Lead Scotland is a charity that enables disabled adults and carers to access inclusive learning opportunities. At a local level, we do this by providing direct support to learners through flexible person-centred learning opportunities and individualised guidance and support to help them plan their learning journeys. At a national level, we provide information and advice on the full range of post-school learning and training opportunities, as well as influencing and informing policy development.

The Post-16 Education (Scotland) Bill covers six areas: university governance, widening access, tuition fees cap, college regionalisation, review of fundable FE and HE and data sharing. Our expertise stems from Lead Scotland’s experience in widening access to educational opportunities and so this evidence will predominantly focus on that aspect of the Bill.

Young people with additional support needs are a particularly vulnerable group. Such young people are more likely to experience social disadvantage and often experience significant barriers in accessing post-school education, training and employment, and are more likely to become disengaged with learning as a result of low self-confidence and lack of appropriate support. Support for disabled students is also likely only to worsen as the UK’s welfare reform agenda unfolds.

**Widening access to education**

While we welcome the goal of widening access to higher education, the focus and particularly the target indicator, the portion of students from SIMD20% postcodes, is somewhat simplistic and narrow. The historical lack of access to HEIs is due to a range of complex factors. This single, narrow indicator opens up the possibility for HEIs to potentially ignore entire populations, such as disabled students and carers, who could access these educational opportunities with appropriate support. This exclusionary focus is reflected in the recently published university outcome agreements. Our analysis shows that the terms disabled student, disability or Partnership Matters rarely, if ever, are mentioned in the 2012-13 outcome agreements. In a typical example, an institution regarded issues under equality as only to do with general student intake, writing: “The University does not have a challenge in terms of its recruitment of disabled students and so targets for improvement are not required.”

Such a view ignores the complexity of student populations and the key role that issues surrounding disability play in access and retention. This link between disability and access appears strong in the FE sector: compared to universities, colleges have both double the proportion of students from the most deprived backgrounds and double the rate of disabled students.
Access to education is particularly important for the life outcomes experienced by disabled people, including in areas like employability and gender equality. Disabled people are less likely to have a degree and more likely to have no qualifications at all, have much lower employment rates and are more likely to be economically inactive. For instance, people with mental health or learning difficulties, which are strongly associated with social disadvantage, have much lower employment rates compared to both the average population and those with other forms of disability. There are also important considerations of social class, disability and gender; disabled students with access to HEIs under current arrangements are significantly more likely to be male and middleclass.

**Data sharing**

The third sector in Scotland has a large number of learners aged 16-24. If the data sharing plans in relation to Skills Development Scotland are extended to the third sector there will need to be adequate coordination and support to deliver on these duties.

**Making the transition from school to university more effective**

From our experience, many schools, local authorities and universities are unaware that the transition aspects of the Additional Support for Learning Act apply to learners making the transition to university. This legislation specifically requires schools/education authorities to start planning the support needed for young people with additional support needs around one year before they expect to leave school. In practice, many disabled students receive inadequate support through the transition to post-16 learning (what the EHRC label ‘stalled transitions’).

Appropriate transitional arrangements, such as agreeing and arranging reasonable adjustments and funding, are crucial in ensuring positive outcomes for students with additional support needs. The Post-16 Transitions policy and practice framework is a good start, but our experience with the Partnership Matters framework suggests that firmer arrangements should be put in place to ensure that schools and local authorities carry out their duties regarding transition from school for young people under both the Additional Support for Learning Act and Partnership Matters.

**The role of Community learning and development (CLD) and national coordination**

There are a range of learners who are likely to need targeted support in order to effectively re-engage in learning. This can be because of their support needs, individual goals, or requirements for residential support. These groups include:

(i) **Learners with profound and complex needs**
(ii) **Young people transitioning from special schools**
(iii) **Young carers**
At present, CLD providers in both the voluntary and local authority sectors receive funding and guidance from a mixture of local and national sources. As a result, provision, quality and support arrangements can be variable across the country, and learners are likely to experience a different learning opportunity depending on where they live.

In addition, as the focus of mainstream education moves towards younger learners and employability, the role of CLD will become vital for many older learners or for those who wish to access lower level courses, where less support is available. The current fractured nature of post-16 funding, particularly in CLD and the third sector, is undermining the opportunities and successes for many of Scotland’s most vulnerable learners. Some form of national coordination is required to ensure that Scotland is able to maintain its commitment to lifelong learning and that these opportunities are provided within an integrated national education system.