

Disabled Students Stakeholder Group, 18th May 2006

Students with complex needs: accessing appropriate provision in Scotland

The following case studies are based on two enquiries received at Skill Scotland in May 2006 (although this is a concern which we hear regularly throughout our work). Both scenarios clearly indicate that, despite current guidance on the roles and responsibilities of various agencies, these students have been unable to access appropriate further education within Scotland, as a result of lack of financial support from relevant agencies.

In January 2005 the Scottish Executive issued a very useful guidance document, 'Partnership Matters', to provide clarity on the roles of local authorities, NHS boards and voluntary organisations in supporting students with additional support needs in colleges. Skill Scotland is concerned that, nevertheless, there remain significant problems in relation to students trying to access support when moving between different local authority areas. It appears that provision of support in such cases is, effectively, funding-led rather than needs-led.

Case study 1

A disabled student is currently on the first year of a course at a college outwith his local authority area. Due to a lack of appropriate support and unsuitable provision at the college in his own local authority area, the student is attending a college a significant distance away from his home and therefore requires residential accommodation. Although the local authority in his home area provided support for the first year of the course, he has recently been told that the local authority are unable to support the second year of his course which would cost around £50k. Due to the student's complex needs, the family feel that withdrawing from the course would have a negative impact on the good progress he has made while on this course, and that he would be unable to secure a job without completing the course.

As there is no provision of this nature available in his own local authority area, the student will be unable to complete the course.

Case study 2

A disabled student wishes to attend a college in another local authority area. There is no appropriate provision in his own local authority area due to the nature of the course. The student's parents have approached the local authority in their home area seeking financial support to allow the student to attend the college on a residential basis. The parents have been told that as this would cost around £65k, they would be unable to fund his care package. Instead, the college have offered to send a tutor to teach the students in his own local authority area. This is seen as unacceptable and impractical by the student and his family, as the course requires specialist equipment which he would be unable to benefit from outwith the college campus. His parents are also concerned that the student would miss out on the social and support aspects of attending the course with other students.

Although the family have offered to pay part of the costs of the care package, they have received no financial support from their home local authority and the student is therefore unlikely to be able to secure a place on the course.

Partnership Matters clearly highlights the relevant legislation which indicates that:

- colleges have a duty to take into account the **educational needs** of students with additional support needs
- local authorities (through social work services) have a duty for the provision of **personal care support**
- NHS boards are responsible for providing **healthcare support** (medical)

In both situations, the students require extensive personal care support to allow them to attend college on a residential basis in a supportive environment. Although local authorities have responsibilities to support those living within their areas, there is no legal duty to provide support to those moving to other local authority areas to attend college (although it is generally considered good practice to do so).

Issues to consider

- Who should be responsible for providing support packages for these students: the home local authority, the new local authority, or both local authorities working in partnership?
- If neither local authorities are willing to provide support, should other agencies have a role to play?
- In the first case, no alternative provision has been offered and the local authority has previously provided support for the first year of the course. Do they have an obligation to continue to provide this support?
- In the second case, could the local authority be seen to be providing a reasonable adjustment by offering a similar course locally?
- Should there be firm guidelines on the duties of local authorities towards students who attend college in another local authority area?