# Development paper.

# Peter Lavender

# ‘Provision for disabled learners in an age of uncertainty’

First, I want to start with an appreciation. The area of education for adults and young people with disabilities is neither generously researched nor generously funded. To make it a paper at this event is an important public statement. I want also to use this chance to thank those who have recognised inclusive learning as a priority to campaign for over many years.

I believe that the area of inclusive learning, to quote the Everyman character Stephen Blackpool in Dickens’ *Hard Times*,

‘*’Tis a’ a muddle...* ‘*Tis a’ a muddle*’.

I aim to begin with a look at what the Tomlinson Report (1996) in the UK said about the education of adults and young people with disabilities and then at where I think we are now. In many respects the way this aspect of education is treated relates to a misunderstanding of what to call it. Such a misunderstanding often originates in trying to see it as a ‘curriculum area’ which it isn’t, and merely a set of support systems, which it isn’t either. The provision which we set out to look at over 18 years ago (1993) had not long before been the responsibility of over a hundred local authority administrations who by and large judged each case on its own merits and had wildly differing approaches and strategies.

The Committee which resulted in the report[[1]](#footnote-1) was set up by Sir William Stubbs, allegedly because he really wanted to know how to fund the provision, but in reality because his Council and the colleges in England had new responsibilities. He also saw the good sense of spending time on a topic which his Inner London Education Authority had also found enormously difficult. He was well aware that we needed to set down some solid principles of funding but it was the 1992 legislation that did the trick[[2]](#footnote-2).

I make no apology for going back to 1993-6. The report of the Tomlinson Committee was substantial, hard hitting and (I believe) well written. Speaking personally, it was the most significant educational report of my career and a privilege to help gather the evidence and write it. It identified a way of conceptualising the work that has stood the test of time, using the ‘inclusive learning’ concept which it defined and made understandable to teachers and other practitioners. It led to a better way of funding the support for all disabled learners in further education (FE), using the ‘additional learning support’ approach which was both individual and based on need. Joyce Deere (Ofsted) has suggested to me that additional learning support might represent one of the few examples in the sector of affirmative equalities action, where resources are moved from the majority to those who need it more[[3]](#footnote-3). The Report was the first substantial report on learners with learning difficulties and/or disabilities in the post-compulsory education sector in the UK. It was based on evidence and deliberated for over three years before publication. However, its two main findings are often overlooked:

**First, *‘****the quality of learning opportunities is poorer than for other students’*; and

**Second, ‘***some groups of learners with learning difficulties and/or disabilities are not yet properly represented in further education’*. *Tomlinson* 1996:17

On its publication the said,

***Those whose education has been held back by disabilities need continuing opportunities more than most. Such a vision is not just an ideal, it makes economic sense too.***

Times Educational Supplement, 20/09/96

So it was seen as being about both opportunities **and** economic good sense. It has echoes I think of relevance to today.

**Quality**

The first main finding, then, is that the quality of provision is poorer than for other students. Of course, this is hard to prove. What was meant by ‘other students’? Other curriculum areas? But the provision was not a curriculum area in itself given that more learners with disabilities were following courses in the so-called ‘mainstream’ (ie other curriculum areas) than in the Foundation curriculum area. It is true that provision exclusively for learners with learning difficulties was often poor quality. The report moved lightly across such distinctions between the quality of provision for those offered learning support while studying, say, a level 3 course in art and design, and the quality of Entry-level courses exclusively for people with disabilities.

On quality the report found these weaknesses, most of which only really applied to provision for adults and young people with learning difficulties on specially designed courses for them:

* **an absence of comprehensive quality assurance arrangements** suitable for monitoring learning; lack of high standards for provision designed specifically for students with learning difficulties; a focus on care rather than education in some residential specialist colleges (Tomlinson, 1996:160)
* **some ineffective assessment of students’ requirements**; lack of match between requirements and available resources; poor use of students’ previous educational experiences; insufficient collaboration between college and other services involved with the student (Tomlinson, 1996:Ch 5)
* **inadequate teacher training**; lack of a corporate strategy for managing teaching and learning; lack of systematic progression routes; no overall plan for provision (Tomlinson, 1996:Ch 6)
* **limited range of support** in some colleges; slow/ineffective response to some students’ support needs; lack of good quality external support services for colleges; loss of advisory services; uneven charging for services; confusion over who has responsibility to supply support services; no consensus on what generic services should be supplied; uncertainty about where responsibility lies for the provision of support; unsystematic organisation and provision of support (Tomlinson, 1996:Ch 7)
* **barriers in the way some qualifications are designed**; no nationally recognised and quality assured pathway for independence skills for adult life (Tomlinson, 1996:Ch 9)

The proposals to address these weaknesses were suggested largely by the Committee team, the evidence sent in and the inspectorate – in itself a new team but committed to a radical and urgent improvement of provision in the sector.

More recent judgements about the quality of provision for adults and young people can be found in Ofsted’s *Special educational needs and disability review: statements are not enough:* (Ofsted, 2010)[[4]](#footnote-4). Here we find that young people in colleges (up to the age of 19) who received additional learning support achieved, *‘...as well as other students on the same courses’* (Ofsted, 2010:9).

The good news, though, is that initial assessment of students with disabilities enrolled on ‘mainstream courses’ is ‘*generally effective’* (p 11) leading to appropriate levels of support. However, this was not so of those learners on Entry level courses where inspectors found,

***‘...the assessment of students for pre-entry and entry level courses was more variable, frequently leading to less effective specialist support.’*** (Ofsted 2010:11)

It was these weaknesses in ‘Entry-level’ courses that attracted most of the comments on quality of teaching and learning in the Tomlinson Report.

Other weaknesses identified by Ofsted in 2010 across the whole age group of those with special educational needs or disabilities included some familiar themes:

* ***teachers did not spend enough time finding out what children and young people already knew or had understood***
* ***teachers were not clear about what they expected children and young people to learn as opposed to what they expected them to do***
* *the roles of additional staff were not planned well or additional staff were not trained well and the support provided was not monitored sufficiently*
* ***expectations*** *of disabled children and young people and those who had special educational needs* ***were low***
* ***communication was poor: teachers spent too much time talking, explanations were confusing, feedback was inconsistent***
* *language was too complex for all children and young people to understand*
* *the tone, and even body language, used by adults was confusing for some of the children and young people who found social subtleties and nuances difficult to understand*
* *activities and additional interventions were inappropriate and were not evaluated in terms of their effect on children and young people’s learning*
* *resources were poor, with too little thought having been given to their selection and use*
* ***children and young people had little engagement in what they were learning****, usually as a result of the above features.* (Ofsted, 2010:48)

The survey also noted that in the provision visited (which was a substantial 150 providers and 22 local authorities) some 14 per cent of the achievements by learners was inadequate, and 45 per cent ‘satisfactory’. The warning from Ofsted’s study is that children and young people who are failed also have a poorer chance of succeeding later. They are,

*‘...disproportionately from disadvantaged backgrounds, are much more likely to be absent or excluded from school, and achieve less well than their peers, both in terms of their attainment...and...their progress over time. Over the last five years, these outcomes have changed very little.* ***Past the age of 16, young people with learning difficulties or disabilities comprise one of the groups most likely not to be in education, employment or training.’*** (Ofsted, 2010:5)

Of course, I recognise that Ofsted’s is a composite report: it covers ages 0-19, applying to a minority of over 150 providers. Nevertheless, take out the phrase ‘*children and young people’* and it could have come from the pages of Tomlinson (1996). The latter report is referred to by Ofsted who refer to the ‘cornerstone’ of learning support funding made available as a result of the Tomlinson report (Tomlinson, 1996:85).

More startling, for those familiar with the Tomlinson report, is the comment by Ofsted which echoed the evidence received fourteen years earlier, that parents, carers and young people had little understanding of possibilities open to them beyond the age of 18, because accessible information was not available:

***‘This caused high levels of anxiety, particularly when parents, carers and the young people did not understand the differences in funding arrangements or why particular support stopped or changed’.*** (Ofsted, 2010:45)

This high level of anxiety created by the complexity of funding and entitlements has always been there.

So have we made so little progress in the quality of provision? I turn now to a 2011 Ofsted report which set out to study this transitional phase. *Progression post-16 for learners with learning difficulties and/or disabilities* (Ofsted, 2011)[[5]](#footnote-5) acknowledged that the quality of learning beyond the age of 19 (albeit only up to age 25) was as much a concern as that for those under 19. This survey (Ofsted 2011:4) was much smaller, covering 32 providers and conducting 111 case studies, although judgements about the quality of provision are significantly similar to the earlier Ofsted report. Learners on ‘mainstream’ provision receiving learning support were supported effectively, and this included support provided to apprentices. However, those on ‘Foundation Learning’ programmes at the lowest levels were offered too few meaningful opportunities for work experience and other practical learning situations and were too focused on accreditation. Such Entry-level learning, in addition, could only be funded for three days a week which was insufficient, and when learners reached the age of 19 there was insufficient advice and confused funding – seen as a potential barrier to participation (Ofsted, 2011:7). In this survey half of the sessions observed were ‘good or better’ but,

*‘...areas for improvement included poorly planned support, low expectations of learners and too much focus on achievement of units, rather than generic goals such as social skills that would prepare learners for their future destinations.’* (Ofsted, 2011:7)

There has been some improvement in the quality of educational provision, certainly, for those who receive learning support as part of ‘mainstream provision’. Of concern must be the inappropriate accreditation, poor curriculum planning and poor teaching for those not in ‘mainstream’ provision. For learners on courses for people with disabilities, the quality of provision for those on Entry-level courses urgently needs to be addressed, as Tomlinson knew:

***‘...we are not recommending an idealistic dream, but the reality of extending widely the high quality which already exists in pockets, locked in the minds and actions of the few who must become the many.’***  (Tomlinson, 1996:11)

As we found in 1996 sometimes the curriculum for those on courses exclusively for people with disabilities had no real point. It sometimes had irrelevant qualifications in it and an obsessive focus on literacy and numeracy competencies.

Is the quality of learning still poorer than for other students? Probably not as much any longer, though for those not on ‘mainstream’ programmes at Entry level there is clearly some way to go and, just as in 1996, a need for continual professional development in order to increase the number of classes which are good or outstanding – currently only 50 per cent. What would make a significant difference to quality here is if we increased the amount of provision where learners were supported on ‘mainstream’ programmes, and reduced at the same time the separate and ‘discrete’ provision so familiar to the Tomlinson Committee. A simple point: if the quality of outcome is what we want then the personalised support for students to attend a course like anyone else is what we need. In this way learners would get more choice and better quality of provision. For those on courses specifically for students with disabilities we need a re-think: better curriculum planning, no irrelevant qualifications and certainly no accreditation of basic human functions (all key weaknesses in the Ofsted survey).

Turning to Tomlinson’s second main finding, that some groups of learners are not yet properly represented in further education, I consider both the original report and recent data.

**Participation**

Unsurprisingly, as data has become more sophisticated and self declaration of disability has become the norm[[6]](#footnote-6), the further education adult student population aged over 25 with disabilities has risen from an estimated 63,250 in 1995[[7]](#footnote-7) to 337,000 in 2003[[8]](#footnote-8) but these figures are notoriously difficult to get right. Declaring a disability is very different from requiring learning support. Whatever the true number some idea of the trends are important. The Institute of Employment Studies (IES) found in 2008 that, although 19 per cent of education and training providers in England had reduced their provision that year, more than 27 per cent had increased it, ‘...*mainly in response to increased demand from learners’[[9]](#footnote-9)* (LSC,2010:1).

However, IES went on to note that,

***‘...adult learners declaring a disability declined by almost a***

***fifth (18 per cent) during the same period****, from 122,987 in 2004/05 to 100,285 in 2006/07;* ***while those self-declaring a learning difficulty fell by more than a tenth*** *(13 per cent), from 34,410 to 29,611* ***over the three-year period****.’* (LSC, 2010:63)

In other words, the numbers of learners with disabilities decreased over three years[[10]](#footnote-10), and it becomes clearer from NIACE’s anecdotal evidence that older adults are featuring less in provision specifically for those with disabilities. Any reduction in numbers is not in itself a problem – it could be caused by enabling people to move into apprenticeships or get jobs - but looked at from a greater distance, Ofsted found that patterns of participation are set in the school years[[11]](#footnote-11) and these are a cause for concern:

*A recent longitudinal study reported that* ***an estimated 30% of young people who had a statement of special educational needs when they were in Year 11, and 22% of young people with a declared disability, were not in any form of education, employment or training when they reached age 18 in 2009 compared with 13% of their peers.****[[12]](#footnote-12) Current figures from the Labour Force Survey show that for quarter 1 of 2011 some 41% of men and 43% of women designated longer-term disabled were economically inactive.[[13]](#footnote-13)* (Ofsted, 2011:4)

So participation of disabled adults in further education is still lower than it should be, the impact socially and economically is a cause for concern, and yet we have no real mechanism for finding out what happens to them after their initial education ends. This is critically important. As Yola Jacobsen from NIACE says,

***‘What is not working in a big way is transition into and out of FE and if this is not right the “learning journey” is not coherent... it will not support individuals to work towards their goals and aspirations so they can lead fulfilling lives.’*** (Jacobsen, 2012)[[14]](#footnote-14)

In addition, participation rises when public attention is given to it. Yet almost all the attention has been devoted to those younger people up to the age of 19. As Ofsted (2010) says:

*‘****Too little is known about the destinations of learners once they leave post-16 provision, particularly once they reach the age of 19 or 20.*** *The providers visited were beginning to collect destination information, but funding agencies and local authorities did not have systematic procedures to collect this data to monitor the effectiveness of this provision in supporting progression*.’ (Ofsted, 2011:8)

This is a key concern. What happens to people and why don’t we know? This is a subject for greater research indeed. And age divisions continue too. It seems extraordinary to me that a Government can produce a recent Green Paper on special educational needs and disability and give no thought in it to those over the age of 25 and very little to those over 19 years (DfE, 2011)[[15]](#footnote-15).

The concerns in the Tomlinson Report focused largely on specific groups of learners who were ‘*not yet properly represented in further education’* (Tomlinson, 1996:17). They included,

* ***young people with emotional and behavioural difficulties, some of whom will have been excluded from school or excluded themselves from school***
* ***adults with mental health difficulties..***
* ***people with profound and multiple learning difficulties..’***

Each of these categories is still a major cause of concern for different reasons. If about a third of pupils with evident disabilities are not in employment, education or training what future might they have? Significant among them will be those with emotional and behavioural difficulties for whom school was not a thrilling experience (Ofsted, 2010:5).

In spite of the excellent work done by many colleges and adult education providers, adults with mental health difficulties, unless they are following accredited programmes are unlikely to be a priority in the new ‘freed-up’ further education system.

Adults with the most complex learning difficulties, likely to be legally ‘protected’ by the statementing process while at school and later on by local authority and Young People’s Learning Agency interventions, will have little protection beyond the age of 25. Beyond this age they cease to be a priority in the education system.

I should mention here that we have made some progress thanks to *Valuing People* (2001)*[[16]](#footnote-16)*, the Learning and Skills Council’s *Mental Health Strategy*(2006/2009)*[[17]](#footnote-17)* and the new Department of Health strategy on mental health (2011)[[18]](#footnote-18)*.* I have great doubts however whether these adult learners will remain a priority now, given the focus on the young and on skills.

What is common to this bleak view of the situation as I see it is the complete lack of any legal entitlement, public investigation or political commitment to the education of anyone with a disability over the statutory ages. In addition, the State makes it harder for anyone over the age of 19 with a disability to study at all. Those over 19 claiming benefit can sometimes not claim fee remission which means that fees become a significant problem, particularly for lower income families. We wait in trepidation to see what impact the fee changes will have.

**So what is to be done?**

Conscious that we have been here before, many times, I return to the last national review of this area, chaired by Peter Little (LSC, 2005). The main recommendation of *Through Inclusion to Excellence* in 2005 said that we needed,

*‘...****a national strategy...******across the post-16 learning and skills sector that is high quality, learner-centred and cost-effective****.’ (*LSC,2005:5)

However, a more straightforward request was asked for in the report. On the Steering Group we asked for this provision to remain a priority, encouraged by Government (LSC, 2005:5) and through funders and institutions. We said simply,

*‘...****the Steering Group recommends that greater prominence and clarity be attached to this priority area****, both by DfES and LSC. We need sensible and clear guidelines,* ***which leave no room for doubt in the minds of funders, providers and learners... to avoid a repetition of this year’s confusion****.’* (LSC, 2005:5)

We do need to fix both participation and quality. In addition, if we were to achieve a modest re-think about priorities we could help institutions and services to respond to the spirit as well as to the letter of the law. The *Equality Act 2010* and its guidance[[19]](#footnote-19) in the UKincludes a duty on public sector authorities to promote disability equality. What better way of promoting it than to ensure that learners with disabilities are properly represented in the system at all levels and ages? At least this was the hope of the 2005 Review (LSC, 2005:8).Without a new strategy and agreed priorities, though, and in the light of the new ‘freedoms’ for the sector, it is difficult to see how participation can be maintained and even enhanced.

What we know from the past is that the further education sector is both flexible and responsive. Following the publication of the Tomlinson report and with relatively little financial encouragement the sector responded warmly, creating inclusive learning approaches almost overnight in many establishments. Of course, change came more slowly for some providers. But to make what I’d like to see happen and to ensure that it isn’t left to *laissez faire* I think I am suggesting that we do some research, similar to that of IES in 2008 (LSC, 2010), and set up some kind of task group to encourage change to happen. Central to the task group must be the voice of learners and those who speak for them.

And why do we need this change to happen? Because in these uncertain and difficult times we need to remind ourselves of our values and the improvements already made. Tony Judt in *Ill Fares the Land[[20]](#footnote-20)*argues patiently that the more equal we get, the more equal we believe it is possible to be (Judt, 2011:21). Judt himself, increasingly disabled through a degenerative disease, argued that the voice of those with most experience was critical for social change. We know that ‘economic growth’ is not sufficient: education has other purposes too. In hard times, suggests Judt, we are more likely to accept redistribution ***‘as both necessary and possible* [since] *in an age of affluence economic growth typically privileges the few while accentuating the relative disadvantage of the many****’ (*Judt, 2011: 21). The argument is worth a look. Drawing from Wilson and Pickett’s *The Spirit Level[[21]](#footnote-21)* Judt argues that the more equal the society, the greater the trust and where there is greater trust there is greater co-operation and a more successful state (Judt, 2011:66). I am convinced by this. Judt concludes by arguing for a recasting of the ‘***public conversation****’* (Judt, 2011:170) which is the only realistic way to bring about change: ‘***If we do not talk differently’,*** he says, ‘***we shall not think differently’***(Judt, 2011:171)*.* I am arguing that we have to listen differently too.

My argument is that if we want to get away from it being ‘***all a muddle***’ we need to consider both the economic benefit of better and more inclusive educational provision for adults with disabilities, but also the social benefits too – anything we can do to make society a more equal one will have benefits for all of us. A renewed strategy, focusing on both quality and participation might contribute to this. And it must involve the voice of disabled people and disabled learners. But first comes the public conversation, involving those most affected, and it has to be about equality for all.

Peter Lavender

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1. Further Education Funding Council (1996) *Inclusive Learning* Norwich,HMSO [↑](#footnote-ref-1)
2. *Further and Higher Education Act,* 1992. [↑](#footnote-ref-2)
3. Email 03 February 2012 [↑](#footnote-ref-3)
4. *Special educational needs and disability review: statements are not enough* 14 September 2010 (Ofsted, 2010) [↑](#footnote-ref-4)
5. *Progression post-16 for learners with learning difficulties and/or disabilities* August 2011 (Ofsted, 2011) [↑](#footnote-ref-5)
6. ‘Learners who self-declare a learning difficulty and/or disability form a significant and increasing proportion of all LSC-funded learners’ (LSC, 2010:5). [↑](#footnote-ref-6)
7. Tomlinson(1996) page 57 where 126,500 includes all students of whom 50.8 per cent were aged 25 and over. See also LSC (2005) *Through Inclusion to Excellence:* The Report of the Steering Group for the Strategic Review of the LSC’s Planning and Funding of Provision for Learners with Learning Difficulties and/or Disabilities across the Post-16 Learning and Skills Sector Coventry, Learning and Skills Council. See also LSC (2010) page 63 [↑](#footnote-ref-7)
8. LSC (2005) *Through Inclusion to Excellence:* The Report of the Steering Group for the Strategic

   Review of the LSC’s Planning and Funding of Provision for Learners with Learning Difficulties

   and/or Disabilities across the Post-16 Learning and Skills Sector Coventry, Learning and Skills Council, extrapolated from, ‘*In 2003-4 there were 579,000 learners who self-declared a learning difficulty and/or disability. This represented around 11 per cent of the LSC’s total fulltime*

   *equivalents, and the total cost was around £1.3 billion. Around 71 per cent were adults over 19 years of age. The largest cohort was in the Further Education sector (382,000), compared to 3,038 in specialist colleges for learners with learning difficulties and/or disabilities’* (LSC, 2005:1). Some 337,000 were over the age of 25 (LSC, 2005:8). [↑](#footnote-ref-8)
9. LSC (2010) *Impact of Changes in Provision for People with Learning Difficulties and/or Disabilities: Final Report* Coventry, Learning and Skills Council January 2010 [↑](#footnote-ref-9)
10. They illustrated the point with this table:

    **Table: Adult learners enrolled in FE colleges, 2004/05 to 2006/07 (including PCDL provision where delivered)**

    **2004/05 2005/06 2006/07**

    Learners with disability 122,987 114,021 100,285

    Learners with learning difficulty 34,410 32,832 29,611

    *All learners 4,503,493 4,006,055 3,365,658*

    *Source: IES analysis of LSC’s ILR data (FO5: 2004/05, 2005/06, 2006/07)* (Adapted from LSC, 2010:63) [↑](#footnote-ref-10)
11. Ofsted, 2011 page 4 [↑](#footnote-ref-11)
12. Department for Education analysis of the Youth Cohort Study and Longitudinal Study of Young People in England: The Activities and Experiences of 18-year-olds: England 2009, in *Support and aspiration: a new approach to special educational needs and disability*, DfE, 2011; [www.education.gov.uk/publications/standard/publicationDetail/Page1/CM%208027](https://www.education.gov.uk/publications/standard/publicationDetail/Page1/CM%208027). [↑](#footnote-ref-12)
13. Labour Force Survey Historical Quarterly Supplement; [www.statistics.gov.uk/downloads/theme\_labour/LFSHQS/2010/Table01.xls](http://www.statistics.gov.uk/downloads/theme_labour/LFSHQS/2010/Table01.xls). [↑](#footnote-ref-13)
14. Comment from Yola Jacobsen, private correspondence, 23.01.12 [↑](#footnote-ref-14)
15. DfE (March, 2011) Support and aspiration: A new approach to special educational needs and disability Norwich, TSO. See *h*ttps://www.education.gov.uk/publications/eOrderingDownload/Green-Paper-SEN.pdf [↑](#footnote-ref-15)
16. Department of Health (2001) Valuing people: a new strategy for learning disability for the 21st century - a White Paper Cm 5086 Norwich: HMSO [↑](#footnote-ref-16)
17. Learning and Skills Council (2009) The Way Forward - Implementing the Vision of Learning for Living and Work (see <http://readingroom.lsc.gov.uk/lsc/National/nat-mentalhealthstrategy-mar09.pdf>) – a refresh of the October 2006 Strategy. [↑](#footnote-ref-17)
18. HM Government/Department of Health (2011) *No Health without Mental Health: A Cross-Government Mental Health Outcomes Strategy for People of All Ages* Norwich: HMSO [↑](#footnote-ref-18)
19. *Equality Act* (2010) Ch 15 <http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf> [accessed 23.01.12]. Equality and Human Rights Commission *Service Providers’ Information* <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/faqs-on-the-equality-duty/#What_is_the_public_sector_equality_duty_> [accessed 23.01.12]. [↑](#footnote-ref-19)
20. Judt, T (2011) *Ill Fares the Land: A Treatise On Our Present Discontents* London, Penguin [↑](#footnote-ref-20)
21. Wilkinson, R and Pickett, K (2009) *The Spirit Level: Why Do More Equal Societies Almost Always Do Better* London, Allen Lane, 2009 [↑](#footnote-ref-21)