

Advice on Disability Evidence for Students with Autism

The following advice has been issued by the Department for Business, Innovations and Skills [19-Sept-14]

Dear Colleague

A number of stakeholders have raised concerns with BIS and SFE about the type of evidence a student with autism, including Asperger syndrome, might be asked to provide to SFE to evidence their disability. Some have also asserted that a diagnosis of autism is an automatic determination of disability. In light of concerns raised with us, we have taken advice from a leading autism organisation, The National Autistic Society, on a number of issues and can now confirm the position with regard to evidence requirements.

First, we can confirm that a diagnosis of autism on its own does not mean that the person is automatically disabled. There are people on the autism spectrum who will not be impacted in their day-to-day activities, including education. However, it is likely that many people with autism will be impacted by their condition, including people with Asperger Syndrome.

There will be a variety of ways that the impact can be evidenced without the student having to seek additional information from a GP or other medical professional. We have set out below the types of information that students with autism may have readily available to send to SFE along with their diagnostic report. There may be cases where such evidence is not easily available and we will deal with those on a case by case basis, seeking the advice of experts where needed.

“Non-Medical” evidence from education settings/statutory assessments

For candidates applying for DSA in the current academic year there are 3 key sources of information that could be provided along with a diagnostic report which will evidence the impact of the condition:

- 1) Statements of SEN and Transition Plans For pupils that have Statements, there is a raft of evidence that must be kept up to compulsory schools age and in some cases up to 18 where the pupil is at school. The statement itself will set out the needs of the person and the support they have had to meet those needs. The statement must be reviewed on annual basis to determine its appropriateness. Transition review plans from year 9 must also be produced for all pupils with statements and must include details of support needs during transition from school and must be updated annually until the pupil leaves the school.
- 2) Individual Education Plans: All school pupils with an identified SEN (regardless of whether they have a statement) should have an individual education plan, which must detail provision additional to or different from those generally available to all pupils.
- 3) Learning Difficulty Assessments - For those in FE this will set out the additional learning needs as result of a disability and the support provided to meet them.

Please note that Statements of SEN and Learning Difficulty Assessments will be replaced by new 0-25 year old Education, Health and Care (EHC) Plans, introduced

in the Children and Families Act 2014. Individuals with existing Statements or LDAs will be transferred over to EHC Plans over a three and half year period from September 2014. All children and young people with statements of SEN must transfer to the new system by April 2018. Young people who receive support through learning difficulty assessments (LDAs) must be transferred to the new system by 1 September 2016. In addition, as of September 2014, while schools will need to keep accurate records of additional SEN provision for pupils, this will not necessarily need to be in the form of an Individual Education Plan.

In summary, students on the autistic spectrum will be asked to provide the following.

- a) A medical diagnosis of their condition (this is not age specific)
- b) Non-medical evidence from year 9 onwards of learning difficulties as a result of the condition and additional support put in place to meet these difficulties.
- c) Such evidence could be drawn from Statements of SEN/Education, Health and Care Plans, Transition Review Plans, Individual Education Plans (or equivalent form of record keeping on a pupils SEN in schools) and Learning Difficulty Assessments.

SFE continue to monitor the number of cases 'pending' for additional evidence, and I can confirm that DSA applications in general, and cases relating to autism in particular, continue to reflect the expected proportion of cases pending at this time of year. Work continues to try to move cases through the process as quickly as possible. Students that may be assisted with the information above are being contacted as a matter of priority.

We are grateful for the help and advice of colleagues in The National Autistic Society in this matter.

Elaine Underwood

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