidence submitted by the Special Educational
Consortium, February 2019**

About SEC

The Special Educational Consortium (SEC) is a membership organisation that comes together to protect and promote the rights of disabled children and young people and those with special educational needs (SEN). Our membership includes the voluntary and community sector, education providers and professional associations. SEC believes that every child and young person is entitled to an education that allows them to fulfil their potential and achieve their aspirations.

SEC identifies areas of consensus across our membership and works with the Department for Education, Parliament, and other decision-makers when there are proposals for changes in policy, legislation, regulations and guidance that may affect disabled children and young people and those with SEN. Our membership includes nationally recognised experts on issues including assessment and curriculum, schools and high needs funding, the SEN legal framework, exclusions and alternative provision.

SEC responded to the consultation on the implementation of T levels in early 2018 and welcomes the opportunity to respond to the Department for Education and the Education and Skills Funding Agency consultation on Provider funding for the delivery of T levels.

Background:

The Government has made clear its commitment to ensuring that disabled people are in work, but the data shows there are significant gaps to be addressed:

- Only 48% of disabled people in England were in employment compared with 79% of non-disabled people in 2016ⁱ
- Disabled people (who are economically active) in England are more than twice as likely to be unemployed as non-disabled peopleⁱⁱ

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Where disabled people are in work, their earnings are significantly lower than non-disabled people:

- The median earnings of disabled people in employment was £9.85 an hour compared with that of £11.48 per hour for non-disabled people in 2016ⁱⁱⁱ

For young people:

- Disabled young people aged 16-18 in England are more than twice as likely to be NEET as non-disabled young people (5.7% compared with 12.6%)^{iv}

This is in part attributable to lower levels of attainment:

- Achievement of Level 2 English and Maths qualifications is challenging. Only 33% of young people aged 19 with SEN were qualified to Level 2 (5 GCSE passes) with English and Maths in 2017
- Take-up of Level 3 programmes is currently too low. Only 28% of young people with SEN achieved 2 A-levels or other Level 3 qualifications by the age of 19 in 2017^v

T levels are an important route to employment and the data, above, highlights the importance of ensuring T levels are accessible, inclusive and provide an extended opportunity for disabled students to reach the necessary levels of attainment to achieve a T level. Funding is crucial to the achievement of these aims.

SEC welcomes:

SEC welcomes the proposal that students who are 18 at the start of the academic year will be funded at the same rate as 16 and 17 year olds. This is important for those who may have needed more time to prepare for Level 3 after completing GCSEs.

SEC welcomes the fact that there is explicit reference to reasonable adjustments in the proposed criteria for students completing their industry placement, as part of their T Level. Occasional examples of reasonable adjustments throughout the guidance would helpfully draw providers' attention to the need to avoid discrimination against disabled students by making reasonable adjustments.

There are many aspects of the proposals where we would welcome clarification or we have further questions. In general, SEC feels that there is insufficient reference to Equality Act duties and the need for reasonable adjustments to ensure that disabled students can access T levels and use this as a route to employment.

SEC's greatest concern

SEC's greatest concern is about the lack of clarity about where the responsibility for making, and funding, reasonable adjustments lies, particularly as there may be multiple responsibilities: industry placement, training provider and the local authority, where a student has an EHC plan.

Funding formula

SEC recognises that there will be one common 16-19 funding formula, similar to that which is in place now. SEC welcomes the 2 different calculations of additional funding: for deprivation and for low prior attainment; and the 25% higher rate of allocation for T levels to reflect the higher levels of planned taught hours. However, SEC is concerned that current levels of disadvantage funding are insufficient for many providers to provide adequate support for students for whom they do not receive high needs funding (£600 as opposed to £6,000 for a student with high needs funding through an EHC plan). The increase in funding is to reflect the increased hours and would leave a similar funding pressure. Equally, high needs budgets are currently under significant strain. Our concern is that this will adversely affect the quality of support students receive on T levels.

SEC has some wider comments and questions about the funding arrangements:

Funding of Industry placements

The consultation document is clear that £550 will be paid for each student on an industry placement. To support this allocation, there is reference to a pilot scheme that states providers were able to put in place sufficient resources with that level of funding. However, the published report of the first pilot states that there were few students with SEND involved^{vi}. SEC recognises that there are multiple responsibilities, including those of the industry accepting a student on placement. However, it will be important that industries offering placements are confident of being able to meet the additional costs of the reasonable adjustments that are required to make the placement accessible and inclusive. It is important to recognise that some students with learning difficulties and disabilities will require support in the workplace but may not be supported with high needs funding.

There is no consideration of whether Access to Work funding should be made available to support students on industry placements, as it is with apprenticeships and traineeships. SEC recognises that the industry placement is for a shorter period of time than for an apprenticeship but the use of Access to Work funding might enable a better analysis of the disabled student's support needs in a work place and better support the employer in making the reasonable adjustments that the student requires.

There were references to travel bursaries in the original consultation. These might helpfully address the additional travel costs that disabled students may incur but the funding paper does not address this issue.

The final guidance needs to make clear how the additional costs of adjustments for disabled students will be met.

Funding bands and hours

There is no reference to part-time learning which some students with learning difficulties and disabilities may require. The proposals refer to funding for T levels being spread over a 2 year programme but, if a student needed additional time, or

could only attend part-time, could it be spread over 3 or 4 years? How would the funding arrangements support this?

Additionally, the proposals make no recognition of the fact study programmes for 19 to 25 year olds with EHC plans are currently funded through the 16-19 funding formula. We ask for clarification on whether 19-25 year olds with EHC plans will receive the same level of T-level funding as 16 to 19 year olds?

The proposals recognise that special schools are currently funded differently from mainstream 16-19 providers. However, there is no detail on how the funding would work for students in special schools taking T levels. It simply says that this would be explored. How will the outcome of this exploration be informed? There are students with similar difficulties and disabilities in many mainstream schools and colleges, so it will be important to ensure that funding is allocated according to levels of need, rather than the particular setting that the student is in.

Funding maths and English

We welcome maths and English tuition being funded separately; this can partially address the disincentive to accept students onto Level 3 programmes if they have not yet achieved Level 2 maths and English. The proposed £750 per subject equates to 70 hours tuition per year per subject, whether the student requires one or two years of support to achieve Level 2 maths and English. Is this sufficient bearing in mind students with SEND may face additional barriers in making progress with these subjects (see data on page 2)?

Further aspects of reasonable adjustments:

DfE and ESFA have allowed for Employability, Enrichment and Pastoral (EEP) hours at an average of 75 hours per year (150 hours over the 2 years) per student (within the band calculations). Given the known data, students with learning difficulties and disabilities may need significantly more EEP time than other students. This does not appear to be allowed for.

There does not appear to be any contingency funding for students who, for a reason arising in consequence of a disability, are not able to complete a T level or a work placement. Equally, it is not clear whether someone who has had to drop-out of college would be able to return at a later stage and take a T level a year or two later.

Where a student does not complete a work placement, for a reason arising in consequence of a disability, it is clear that the provider would need to arrange a new placement. However, what is not clear is when a student would do this second placement if they did not achieve all the required objectives of the first placement. It is conceivable that some will reach the end of their placement and only then is it realised they haven't achieved all the criteria required for completion. One way around this would be for the second placement to be shorter and to only focus on the objectives that the student did not achieve on the first placement. Colleges

would also need clear guidance about creating a contingency fund to support additional placements.

Wider considerations

There are wider considerations about ensuring access to and inclusion in T levels for students with learning difficulties and disabilities:

- The quality of careers advice is crucial: too often low expectations limit access to opportunities for students with learning difficulties and disabilities.
- SEC wants to ensure that any student can access T level training who wants to and is able to. However, this is not the only route to employment. It is therefore important that a wide range of vocational opportunities is available, with a range of associated qualifications.
- High quality transitional arrangements become extremely important as an opportunity to ensure the highest levels of achievement, but also other routes to employment for those who will not be able to meet the requirements of a T level.

Further information:

SEC would be pleased to discuss this submission and to clarify anything that is not clear. For further information, please contact Martin McLean or Philippa Stobbs, see below:

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ⁱ <https://www.equalityhumanrights.com/sites/default/files/being-disabled-data-tables-eg11-productive-valued-activities-employment-rates.xls>

ⁱⁱ <https://www.equalityhumanrights.com/sites/default/files/being-disabled-data-tables-eg12-productive-valued-activities-unemployment-rates.xls>

ⁱⁱⁱ <https://www.equalityhumanrights.com/sites/default/files/being-disabled-data-tables-eg22-productive-valued-activities-pay-gap.xls>

^{iv} <https://www.equalityhumanrights.com/sites/default/files/being-disabled-data-tables-ce17-education-neet.xls>

^v https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/709690/Tables_6_-_15_2018_L2_3_Attainment.xlsx

^{vi} <https://www.gov.uk/government/publications/evaluation-of-the-industry-placements-pilot>