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Transition planning for pupils with special educational needs and/or disability

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This Briefing Paper has been prepared for the Committee for Education, to provide an overview of the transition planning process for pupils with special educational needs and/or a disability. The paper commences with consideration of relevant legislation and strategies in Northern Ireland, including current policy developments that may impact the transition planning process. The Paper then considers the legislation and policy in the rest of the UK that underpins the transition of young people with SEND into adulthood.

This information is provided to Members of the Legislative Assembly (MLAs) in support of their duties, and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice, or as a substitute for it.

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Key Points

- Transition planning for pupils with a statement of special educational need (SEN) will commence during the first annual review after a young person's 14th birthday and continue at subsequent reviews until they leave school or Education Authority (EA) provision.
- Transition planning from education should involve the agencies who will play a major role during the post-school years including the EA, Health and Social Care Trusts and Careers Advisers.
- The statutory duty to plan for transition only applies to young people who have a statement of SEN.
- Under the new SEN framework, it is proposed schools will assume responsibility for the preparation of a child's first transition plan rather than the EA who currently hold this responsibility.
- Under Section 5 of the Disabled Persons (Northern Ireland) Act 1989, when initiating the first annual review of a statement following the child's 14th birthday, and any subsequent re-assessment of the child's educational needs, the EA is also required to seek an opinion from a HSC Trust as to whether a child with a statement is a disabled person and may require services from a HSC Trust when leaving school.
- The EA is not required to maintain a statement for students who have left school and are enrolled at institutions of further or higher education or attending training courses. However, if the EA has maintained a statement for a young person who is transferring from school to further education or training, it should seek the agreement of the young person to pass on relevant information to the college or other provision to be attended.
- Under the Special Educational Needs and Disability (Northern Ireland) Order 2005 (SENDI), FE colleges are required to make reasonable adjustments for students with learning difficulties and/or disabilities so that they can access provision. DfE assists FE colleges to fulfil this obligation through the Additional Support Fund.
- Transition planning in Northern Ireland has been subject to considerable review and recommendation over the last two decades. In that time,

there have been various developments in policy and provision, and the introduction of a number of initiatives aimed at improving the transition process and outcomes for young people with SEND, but issues persist. A recurring theme from multiple reviews is the need for better integration in transition planning and provision between departments and services.

- Recent initiatives have been commenced by and across departments aimed at improving the transition process for school leavers with SEN and disabilities.

Legislation and policy in the rest of the UK

England

- In England, the Children and Families Act 2014, and associated regulations, provides the statutory basis for the system for identifying, assessing and making provision for children and young people (age 0-25) with SEN. Education, Health, and Care (EHC) plans provide a formal basis for support for children and young people who need more support than is available through SEN support.
- Local authorities must not cease an EHC plan when a young person is aged 19 or over. However, there is no automatic entitlement to continued support, or an expectation that young people with an EHC plan should remain in education until age 25. Local authorities must consider whether the education or training outcomes specified in the EHC plan have been achieved before they decide it is no longer necessary to maintain it.
- Where an EHC plan is maintained for a young person aged 19 or over, it must continue to be reviewed at least annually. Young people who do not already have an EHC plan continue to have the right to request an assessment of their SEN at any point before their 25th birthday (unless one has been carried out in the last six months) and have the right to appeal if a request is rejected.
- The statutory SEND Code of Practice makes clear that all young people with SEN should be supported to make the transition to life beyond school or college, whether or not they have an EHC plan.

- In March 2023, the Government outlined its improvement plan for the SEND and alternative provision system in England. This sets out an ambition for successful transitions that prepare children and young people for adulthood from as early as possible.

Wales

- The SEN system in Wales is currently undergoing a process of significant reform. The Additional Learning Needs and Education Tribunal (Wales) Act 2018 is being implemented from September 2021 to August 2025. This includes the introduction of statutory Individual Development Plans (IDP) for all children and young people with Additional Learning Needs (ALN).
- The Act creates a single system for supporting children and young people aged between 0 to 25 years. However, there is no entitlement to continuous education or training from when a person ceases to be of compulsory school age up to the age of 25.
- The starting point is that a young person is entitled to up to two years of further education or training. Beyond that, a local authority may determine that a young person has reasonable needs for education or training in particular circumstances.

Scotland

- In Scotland, education authorities are required to provide a coordinated support plan (CSP) for children and young people with complex or multiple needs, which are expected to last for a year or more, and require significant support from education, and at least one other agency. A CSP ends when a young person leaves school.
- Legislation and statutory guidance lay out the duties of education authorities, and associated timeframes, to facilitate transition planning for young people with additional support needs.
- The last few years have seen commitment and strategic action by the Scottish Government to improve transitions to adult life for young people with additional support needs.

1 Introduction

There are a variety of definitions for transitions across the literature. A key transition for young people with special educational needs and/or a disability (SEND) is the transition from school. While some pupils leave school at the age of sixteen when compulsory education ends, some who have a statement of special educational need (SEN) may remain in formal education until the age of nineteen. The Education Authority (EA) remain responsible for such pupils until the end of the term during which they reach 19. Young people who have significant health and social care needs will also experience a transition from child to adult services. Transition to adult services usually takes place at eighteen.

This paper considers transition planning for young people with SEND. In the context of this paper, transitions broadly relates to leaving school, moving to further education, employment or training, and/or transferring to adult health and social care services.

The paper commences with an overview of the transition planning process, and relevant legislation and strategies in Northern Ireland, across the departments of education, health, and economy. It then examines current policy developments that may impact the transition planning process in Northern Ireland. The second part of the paper provides an overview of relevant legislation and policy in England, Scotland and Wales that underpins the transition of young people with SEND from education into adulthood.

2 Education

The current primary legislation provisions for SEN transition planning are contained in the Education (Northern Ireland) Order 1996 (the 1996 Order)¹, as amended by the Special Educational Needs and Disability (Northern Ireland)

¹ [The Education \(Northern Ireland\) Order 1996](#)

Order 2005 (SENDO)², and most recently by the Special Educational Needs and Disability Act (Northern Ireland) 2016 (the SEND Act)³.

SENDO was designed to strengthen the rights of an individual with SEN. It makes it unlawful for schools, the EA, further and higher education bodies, and general qualifications bodies to discriminate against people with disabilities.

The SEND Act introduces further changes to the current primary legislation provisions relating to SEN and places new duties on Boards of Governors, the EA, and health and social care authorities. This includes a requirement on the EA and health and social care bodies to co-operate in the identification, assessment and provision for children with SEN including in the preparation of a transition plan⁴.

Section 4 of the SEND Act requires relevant bodies to prepare a joint plan for the exercise of the aforementioned functions. A joint inspection team comprising inspectors appointed by the Department of Education (DE) and the Regulation and Quality Improvement Authority (RQIA), must review and publish a report on how the EA and the health and social care authorities have co-operated in their requisite duties, including in the preparation of transition plans for children with a statement, at least every three years. A transition plan is defined in the Act as per regulation 2 of the Education (Special Educational Needs) Regulations (Northern Ireland) 2005: “a document prepared which sets out the arrangements which [the EA] considers appropriate for a young person during the period when he is aged 14 to 19 years, including arrangements for special education provision and for any other necessary provision, for suitable employment and accommodation and for leisure activities, and which will facilitate a satisfactory transition from childhood to adulthood.”⁵

The majority of the SEND Act’s provisions cannot commence until subordinate legislation is in place. DE consulted on new SEN regulations and a statutory

² [The Special Educational Needs and Disability \(Northern Ireland\) Order 2005](#)

³ [Special Educational Needs and Disability Act \(Northern Ireland\) 2016](#)

⁴ [Special Educational Needs and Disability Act \(Northern Ireland\) 2016](#), Section 4

⁵ [The Education \(Special Educational Needs\) Regulations \(Northern Ireland\) 2005](#), Regulation 2

Code of Practice between September 2020 and March 2021. Both documents are in the final stages of drafting and will be presented to the Committee for Education and the Assembly for consideration once the necessary approvals are in place. Section 4 of the SEND Act is not reliant on supporting new SEN Regulations being made through the Assembly so can be commenced as soon as the EA and the Department of Health (DoH) are ready⁶.

Until the new Regulations progress through the Assembly, the transition planning process remains guided by the existing subordinate legislation, that is, The Education (Special Educational Needs) Regulations (Northern Ireland) 2005, and statutory guidance contained in the 'Code of Practice on the Identification and Assessment of Special Educational Needs'⁷ and a supplement to the Code of Practice issued in 2005⁸. The following section provides an overview of the process as set out in the existing Code of Practice.

2.1 The transition planning process for pupils with SEN

It should be noted that the statutory duty to plan for transition only applies to young people who have a statement of SEN. Therefore, if a child does not have a statement, there is no statutory obligation to prepare a transition plan.

The Code of Practice provides practical guidance on the annual review of the SEN statement and the preparation of a transition plan. Schools and the EA have a key role in managing this process and their duties are detailed in part six of the existing Code. Transition planning will commence during the first annual review after a young person's 14th birthday and continue at subsequent reviews until they leave school or EA provision. The process seeks to plan coherently

⁶ [AQW 8701/22-27](#)

⁷ Department of Education, [Code of Practice on the Identification and Assessment of Special Educational Needs](#) (1998)

⁸ Department of Education, [Supplement to the Code of Practice on the Identification and Assessment of Special Educational Needs](#) (2005)

for a young person's transition to adult life by drawing together information from a range of individuals within and beyond the school⁹.

The first annual review after the young person's 14th birthday should involve the agencies who will play a major role during the post-school years¹⁰. This must include representatives from the Health and Social Care (HSC) authority, the Department for Economy's (DfE) Careers Service¹¹, the child's parents, a relevant school staff member (if the young person is at school) and a representative of the EA. The EA is required to convene the review meeting and prepare the review report and the Transition Plan¹². The Code states that:

The Transition Plan should build on the conclusions reached and targets set at previous annual reviews, including the contributions of teachers responsible for careers education and guidance. It should focus on strengths as well as weaknesses and cover all aspects of the young person's development, allocating clear responsibility for different aspects of development to specific agencies and professionals... HSS Trusts and the careers service should be actively involved in the plan.¹³

The Code of Practice also addresses the issue of pupils who may have special educational needs, but do not have a statement of SEN. It suggests that the EA and schools should seek to provide appropriate help and guidance to these pupils and may wish to prepare their own transition plans for non-statemented students with special educational needs¹⁴. However, there is no legal obligation on the EA or school to do so.

⁹Department of Education, [Code of Practice on the Identification and Assessment of Special Educational Needs](#) (1998) p64

¹⁰ Department of Education, [Code of Practice on the Identification and Assessment of Special Educational Needs](#) (1998) p63

¹¹ The careers system in Northern Ireland is the responsibility of both DE and DfE. DfE is responsible for the delivery of an all-age careers guidance service and DE responsible for the delivery of careers education in schools

¹² Department of Education, [Code of Practice on the Identification and Assessment of Special Educational Needs](#) (1998) p63

¹³ Department of Education, [Code of Practice on the Identification and Assessment of Special Educational Needs](#) (1998) p65

¹⁴ Department of Education, [Code of Practice on the Identification and Assessment of Special Educational Needs](#) (1998) p67-68

2.2 Proposals under the new SEN Framework

The new draft regulations consulted on by DE in 2020-21¹⁵ contained a revised definition of ‘transition plan’ to reflect proposed changes to the responsibilities held by EA and schools; that is, that schools will assume responsibility for the preparation of a child’s first transition plan rather than the EA who currently hold this responsibility. An EA designated officer will be responsible for approving the transition plan prepared by schools and will retain responsibility for organising the transition planning meeting and preparing transition plans where a child doesn’t attend school. The school is required to convene the transition planning meeting in the case of a young person who attends the school¹⁶.

Consistent with the current statutory requirements, the new draft regulations require that transition planning for pupils with a statement commence during the school year in which a pupil attains the age of 14 years, concurrent with the annual review, and that transition plans continue to be reviewed in conjunction with subsequent reviews of a statement¹⁷. However, the new regulations reduce the regularity of annual review meetings. Whilst a pupil’s statement will continue to be reviewed annually, an annual review meeting will not be required every year. Rather, annual review meetings must be facilitated at least once in each key stage; when a child is preparing to transfer to another school or institution; and during the school year in which the child attains the age of 14. A parent or young person (over compulsory school age) or the EA can ask for a meeting in a year where one isn’t required¹⁸, for instance, if it is thought that the SEN provision needs to change.

The majority of respondents (79%) to DE’s consultation on the draft regulations agreed with the proposal that a parent or young person over compulsory school age can ask for a meeting in a year that a meeting isn’t required. Comments

¹⁵ Department of Education, [The draft Special Educational Needs \(SEN\) Regulations 202X](#) (consulted on September 2020 to March 2021) regulation 2

¹⁶ As cited immediately above, draft regulation 20

¹⁷ As cited immediately above

¹⁸ Department of Education, [The draft Special Educational Needs \(SEN\) Regulations 202X](#) (consulted on September 2020 to March 2021) regulation 18(10)

noted the value of the reviews in giving parents a voice on their child's progress, and therefore recommended that the process and any associated guidance be clear and unambiguous. Other comments highlighted concern at parents being required to opt-in to have a meeting rather than opt-out, and recommended that parents and young people be provided with a clear option to request an annual review meeting rather than being informed about their right to request one¹⁹.

Respondents to DE's consultation on the draft Code of Practice also highlighted the need for EA Transitions Coordinators to support schools with their transition planning duties. Respondents suggested that the draft Code should advise how parents and young people can raise any concerns about transition plans and set out arrangements to facilitate such concerns being addressed and, where possible, resolved²⁰.

The EA's Education Transition Service was created to help young people and their parents or carers access appropriate information, guidance and support to help allow them to make informed choices for the future. The new draft Code of Practice specifies the requirement for a dedicated Transitions Co-ordinator to provide support throughout the planning process and outlines their role in overcoming any obstacles that may prohibit effective and smooth transition²¹. DE note that the Dispute Avoidance and Resolution Service (DARS) also provides an informal means of addressing disagreements in relation to a child or young person who has, or may have, a SEN, and that this may include concerns or disagreements relating to transition plans²².

3 Health

In addition to the transitions young people with SEND may experience leaving school, young people with health care needs may experience further significant

¹⁹ Department of Education, [Summary Report of Consultation Responses - new draft SEN Regulations](#) (2021) p14-15

²⁰ Department of Education, [Summary Report of Responses to Consultation - Draft Code of Practice](#) (2021) p24 - 25

²¹ Correspondence between RaiSe and Department of Education officials, 21 to 31 May 2024

²² As cited immediately above

changes as they make the transition from paediatric to adult services. This section commences with the role of HSC authorities in planning for a young person's transition from education. It then provides a short overview of health and social care provisions, and associated considerations, related to the transition from child to adult HSC services.

A HSC Trust representative must be invited to the first Annual Review meeting after the young person's 14th Birthday, and their opinion sought on various matters to inform the transition plan, for instance: whether the young person has any special health or welfare needs requiring HSC Trust support; whether any new professionals (e.g. occupational psychologists or therapists) need to be involved in planning for transition; and how information can best be transferred from children's to adult services to ensure a smooth transition²³.

Under Section 5 of the Disabled Persons (Northern Ireland) Act 1989²⁴, when initiating the first annual review of a statement following the child's 14th birthday, and any subsequent re-assessment of the child's educational needs, the EA is also required to seek an opinion from a HSC Trust as to whether a child with a statement is a disabled person and may require services from a HSC Trust when leaving school. This assessment is required to be carried out no later than five months from the receipt of the request from the EA or before the child ceases full-time education.

HSC will support a cohort of children with SEND throughout their life in school and transition to adult services. Supports provided are dependent on assessed need, and may include day activity, transport, short breaks, accommodation based support, and self-directed support. In addition, children with enduring healthcare needs will receive support from nursing and Allied Health Professionals²⁵.

In June 2023, the Strategic Planning and Performance Group (SPPG) conducted a review of HSC data to better understand population need and

²³Department of Education, [Code of Practice on the Identification and Assessment of Special Educational Needs](#) (1998) p63-64

²⁴ [Disabled Persons \(Northern Ireland\) Act 1989](#), Section 5

²⁵ [AQW 8689/22-27](#)

service capacity across learning disability services. Of those known to HSC services, the majority of adults with learning disabilities (72%) live in the family home, with three quarters (75%) of adults in receipt of day services. Over 2,000 children with learning disabilities were known to social services, with over 300 due to transition into adult services within the next two years. The review also considered the services currently delivered and commissioned across Trusts. It found a variation of 47 service types across NI, with only 10 services available on a regionally consistent basis²⁶.

It is recognised that transitions are a long-standing policy challenge, compounded by growth in the population and complexity of need of children with disabilities, a corresponding increase in the number of children with SEN, and the availability and capacity of services²⁷. Section 6.3 of this paper provides an overview of current policy work by DoH to improve transition pathways into adulthood.

4 Economy

The EA is not required to maintain a statement for students who have left school and are enrolled at institutions of further or higher education or attending training courses. However, if the EA has maintained a statement for a young person who is transferring from school to further education or training, it should seek the agreement of the young person to pass on relevant information - including the statement, the most recent annual review report and transition plan - to the college or other provision to be attended²⁸.

RaISe requested further information from the Department for the Economy (DfE) on the supports/services available for pupils with SEND when transitioning from school to further education, employment and training. The DfE response is outlined throughout this section of the paper²⁹.

²⁶ Correspondence between RaISe and Department of Health Officials, 8 May to 11 June 2024

²⁷ NIA Committee for Health, [Official Report Learning Disability Services: Department of Health](#) (23 May 2024) p2

²⁸ Department of Education, [Code of Practice on the Identification and Assessment of Special Educational Needs](#) (1998) p66-67

²⁹ Correspondence between RaISe and Department for the Economy Officials, 8 to 23 May 2024

DfE noted that all colleges work closely with schools; Health Trusts; EA Transition Officers; and the DfE's Careers Service to establish potential demand for FE provision for students with learning difficulties and/or disabilities (SLDD). For young people with a statement, DfE Careers Advisers attend Transition Planning Meetings of Year 10 pupils and subsequent Annual Reviews at the invitation of the school. DfE noted that careers services are prioritised for pupils with a disability, a medical condition and/or a statement of SEN, and that the Careers Service attends approximately 2,500 - 3,000 transition planning meetings each academic year. Examples of support offered to pupils transitioning from school onto new career pathways include pre-entry guidance on, and referrals for pre-entry disability support for, young people considering the Department's vocational programme, Skills for Life and Work (SfL&W). See section 4.1 for more information on the programme.

Young people with learning difficulties and/or disabilities, on leaving mainstream or special schools, and provided they have been assessed as able to participate, have access to the full range of mainstream and discrete provision available in FE colleges throughout Northern Ireland.

Each student enrolled in FE provision who declares a learning difficulty and / or disability undergoes an educational needs assessment to determine the level of additional support required for their course of study and any necessary additional support required. The level of support provided is designed around the individual student and dependent on the nature of the disability and the course of study. Details of learning support needs are contained within an individual Supplementary Learning Agreement (SLA) which is jointly completed by the college representative and the learner.

Under SENDO, FE colleges are required to make reasonable adjustments for students with SLDD so that they can access provision. DfE assists FE colleges to fulfil this obligation through the Additional Support Fund, an initiative which makes £4.5 million funding available to colleges annually to support SLDD students. This funding is used to assist colleges in providing additional support to enable students to complete a course of study and/or progress to further study, training, employment or to independent living. £2.5 million of this fund is

used to provide appropriate additional technical and personal support such as specialised equipment, classroom assistants, interpreters³⁰, and £2 million to accommodate students who, by the nature of their learning difficulty/disability, are unable to access mainstream provision.

Where students are unable to access mainstream provision due to their learning difficulty or disability, the ASF provides for discrete provision which is specifically designed to meet students' individual needs and is delivered in a more supported environment. Discrete provision typically involves a higher staff to student ratio than mainstream provision to facilitate smaller class sizes, and extra assistance from classroom assistants and other specialist staff.

Students undertaking discrete programmes study a range of provision from non-regulated courses to regulated courses at entry level, level 1 and level 2. The majority of courses are part-time and set at entry level to reflect the needs of students leaving special schools and special units within mainstream schools. All discrete provision includes elements of physical activity, social and communication skills. Students on discrete provision may also undertake work placements which can help to prepare them for future employment. DfE noted that colleges often work in partnership with external organisations including Mencap, Disability Action and the Cedar Foundation to help source placements and support students while on work experience.

4.1 Vocational Training Programme Provision

4.1.1 Skills for Life and Work Programme

The DfE Skills for Life and Work programme provides a stepping stone for participants leaving school with low or no qualifications to access further mainstream training and employment. Typically, around 50% of participants have a disability³¹. Young people with disabilities can access Skills for Life and Work up to the age of 22, and can complete the programme over three, rather than two years. Flexible attendance is available for participants who have

³⁰NI Direct, [Disability support at college](#)

³¹ [AQW 11143/22-27](#)

difficulty undertaking the prescribed hours, and students may be eligible to claim travel costs if their disability makes public transport unsuitable or where public or private transport is unavailable. Access to Skills for Life and Work is via a training credit issued by a Careers Advisor.

DfE is currently developing a successor programme to Skills for Life and Work to be in place from September 2025. DfE has indicated that a public consultation on the proposals for disability support within the new provision will be launched soon³².

4.1.2 Disability Support Service

The DfE Disability Support Services (DSS) programme provides additional and tailored support to disabled people on the Skills for Life and Work programme and the Apprenticeship NI programme. The DSS programme is delivered by three Disability Organisations, who provide Pre-Entry³³ and In-Training³⁴ Disability advice and support to participants, including: specialist learning support; assistance with job placement and matching; job coaching; and other employability support during work placement. This includes assistance to the employer during the work placement period in the Skills for Life and Work Programme.

4.1.3 PEACEPLUS Youth Programme

DfE also provided detail on the PEACEPLUS Youth Programme for young people not in education, employment, or training. The next phase of the programme is expected to commence in spring 2024, with Mencap leading on one of the successful projects³⁵.

³² Correspondence between RalSe and Department for the Economy Officials, 8 to 23 May 2024

³³ Referrals for Pre-Entry Training Support are made by the DfE's Careers Service to one of the three DSS Providers. The purpose of this support is to assess the individual's suitability for the SflW programme, to provide advice about the programme and then to help prepare potential participants for the type of training they wish to apply for. Support can include practical advice on hours of attendance, financial implications and reasonable adjustments available.

³⁴ In-Training Disability Support provides specialist support to the participant regarding their disability needs, that is demonstrably additional to the support that the Training Provider is already resourced to provide to participate on their programme.

³⁵ Correspondence between RalSe and Department for the Economy Officials, 8 to 23 May 2024

5 Policy review and recommendation

Transition planning has been subject to considerable review and recommendation over the last two decades. Despite various developments in policy and provision, and the introduction of a number of initiatives aimed at improving the transition process and outcomes for young people with SEND, issues persist. A recurring theme from multiple reviews is the need for better integration in transition planning and provision between departments and services. This section provides a synopsis of some of the reviews and associated findings. It should not be considered an exhaustive account of all relevant reviews nor a complete picture of all associated recommendations.

5.1 Inter-departmental review and recommendation

In 2002, a government inter-departmental group comprising of DE, the (then) Department for Employment and Learning (DEL) and the (then) Department of Health, Social Services and Public Safety (DHSSPS) was set up to take forward strategic developments in the transition process for young people with SEN as they moved from school to college and from school or college to employment, training or social care settings. The group published their report in 2006.³⁶ The report highlighted deficits in transition planning and provided an action plan to make improvements across the spectrum of service provision. The IDG outlined some key actions required to improve liaison and inter-agency working, including coordinated monitoring systems and improved information for students on available supports post-transition from statutory agencies and voluntary groups³⁷.

5.2 Independent inspection, inquiry and review

Both the RQIA, and the Education and Training Inspectorate (ETI) have previously highlighted gaps in the planning and delivery processes for transition, with RQIA calling for particular attention be paid to transition points such as

³⁶ DEL, DE & DHSSPS, [Report of the Transitions Inter-Departmental Working Group](#) (2006)

³⁷ As cited immediately above

from children's to adult services³⁸, and ETI highlighting the need for more dedicated support and greater cooperation between health and education for young people with complex needs and in areas with limited health provision³⁹.

The development of multi-disciplinary, multi-agency approaches to transition was also a priority for action in both the 2009-2011 and 2012-2015 action plans⁴⁰ arising from the 'Equal Lives Review of policy and services for people with a learning disability in NI' (the Bamford Review)⁴¹.

In 2016, the Committee for Employment and Learning published an inquiry into post-SEN Provision in education, employment and training for those with Learning Disabilities in Northern Ireland. Amongst its wide range of recommendations, the Committee called for coordination between DEL and DE to ensure the continuation of the transition process post leaving school. The Committee stated:

The process should remain in place to assist the young person with onward progression from a training or further education course into employment. Linked to that, there is a need for closer partnership working with voluntary and stakeholder groups that can support people in further education, training and employment.⁴²

The Committee also recommended that all Departments collect and share data on pupils with learning disabilities to better support these individuals, to improve service planning and decrease duplication⁴³.

³⁸ RQIA, [Baseline Assessment and Review of Community Services for Children with a Disability](#) (2013)

³⁹ Education and Training Inspectorate, [A survey report on transition arrangements from special schools and mainstream learning support centres to post-school provision](#) (2014)

⁴⁰ DHSSPS, [Delivering the Bamford Vision: the Response of Northern Ireland Executive to the Bamford Review of Mental Health and Learning Disability Action Plan 2009-2011](#) (2009) p.131;

DHSSPS, [Delivering the Bamford Vision: the Response of the Northern Ireland Executive to the Bamford Review of Mental Health and Learning Disability Action Plan 2012-2015](#) (2012) p.55

⁴¹ DHSSPS, [Equal Lives: Review of Policy and Services for People with a Learning Disability in Northern Ireland](#) (2005) p.53

⁴² NIA 306/11-16, [Committee for Employment and Learning - Report of the Inquiry into post Special Educational Need \(SEN\) Provision in education, employment and training for those with Learning Disabilities in Northern Ireland](#) (2016) p5

⁴³ As cited immediately above, p7

In 2012, the Northern Ireland Commissioner for Children and Young People (NICCY), concerned at the volume of cases relating to transition arrangements for young people with learning disabilities, commissioned a 'Review of Transitions to Adult Services for Young People with Learning Disabilities in Northern Ireland'.⁴⁴ The study provided a critical analysis of the transition planning process in the areas of education, training, employment, health and social care, and identified many areas where the arrangements for transition, and the provision of supports offered to young people during and after transition, required improvement. This included inconsistencies in the availability and adequacy of transition planning, support and post-school options across Education and Library Boards and Trusts; concern about the appropriateness and accessibility of post-school educational opportunities including for progression and lifelong learning; and a lack of person-centred planning and multi-agency cooperation.

5.3 Evidence that issues persist

In March 2024, NICCY submitted advice to DE on enhancing transitions services for school leavers with SEND. This submission noted limited progress on the findings and recommendations from its 2012 commissioned review. It stated that the majority of the report's findings and recommendations are still relevant to the transitions of young people with SEND:

It is our view that, in the 12 years since our Review was published, limited progress has been made in addressing identified barriers and improving the transitions support provided to young people and their families⁴⁵.

Furthermore, several responses to DE's consultation on the draft SEN Code of Practice highlighted the need for better co-operation between departments and external agencies to offer appropriate advice on FE, academic and vocational opportunities, and better career advice and other options for those that require

⁴⁴ L Lundy, B Byrne and P McKeown, [Review of Transitions to Adult Services for Young People with Learning Disabilities](#) (2012)

⁴⁵ Northern Ireland Commissioner for Children and Young People, [Advice on Enhancing Transitions Services for School Leavers with Special Educational Needs and Disabilities](#) (2024)

ongoing health support. The DE consultation report noted respondents' concern about access to meaningful transition programmes (such as joint placements, transition schemes into the work place). Concerns were raised by special schools in relation to a lack of provision to support pupils in special schools post-16 and post-19 when they transfer to Adult Services. The DE consultation report noted a strong perception that multi-agency working is required to improve the situation⁴⁶.

The Independent Review of Education highlighted that “many learners with special needs face particular difficulties at the point of leaving school and embarking upon adult life”, and that they should receive continued support in education, training and employment. In the case of people with complex and severe needs, the Panel noted that more intensive and “long-lasting, possibly permanent, support” will be required⁴⁷.

The Expert Panel appointed to inform the Department for Communities (DfC) Disability Strategy further highlighted issues with the existing transition arrangements for deaf and disabled young people. It noted the lack of a clear pathway when transitioning from school to adult services, further education and employment⁴⁸.

6 Current policy developments

In recent years, further initiatives have been commenced by and across departments aimed at improving the transition process for services for school leavers with SEN and disabilities. This section provides a broad overview of relevant initiatives currently being taken forward on an inter-departmental and/or inter-agency basis.

⁴⁶ Department of Education, [Summary Report of Responses to Consultation - Draft Code of Practice](#) (2021) p24 - 25

⁴⁷ Independent Review of Education, [Investing in a Better Future - Volume 2](#) (2023) p84

⁴⁸ Disability Strategy Expert Advisory Panel, [Report and Recommendations](#) (2020) p91

6.1 Joint departmental working group on Transitions

In 2023, DE commenced an End to End (E2E) Review of SEN. The Review comprises a variety of workstreams, one of which is focused on Transitions for young people leaving education and moving into adulthood.

As part of this work, DE has established a Working Group in conjunction with DoH to focus on improving the experience of ‘transition’ for children and young people that have a statement of SEN, and/or a disability. The working group includes representatives from the DfC, DfE, the EA, the Public Health Authority, and Health and Social Care.

Through engagement with stakeholders, the working group aims to (i) understand the experiences and perceptions of the transition planning process; (ii) focus on current processes and practices and on the information available to those going through the transition planning process, including parents and carers; and (iii) identify improvements and synergies to create better ways of working and sharing of information.⁴⁹

In order to inform this work, DE facilitated a survey between 31 January and 13 March 2024 to gather various stakeholder views on the transition process for young people with SEND from education into adulthood. Survey responses are currently being analysed and will be considered alongside qualitative feedback gathered from young people and parents/carers during the summer. The final report on the Transitions Planning workstream is due to be presented to the DE/EA SEN Programme Board, who have oversight of the E2E Review, in September 2024, and will be published thereafter⁵⁰.

6.2 The 14 – 19 Education and Training Framework

In June 2022, DE and DfE published the 14-19 Framework entitled ‘Developing a more strategic approach to 14-19 Education and Training - a framework to

⁴⁹ [AQW 8690/22-27](#)

⁵⁰ Correspondence between RalSe and Department of Education officials, 21 to 31 May 2024

Transform 14-19 Education and Training Provision'⁵¹. The Framework aims to improve awareness and understanding of the pathways through 14-19 education and training; to increase the efficiency and effectiveness of the 14-19 education and training system; and ensure opportunities for young people to learn about the full range of pathways and support them to make decisions that enable them to fulfil their potential⁵².

The Framework sets out a series of strategic actions, grouped into five key themes - Curriculum and Qualifications; Careers; Post-16 Provision; Awareness and Engagement; and the 14-19 Education and Training System. Under Post-16 Provision, the Framework sets out an action to work to identify post 16 and post 19 opportunities for SEN learners in special schools.

DfE further informed RaISe that a review of all further education student support measures, including provision for students with SEN, is currently ongoing with the aim of ensuring that support measures are targeted effectively and on the basis of need. DfE also noted a new Careers Resource recently piloted by the Careers Service for young people with additional needs, and that the Careers Service is working on “an interactive careers solution” to enhance the careers guidance experience and deliver better-targeted support for clients with additional needs⁵³.

6.3 Adult learning disability service model & framework for children with disabilities

In March 2023, DoH established a Learning Disability Task & Finish Group, underpinned by sub-groups, to deliver on actions set out in the Department's Strategic Plan. The Plan seeks to address the pressures across learning disability services, and comprises four elements:

⁵¹ Department of Education and Department for the Economy, [Developing a more strategic approach to 14 – 19 education and training: a Framework to transform 14-19 education and training provision](#) (2022)

⁵² Department for the Economy, [Developing a more strategic approach to 14-19 Education and Training - a framework to transform 14-19 Education and Training provision](#) (2022)

⁵³ Correspondence between RaISe and Department for the Economy Officials, 8 to 23 May 2024

1. Finalise an Adult Learning Disability Service Model: aimed at producing a regionally consistent approach to adult services and to enable Trusts to deliver and commission the correct blend and level of services.
2. Finalise a Framework for Children with Disabilities (CwD): aimed at responding to several health and social care pressures to support children with disabilities, while ensuring better linkage to the reform of SEN.
3. Develop Learning Disability Governance Options: to drive and oversee implementation of the Learning Disability Service Model and CwD Framework.
4. Review of Evidence & Data: this will be ongoing to support the development of future policy, inform the development and delivery of services, and develop metrics to monitor activities and outcomes⁵⁴.

Throughout 2023/24, a range of activity has been undertaken, including reviews of evidence, data, and stakeholder feedback, to inform the development of the Adult Learning Disability Service Model. RaISe requested further detail on the service model from DoH, and received a draft copy from officials⁵⁵.

The Model is for all who access, develop and deliver services for people with learning disabilities and their families/carers. Whilst it specifically focuses on responsibilities for HSC, DoH and HSC providers, including voluntary and community sector providers and private sector providers, the Model also considers key interfaces with other NI Executive Departments and ALBs.

The Model outlines six ambitions for users of learning disability services, the first of which relates to 'life changes'; specifically, that 'people with learning disabilities will be prepared and supported throughout important changes in their lives'. This ambition proposes that 'individuals with a learning disability who require assessed health and social care services will be offered a lifelong, coordinated, and proactive transitions programme, which is flexible and responsive to their needs'. The ambition is underpinned by a series of outcome

⁵⁴ Correspondence between RaISe and Department of Health Officials, 8 May to 11 June 2024

⁵⁵ As immediately above

measures for individuals, families and carers, and associated actions for HSC Trusts and SPPG.

Work is now underway to produce a costed implementation plan. A review of LD finances is being undertaken in parallel to better understand how the service is funded and identify areas of spend that can be reprioritised to deliver better outcomes. This review is due to conclude in June 2024. Further planned work includes pre-engagement ahead of a wider consultation on the service model and implementation plan⁵⁶.

6.3.1 Draft Framework for Children with Disabilities

One of the aims of the Framework for Children with Disabilities is to improve transition pathways into adulthood.

To inform this work, DoH established a regional sub-group in November 2023 to convene key stakeholders from Trusts, policy and SPPG involved in the delivery of services for children and adults. The sub-group has held three workshops since November, which has included Education colleagues. A finalised draft protocol has been developed to produce a regionally standardised approach to transitions for children with learning disability services. The draft protocol is aligned to the Learning Disability Service Model. The draft approach to Transitions is expected to be finalised in the coming weeks⁵⁷.

Future considerations for the Committee for Education

In its ongoing scrutiny of SEN policy and provision, the Committee may wish to give continued attention to the aforementioned policy developments and any impacts on transition planning processes and outcomes for pupils with SEND. The Committee may wish to engage with the

⁵⁶ [AQW 12043/22-27](#)

⁵⁷ Correspondence between RaISe and Department of Health Officials, 8 May to 11 June 2024

Committees for Health and the Economy in its consideration of developments.

7 Legislation and policy in the rest of the UK

This section outlines the relevant legislation and policy in England, Scotland and Wales that underpins the transition of young people with SEND from education into adulthood. It largely considers policy and process, rather than specific provision or services, and should not be considered an exhaustive account of the transition process in any given country.

It should be further noted that there are regional variations in the terminology used to refer to children and young people with SEND. This section uses the terms adopted in the respective parts of the UK.

7.1 England

The Children and Families Act 2014⁵⁸, and associated regulations⁵⁹, provides the statutory basis for the system for identifying children and young people (age 0-25) in England with special educational needs (SEN), assessing their needs and making provision for them.

The statutory Special Educational Needs and Disability (SEND): Code of practice⁶⁰, first published in 2014, sets out detailed information on the support available for children and young people aged 0 to 25 under the 2014 Act.

The type of support that children and young people with SEN receive can vary widely, depending on their needs, but can be categorised under two broad levels:

⁵⁸ [The Children and Families Act 2014](#)

⁵⁹The Special Educational Needs and Disability Regulations 2014; The Special Educational Needs (Personal Budgets) Regulations 2014; The Special Educational Needs and Disability (Detained Persons) Regulations 2015; The Children and Families Act 2014 (Transitional and Saving Provisions) (No 2) Order 201

⁶⁰ Department for Education, [Special educational needs and disability code of practice: 0 to 25 years](#) (2015)

- SEN Support, provided to a child or young person in their pre-school, school, or college. Examples of supports at this stage include special learning programmes, extra help from a teacher or assistant, small group work. Young people with SEN support aged 16 to 25 in further education are required to contact their school or college before starting a course, to ensure their needs can be met⁶¹.
- Education, Health, and Care (EHC) plans which provide a formal basis for support for children and young people who need more support than is available through SEN support⁶².

As part of the Children and Families Act 2014, EHC plans replaced Statements of SEN. As with children of compulsory school age, support for post-16 learners with SEND comprises general SEND support and the specific support that accompanies an EHC plan.

While a local authority must not cease an EHC plan simply because a young person is aged 19 or over, there is no automatic entitlement to continued support, or an expectation that young people with an EHC plan should remain in education until age 25. However, local authorities must consider whether the education or training outcomes specified in the EHC plan have been achieved before they decide it is no longer necessary to maintain it⁶³.

Where an EHC plan is maintained for a young person aged 19 or over, it must continue to be reviewed at least annually. Young people who do not already have an EHC plan continue to have the right to request an assessment of their SEN at any point prior to their 25th birthday (unless one has been carried out in the last six months)⁶⁴ and have the right to appeal if a request is rejected.⁶⁵⁶⁶

⁶¹ [Children with special educational needs and disabilities \(SEND\)](#)

⁶² House of Commons Library, [Special Educational Needs: support in England](#) (2024)

⁶³ Department for Education, [Special educational needs and disability code of practice: 0 to 25 years](#) (2015) p190; House of Commons Library, [The Special Educational Needs and Disabilities and Alternative Provision Improvement Plan](#) (2023) p11

⁶⁴ Department for Education, [Special educational needs and disability code of practice: 0 to 25 years](#) (2015) p191

⁶⁵ Department for Education, [SEND: 19- to 25-year-olds' entitlement to EHC plans](#), (2017)

⁶⁶ House of Commons Library, [Special Educational Needs: support in England](#) (2024) p11

Chapter 8 of the SEND Code of Practice provides a detailed overview of how children and young people with SEND, including those both with and without an EHC plan, should be supported from the age of 14 to prepare for adult life, and to achieve the best outcomes in employment, independent living, health, and community participation. It considers the transition into post-16 education and from post-16 education into adult life, and covers a broad range of matters including, but not limited to, how local authorities and health services should plan strategically for the support children and young people require in preparation for adult life; support from Year 9 onwards (age 13 – 14); transition into adult health services and adult social care; and young people aged 19-25.

The Code makes clear that all young people with SEN should be supported to make the transition to life beyond school or college, whether or not they have an EHC plan⁶⁷. It includes guidance for schools and colleges to plan for the transition into post-16 education and training with pupils and their families⁶⁸.

Where pupils are moving to another school or college, schools are advised to seek agreement from pupils and parents to share information about previous SEN provision with the onwards school, college or other setting⁶⁹. Schools and colleges are further encouraged to ensure that young people with SEN have the information they need to make the final steps in this transition, e.g. about local employers, further training, and where to go for further advice or support⁷⁰.

The Code requires that all reviews of EHC plans from Year 9 (usually age 13 - 14) onwards include a focus on 'preparing for adulthood'. Preparing for adulthood should include discussions about post-16 options, and support to prepare for higher education and/or employment; prepare for independent living; participate in society; and maintain good health in adult life⁷¹.

⁶⁷ Department for Education, [Special educational needs and disability code of practice: 0 to 25 years](#) (2015) p140

⁶⁸ Department for Education, [Special educational needs and disability code of practice: 0 to 25 years](#) (2015) p128

⁶⁹ Department for Education, [Special educational needs and disability code of practice: 0 to 25 years](#) (2015) p102

⁷⁰ Department for Education, [Special educational needs and disability code of practice: 0 to 25 years](#) (2015) p140

⁷¹ Department for Education, [Special educational needs and disability code of practice: 0 to 25 years](#) (2015) p125

Local authorities must ensure the reviews take place, and schools and colleges must co-operate with the local authority in the reviews⁷². If it is clear that a young person wants to attend a different school (sixth form) or a college, then that school or college must co-operate, so that it can help to shape the EHC plan, help to define the outcomes for that young person and start developing a post-16 study programme tailored to their needs⁷³.

Where young people have EHC plans, local authorities should consider the need to provide a full package of provision and support across education, health and care that covers five days a week⁷⁴.

Where young people are moving to adult health services, the local authority and health services must co-operate to ensure that the EHC plan and the care plan for the treatment and management of the young person's health are aligned⁷⁵.

7.1.1 Funding places for 19-25 year olds

Young people aged 19 – 25 years with EHC plans should have free access to further education in the same way as those aged 16 to 18 years. Apprentices aged 19 to 25 with EHC plans are fully funded on the same terms and funding rates as 16- to 18-year-old apprentices⁷⁶.

7.1.2 Support in higher education

The statutory SEND system (including EHC plans) does not extend to higher education. Providers are instead bound by different statutory duties under the Equality Act 2010 when it comes to supporting students with SEN in higher education. There is also different funding in place known as the Disabled Students' Allowance (DSA)⁷⁷.

⁷²Department for Education, [Special educational needs and disability code of practice: 0 to 25 years](#) (2015) p129

⁷³ As cited immediately above

⁷⁴ Department for Education, [Special educational needs and disability code of practice: 0 to 25 years](#) (2015) p132

⁷⁵ Department for Education, [Special educational needs and disability code of practice: 0 to 25 years](#) (2015) p136

⁷⁶ Department for Education, [Special educational needs and disability code of practice: 0 to 25 years](#) (2015) p135

⁷⁷ House of Commons Library, [The Special Educational Needs and Disabilities and Alternative Provision Improvement Plan](#) (2023) p11

7.1.3 The ‘local offer’

Since September 2014, local authorities have been required to publish a ‘local offer’, developed and regularly revised in partnership with children and young people with SEN or disability and their parents, and education, health, and care partners, which clearly sets out the services available for children and young people with SEND from birth to 25 years.⁷⁸

In the Local Offer, authorities must set out information about provision to support children and young people with SEN or disabilities move into adulthood. This must include information about preparing for and finding employment, finding somewhere to live, and participating in the community⁷⁹. The Local Offer must also include information on post-16 education and training provision; apprenticeships, traineeships, supported internships and supported employment services; and support available to young people in higher education, particularly the Disabled Students Allowance (DSA)⁸⁰. The Care Act 2014 further requires local authorities to establish and maintain a service for providing people in its area with information and advice about the adult care and support system⁸¹.

7.1.4 Personal budgets

Young people and parents of children who have EHC plans have the right to request a Personal Budget, which may contain elements of education, social care, and health funding. A Personal Budget is an amount of money identified by the local authority to deliver provision set out in an EHC plan where the parent or young person is involved in securing that provision. Personal Budgets are optional for the child’s parent or the young person, but local authorities are under a duty to prepare a budget when requested⁸².

⁷⁸ House of Commons Library, [Special Educational Needs: support in England](#) (2024) p10

⁷⁹ Department for Education, [Special educational needs and disability code of practice: 0 to 25 years](#) (2015) p74

⁸⁰ Department for Education, [Special educational needs and disability code of practice: 0 to 25 years](#) (2015) p66-68

⁸¹ Department for Education, [Special educational needs and disability code of practice: 0 to 25 years](#) (2015) p75

⁸² House of Commons Library, [Special Educational Needs: support in England](#) (2024) p11

7.1.5 Review and improvement plan

In September 2019, the Government announced a major review of the current system of support for children and young people with SEND⁸³. The Government subsequently published its SEND and alternative provision improvement plan in March 2023⁸⁴ following a consultation on reform to the system in March 2022⁸⁵. The improvement plan sets out an ambition for successful transitions that prepare children and young people for adulthood from as early as possible. It says planning should be “built in from the earliest stages” and continue throughout education based on the young person’s aspirations and needs. Provision should support children and young people to develop independence, contribute to their community, develop positive friendships, be as healthy as possible, and, for the majority of young people, prepare them for higher education and/or employment⁸⁶.

The plan sets out a series of measures to meet Government’s aspiration for successful transitions⁸⁷. A SEND and alternative provision roadmap⁸⁸ was published alongside the plan, setting out timelines for key parts of the Government’s proposals, including those related to transitions.

7.2 Wales

The SEN system in Wales is currently undergoing a process of significant reform. The Additional Learning Needs and Education Tribunal (Wales) Act 2018⁸⁹ is being implemented from September 2021 to August 2025, creating a

⁸³ Department for Education, [Major review into support for children with Special Educational Needs](#) (2019)

⁸⁴ Department for Education, [SEND and alternative provision improvement plan, Right Support, Right Place, Right Time](#) (2023)

⁸⁵ Department for Education, [SEND Review: right support, right place, right time](#) (2022)

⁸⁶ Department for Education, [SEND and alternative provision improvement plan, Right Support, Right Place, Right Time](#) (2023) p44; House of Commons Library, [The Special Educational Needs and Disabilities and Alternative Provision Improvement Plan](#) (2023) p36

⁸⁷ Department for Education, [SEND and alternative provision improvement plan, Right Support, Right Place, Right Time](#) (2023) p11 and p44

⁸⁸ Department for Education, [SEND and alternative provision roadmap](#) (2023)

⁸⁹ [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#)

single legislative system for supporting children and young people with additional learning needs (ALN) aged between 0 to 25 years⁹⁰.

Before the Act's passage, different legislation⁹¹ and arrangements, including separate support plans⁹², were in place for pupils with SEN up to age 16, and those with Learning Difficulties and/or Disabilities (LDD) post-16⁹³. The Act replaces the terms 'SEN' and 'LDD' with the new term ALN, and introduces statutory Individual Development Plans (IDP) for all children and young people with ALN. This differs from the SEN system where only learners with the most severe/complex needs have legally enforceable 'statements', and the remaining majority of learners with SEN have more limited non-statutory plans⁹⁴.

The SEN system and new Additional Learning Needs (ALN) system are operating side by side until August 2025. All learners newly identified with ALN come under the new system, while those already supported with SEN are transferring over in a phased manner, depending on their year group and whether or not they have a statement of SEN⁹⁵. The Senedd's Children, Young People and Education (CYPE) Committee is scrutinising the implementation of the ALN reforms throughout the current Senedd term (2021 to 2026)⁹⁶.

Under the Act, all learners with ALN will have the same type of statutory plan irrespective of their age or whether they are in a school, a school sixth form or a Further Education Institution (FEI). The Welsh Government stated that this would place learners in FE who, prior to the Act's implementation, have separate Learning and Skills Plans (LSPs), on a more equal footing with their

⁹⁰Welsh Government, [The additional learning needs transformation programme: frequently asked questions](#) (2022)

⁹¹ [The Education Act 1996](#) and the [Learning and Skills Act 2000](#)

⁹² This included statements of SEN, individual education plans (IEPs) for learners on school action/school action plus and Learning and Skills Plans (LSPs) for post-16 learners

⁹³ Welsh Government, [The additional learning needs transformation programme: frequently asked questions](#) (2022)

⁹⁴ Senedd Research, [Additional Learning Needs – Senedd to debate a need for more reform](#) (2024)

⁹⁵ As cited immediately above

⁹⁶ Senedd Children, Young People and Education Committee, [Implementation of education reforms](#)

school-based counterparts. It also said it would improve transition between schools and post-16 education⁹⁷.

The Act also places the same duties on bodies of schools and FEIs to decide whether pupils/students have ALN, and to prepare and maintain an IDP, if the school or FEI decides that a pupil/student has ALN⁹⁸. If the governing body considers that the learner's ALN are beyond its capability to adequately assess or provide for, or it would not be reasonable for them to do so, the school or FEI may refer the case to the local authority to assess the learner's ALN and subsequently secure any necessary Additional Learning Provision (ALP)⁹⁹. The ALN system also sees the responsibility for planning and securing post-16 specialist provision move from Welsh Ministers to the local authorities¹⁰⁰.

Transition planning is expected to coincide with the review of an IDP¹⁰¹. The ALN Code, a statutory document that explains what organisations are required to do by law to meet the ALN of children and young people, sets out general principles and good practice on planning for transition, and provides guidance on the process. This includes that the school, FEI or local authority should involve all agencies and professionals that they consider necessary for effective transition planning when preparing or reviewing an IDP¹⁰².

Notably, while the Act creates a single system for supporting children and young people aged between 0 to 25 years, there is no entitlement to continuous education or training from when a person ceases to be of compulsory school age up to the age of 25¹⁰³. As reflected in the ALN Code 2021, "the starting

⁹⁷ Senedd Research, [Research Briefing - Act Summary: Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#) (2018) p6-7

⁹⁸ As cited immediately above

⁹⁹ Senedd Research, [Research Briefing - Act Summary: Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#) (2018) p8

¹⁰⁰ Welsh Government, [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018: guidance for local authorities on interim arrangements for funding for specialist post-16 additional learning needs \(ALN\) placements](#) (2022)

¹⁰¹ Welsh Government, [The Additional Learning Needs Code for Wales 2021](#) (2021) p297

¹⁰² Welsh Government, [The Additional Learning Needs Code for Wales 2021](#) (2021) p298

¹⁰³ Welsh Government, [The Additional Learning Needs Code for Wales 2021](#) (2021) p175

point is that a young person is entitled to up to two years of further education or training. Beyond that, a local authority may determine that a young person has reasonable needs for education or training in particular circumstances”¹⁰⁴.

However, there have been concerns expressed, for example by NatSpec, an umbrella organisation representing specialist FE providers, about the determination of reasonable need, and that there is ambiguity in the Code on what further education and training is, and when it commences¹⁰⁵. It states:

The ALN Code fails to clarify what further education means for a young person with complex ALN and whether a stated two-year entitlement to education and training is a post-16 or a post-school right.¹⁰⁶

Natspec highlights particular concern about the implications for post-16 learners with complex ALN. It suggests that these young people will be “significantly disadvantaged” under the ALN Code, and there will be “a reduction in the number of learners with complex ALN able to access post-school education and training”¹⁰⁷.

7.3 Scotland

The Education (Additional Support for Learning) (Scotland) Act 2004¹⁰⁸ outlines the duties of education authorities and the rights of parents, children and young people to additional support for learning. Children and young people are identified as having additional support needs when they require additional support, in comparison to peers of the same age and stage, to benefit from school education. This is not dependent on a diagnosis.¹⁰⁹

¹⁰⁴ Welsh Government, [The Additional Learning Needs Code for Wales 2021](#) (2021) p184

¹⁰⁵ Natspec, [Response to the Senedd Children, Young People and Education Committee inquiry into Implementation of education reforms](#)

¹⁰⁶ Natspec, [Blocks in the road to an inclusive FE system in Wales](#) (2023)

¹⁰⁷ Natspec, [Response to the Senedd Children, Young People and Education Committee inquiry into Implementation of education reforms](#)

¹⁰⁸ [Education \(Additional Support for Learning\) \(Scotland\) Act 2004](#)

¹⁰⁹ Scottish Government, [Pupils with complex additional support needs: research into provision](#) (2023)

Education authorities use a range of planning mechanisms to meet the needs of children and young people, including personal learning plans, individualised educational programmes and the statutory coordinated support plan (CSP)¹¹⁰. The Education (Additional Support for Learning) (Scotland) Act 2004 requires education authorities to provide a CSP for children and young people with complex or multiple needs, which are expected to last for a year or more, and require significant support from education, and at least one other agency. A CSP ends when a young person leaves school¹¹¹.

Most pupils with additional support needs will not need a CSP to plan and co-ordinate their additional support¹¹². For example, in 2021, around 0.6% of children with identified additional support needs and around 2% of pupils who had additional support needs and received some support from either (or both) social work or the health service had a CSP¹¹³.

The Education (Additional Support for Learning) (Scotland) Act 2004 and statutory guidance¹¹⁴ lay out the duties of education authorities, and associated timeframes, to facilitate transition planning for young people with additional support needs. Usually the school coordinates the process and invites other organisations to become involved as necessary.¹¹⁵

Under the Act¹¹⁶, when a young person is expected to leave school, the education authority has a duty to request and share information within specific timeframes to help support their transition. This should take place no later than 12 months before the expected leaving date. They must provide information to other agencies no later than six months before a child or young person is expected to leave school. Guidance updated by the Scottish Government in

¹¹⁰ As cited immediately above

¹¹¹ Enquire, [Education and additional support after 16](#) (2021)

¹¹² Enquire, [Co-ordinated support plans \(CSPs\)](#) (2021)

¹¹³ The Scottish Parliament, [SPICe briefing - Disabled Children and Young People \(Transitions to Adulthood\) \(Scotland\) Bill \(Session 6\)](#) (2022) p11-12

¹¹⁴ Scottish Government, [Additional support for learning: statutory guidance 2017](#) (2017) Chapter 6

¹¹⁵ CONTACT Scotland, [Talking About Tomorrow - Who Should Do What?](#)

¹¹⁶ [Education \(Additional Support for Learning\) \(Scotland\) Act 2004](#), Section 12

November 2023 encourages local authorities to prepare for children and young peoples' transitions wherever possible in advance of these timeframes¹¹⁷.

If a young person has ongoing healthcare needs, this should be highlighted in the Transition Plan so that the right adult service is in place once children's services end. The school team helps coordinate planning and making sure that the right healthcare services are involved¹¹⁸.

It should be noted that the transitional duties do not apply to all children and young people with additional support needs. The statutory guidance¹¹⁹ elaborates that "it would be burdensome and unnecessary to apply these duties and arrangements to every child and young person with additional support needs given that some additional support needs may be transitory and/or relatively minor". Whilst education authorities can use discretion, it is anticipated that the transitional duties will apply to children and young people: with a CSP; who are in a specialist placement (such as an enhanced provision, a special unit or a special school); have additional support needs arising from a disability within the meaning of the Equality Act 2010; and/or are otherwise at risk of not making a successful transition such as children looked after and young carers¹²⁰.

7.3.1 Related legislation and policy

Other legislation outlines further duties on some public bodies related to the transition process¹²¹. For instance, the Children and Young People (Scotland) Act 2014, sets out obligations on health and social services to respectively respond and comply to requests related to adult services, potentially one year prior to a young person leaving school. If transition raises wellbeing concerns

¹¹⁷Scottish Government, [Supporting disabled children, young people and their families: guidance - transitions](#) (2023)

¹¹⁸Scottish Government, [Supporting disabled children, young people and their families: guidance - transitions in adult health and social care](#) (2023)

¹¹⁹Scottish Government, [Additional support for learning: statutory guidance 2017](#) (2017) Chapter 6, paragraph 7

¹²⁰ As cited immediately above

¹²¹ CONTACT Scotland, [Talking About Tomorrow - Who Should Do What?](#)

for a young person, tailored planning is a legal requirement under the Getting It Right for Every Child (GIRFEC) framework. The Social Care (Self-Directed Support) Act 2013 seeks to ensure adults and children (including carers and young carers) are given more choice and control over how their social care needs are met. This legislation places responsibilities on social work to explore personal outcome planning with eligible young people.

Other relevant policy lies in ‘Opportunities for All’, the Scottish Government Initiative which commits to an offer of learning or training to every 16-19 year old not in employment, education or training¹²²; the supporting ‘16+ Learning Choices Policy and Practice Framework’¹²³; and ‘Developing the Young Workforce’ which aims to prepare learners for their future pathways and the transition into the world of work¹²⁴.

7.3.2 Recent policy developments

The last few years have seen further commitment and strategic action to improve transitions to adult life for young people with additional support needs.

National Transitions Strategy

In the 2021 Programme for Government, Scottish Ministers committed to delivering a National Transitions to Adulthood Strategy to support disabled young people as they make the transition to adult life¹²⁵. This commitment was reaffirmed in the First Minister’s ‘Equality, opportunity, community: New leadership – A fresh start,’ published on 18 April 2023¹²⁶. The Scottish Government has established an external strategic working group to help take forward work on the Strategy¹²⁷.

¹²²Scottish Government, [Opportunities for All: supporting all young people to participate in post-16 learning, training or work](#) (2012)

¹²³Education Scotland, [16+ Learning Choices](#) (2023)

¹²⁴Education Scotland, [Developing the Young Workforce](#) (2023)

¹²⁵ Scottish Government, [Programme for Government 2021 to 2022](#) (2021)

¹²⁶Scottish Government, [Equality, opportunity, community: New leadership – A fresh start](#) (2023)

¹²⁷ Scottish Government, [Disabled young people: National Transitions to Adulthood Strategy Strategic Working Group](#)

Principles into Practice

The Scottish Government supports the Scottish Transitions Forum, a national network committed to improving the experience of children and young adults (14 to 25 years). The Forum, along with ARC Scotland, produced Principles of Good Transitions 3, a framework to “inform, structure and encourage the continual improvement of support for young people with additional needs between the ages of 14 and 25 who are making the transition to young adult life”¹²⁸. It comprises seven principles, including the co-ordination of support across services, and that planning should start early and continue at least to age 25.

The principles have been endorsed by the Scottish Government and are referred to in Scottish Government guidance¹²⁹. In partnership with ARC Scotland, the Scottish Government trialled the ‘Principles into Practice’ Framework¹³⁰ in ten Authority Areas between January 2020 and March 2023. The Scottish Government have now committed further funding until March 2025 to support ARC Scotland to continue to run the Scottish Transitions Forum, and to support the wider implementation of Principles into Practice across more local authority areas in Scotland¹³¹.

¹²⁸ARC Scotland, [Principles of Good Transitions 3](#) (2017)

¹²⁹Scottish Government, [Supporting disabled children, young people and their families: guidance - transitions](#) (2023)

¹³⁰ARC Scotland, the Scottish Transitions Forum and the Scottish Government, [Principles into Practice](#)

¹³¹Scottish Government, [Supporting disabled children, young people and their families: guidance - transitions](#) (2023)