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Legislative proposals for additional learning needs Responses 101-120

ALN0101: Kevin Tansley
Ty Gwyn School, Cardiff

Question 1 – New terminology

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

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- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

This is a very good proposal. However, there is currently a lack of appropriate Welsh provision for post-19 students who have the most complex needs. There are also transition issues that need to be addressed. The current transition from school to adult services is unsatisfactory.

Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

IDPs are definitely the way forward. However, there are significant resourcing and capacity issues. Meetings without all stakeholders being present are not effective. It is highly unlikely that health professionals will have the capacity to attend meetings as well as provide for the pupils' needs. When resourcing issues are being discussed, 'senior' staff will need to be present. Therefore, LAs will need to ensure that schools are appropriately funded so that they can fulfil the additional duties required by the IDP process. Also, the IDP documentation will need to include detailed 'professional' documents in addition to the action plan.

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The responsibilities of health & social services need to be clearly articulated. It is not acceptable for either agency to make recommendations that they cannot resource. The current situation where LAs are forced to fund the shortfall in health provision is totally unacceptable.

Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Absolutely!

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 101-120

Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

'Best endeavours' could be a 'get out of jail card' for institutions not able to meet the needs of children & young people. This needs to be guarded against.

Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

See comments in Q1(b).

Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

This is a very positive suggestion. Clearly, quality control measures need to be in place to ensure that the independent providers are able to meet the needs of the young people being placed.

Legislative proposals for additional learning needs Responses 101-120

Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

This is essential if the needs of pupils with ALN are to be met. However, it is our view that the legislation should place greater accountability on local health boards and social services to provide the levels of support that these agencies identify in their assessment reports. It is not fair or appropriate for health providers to identify a level of need and then say that they do not have the resources to provide it. Currently, when such situations arise, LAs are expected to pay for the additional health provision as they are legally responsible for the delivery of the Statement. This approach is reinforced by Tribunal outcomes where therapy provision is often the key issue contested by parents. Sharing information is absolutely crucial - a secure IT system must be possible in 2014. Sharing protocols need to be established and all stakeholders need to have secure access to the information.

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

Supporting comments

It needs to be written in the legislation.

Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Absolutely. Currently there are too many different plans and duplication of information requested by the different agencies.

Legislative proposals for additional learning needs Responses 101-120

Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Question 11

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

CASE STUDY

Ty Gwyn was a pilot school for the IDP process. We used the methodology with 10 nursery pupils during the academic year 2012 -13. Overall, the process was

very successful. Parents felt that they were more involved and that their child was definitely the focus. The meetings were chaired by the Headteacher, Deputy Headteacher, Assistant Headteacher & acting Assistant Headteacher. Four different strategies were adopted to establish the most effective style of meeting e.g in one strategy the participants were asked to write down their views on post-it notes and then place them under the appropriate headings located around the room. This was okay with parents who were confident enough to express their thoughts in writing. However, for parents with lower levels of literacy it was very stressful. To overcome this particular problem, the chair of the meeting did all of the scribing. This was the most efficient and effective strategy.

For academic year 2013 - 14 we decided to continue the IDP process with the 10 pupils previously identified plus the new nursery intake. As a result of our involvement with the process we would like to make the following observations:

- * the process is very time consuming for everyone involved - between 1.5 & 3 hours per pupil. The majority were completed in around 2 hours.
- * this is a significant commitment for members of the school's senior leadership team & other stakeholders.
- * Health colleagues attended most of the meetings in 2012 - 13 but this was not the case in 2013 - 14. This had a significant impact on the effectiveness of the process. During the first year parents were able to discuss their concerns about health provision directly with the professionals. However, during the second year this was not the case and caused frustration and upset for the parents.
- * Communication difficulties caused further frustrations - parents were particularly upset by the lack of information sharing protocols.
- * When the meetings are well attended, the time taken to complete the process is time well spent BUT when there is poor attendance the whole process falls apart.

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐

Legislative proposals for additional learning needs Responses 101-120

ALN102: **Emma Bush**
Caerphilly Educational Psychology Service

Question 1 – New terminology

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

A single term avoids confusion. "Additional Needs" is a more accurate term to describe the needs of young people and is in line with current terminology.

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

Professionals agreed that a separate and overlapping system ending at 16 prevents continuity.

However, there are huge implications with regard to funding 16-25 year olds, effectively doubling the age range local authorities are responsible for, without necessarily increasing funding (either to pay for a young person's support, or, for local authority staff to provide advice, monitor and review provision). There are also training needs for local authority staff in relation to work post 16 in settings other than schools. Furthermore, the local authority would have responsibility for IDPs in institutions over which they have no control e.g. FE colleges. Currently only the most complex young people moving to further education have a learning progression plan which needs to be considered by WG for funding. Expansion of the age range and scope for IDPs (to any pupils who have additional learning needs) has huge implications for local authority systems and funding. It is not possible to agree to these changes without providing information on how this would be funded.

Legislative proposals for additional learning needs Responses 101-120

Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

All learners have the right to have their educational needs met and the ways of

doing this could be contained in an IDP, a single format will be more more easily understood and less less divisive. it appearsm to be less unweildly and expensive than the statutory process, however there would inevitably need to be a system for determining levels of support, agreeing what to and what not to fund. Furthermore how would the criteria for an IDP be detrmined, how would one differentiate the level of support/ intervention or funding offered between the pupils with more/ less complex needs or ensure there is an appropriate and graduated response? It seems likley that in order to ensure equity across schools and for individual pupil's provision, the current system would be replaced by a different set of panels and mechanisms which may be as unweildly as the current system.

In addition, what is the process to ensure that a range of professionals are consulted in response to a pupil with more complex needs or to determine when outside intervention is necessary? It would be important to consider these concerns in the light of the proposals in the draft code of practice for ALN.

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

It is not clear who, within the local authority will hold responsibility for drawing up IDPs and ensuring they are delivered and reviewed. At present the graduated response set out in the code of practice demarks when schools should take the lead in writing and reviewing IEPs (school action) and when schools should involve outside professionals/ the local authority (e.g school action plus and pupils with statements).

We recognise the value in having a continuous system where information does not have to be relayed from one decision making body (LA) to another (WG) when pupils leave school. However, the difficulty in delivering a service, and ensuring the provision set out in an IDP is delivered and reviewed, to a body which is not under local authority direction (e.g FE colleges, 3rd sector) could be problematic.

Unless funding streams, mechanisms for agreeing responsibilities and systems are agreed it could mean FE colleges withdraw their current provision. We note that this may not be any different from the situation of devolved funding to schools.

Again there appear to be funding implications both in terms of the need for increased statutory services (e.g EP's, administrators, panels) and for providing the resources to implement IDPs for a broader age range and broader range of needs. This is at a time where funding to local authorities is already under pressure.

Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

IDPs and continuity of system from 0-25 is only feasible with clear mandatory requirements as above and where mechanisms for funding etc are made explicit. Given current difficulties in establishing responsibility for non education provision, there is concern about the sign up from health into what will be seen as an Education Act, and the level of training required to ensure all bodies and professions are aware of their statutory responsibilities. Organisations other than the local authority should also have a mandatory requirement to be part of the disagreement resolution service.

Legislative proposals for additional learning needs Responses 101-120

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

A young person's needs do not end post 16, however, how these needs are met would be different in different settings. A system which uses a common format will ease transition. The main concern is in regard to providing appropriate advice to a higher number of pupils, in a much broader range of settings, and the funding arrangements and mechanisms for monitoring and reviewing provision.

Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The system of passing from LA to WG is not ideal as information held by one body has to be passed to another which may have different thresholds for decision making. Some information may be lost in the transition process (as sometimes happens when young people move from school to FE college).

However, finding specialist placements in situations where the local authority does not have provision within the authority, or within reasonable travelling distance can be particularly challenging and a broader regional system may offer more flexibility.

At present all placements for pupils of school age out of county are scrutinised and are generally avoided unless there are exceptional circumstances, there may need to be more out of county placements post 16 to accommodate specialist college placements for some pupils. Counties with limited provision post 16 may be unfairly penalised financially due to the increased cost of sending a pupil out of county.

There needs to be greater clarity on who, within the LA would have responsibility for learners post 16 in order to avoid replacing the transition from LA to WG to transition between departments within a LA.

In the case of specialist settings post 16, it must be clear that the local authority includes social services as well as education and there must also be a sign up from health. There need to be clear guidelines to help and support local authorities in determining who is responsible for costs and how all parties should be accountable in the case of disagreements.

Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Registration may need to cover a range of ALN. For example an analysis of an independent school carried out by the LA may deem it suitable for a pupil with social communication needs even though it is not a specialist setting catering solely to pupils with social communication difficulties.

Legislative proposals for additional learning needs Responses 101-120

Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Professionals main concern is that that this will is seen as an education document rather than a multi agency one. Need to ensure LHB sign up and that health have a statutory obligation for health needs identified in the IDP, and having a statutory obligation in the disagreement resolution process.

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

Supporting comments

Shared IT system. Initiatives such as Integrated Service of Children with Additional Learning Needs, Team Around the Family and multiagency forums

such as "complex needs panels" or regional teams already attempt to work in this way.

Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Avoids duplication

Legislative proposals for additional learning needs Responses 101-120

Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Most local authorities currently strive to avoid tribunals through complaints resolution processes. It seems inevitable that these systems will become more stretched by broadening the right to tribunal appeal.

- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

This would be particularly important if the right to tribunal appeal was extended as in section 19, 20, 21.

Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

Whilst the right of appeal for all, irrespective of apparent complexity of need, appears more equitable, the concern was raised that if conflict resolution had not achieved its aims prior to tribunal appeal the LA could be drawn into tribunals over more and more less complex cases. The preparation and time required for an appeal has a huge implications for how resources are managed and could result in decisions based on the need to avoid tribunal rather than on the fair and equitable allocation of resources.

Placing responsibility for appeals for all pupils with an IDP (regardless of complexity of need) whilst simultaneously devolving more funding to schools to determine how to allocate funding to pupils, could place local authorities in a position where they may be directed by an appeals tribunal, to provide a certain provision within a school, but not having the means to pay for it or the right to direct the school to do so.

One can not argue with the need for plans to be person centred and to account for the young person's views, however there is a balance between hearing the "voice of the child" and a duty of care to provide what is in "the child's best interests". To use the words of IDPs in establishing both what is important to and what is important for a young person, and how this is best achieved. Considerable concerns were raised in relation to children's right to appeal. Whilst there should be a requirement that all appeals present the views of the child, having a totally child lead process could have the potential to exploit and even harm vulnerable pupils. e.g. by children being put under pressure to present the views of parents, being placed in an emotionally demanding situation or expecting young people to have the capacity to understand fully the system of how and why decisions are made or to understand the broader picture. Whilst independent advocacy has a place in presenting a child's views, experience has shown that even this can be difficult where a situation has become contentious.

The statutory process, with LA criteria set out for statements of SEN, offers parents and professionals a framework within which to consider if a child is having their needs met in a fair and equitable way. Without clear criteria

demarcating levels of entitlement to be included in an IDP (as in criteria for statutory assessment) it may be harder to benchmark what is reasonable.

Legislative proposals for additional learning needs Responses 101-120

Question 11

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

The White paper does not mention the role of specific professions. We believe Educational Psychologists have a pivotal role in helping schools and the local authority to identify and meet the needs of young people. We are skilled in assessment of needs, are able to sensitively seek the views of the child are experienced in work with schools to establish what needs to change and understand the process of change in complex systems such as a school. (e.g understanding the barriers to change and how to overcome them) We have a broad knowledge of a range of interventions which can support young people and how to support schools in implementing them. We are skilled at working at the interface between schools, young people, parents and the local authority.

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐

ALN103: **Manuel Tippet**
 Royal College of Psychiatrists

Question 1 – New terminology

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The term 'Special Education Needs' certainly has a stigma attached to it and by changing the term to Additional Learning Needs we feel this could help in combatting this, if just in the short term. We also feel that the current process for meeting the needs of those with SEN requires updating and reform. We hope therefore that the new terminology will serve as a marker of moving forward and that the new terminology will not be associated with the old

process of provision.

We feel that by including the term 'learning' (ALN not AN), there is a focus on the educational and training needs of the child and young person. This provides greater clarity regarding which child or young person requires the provision of these services. It gives greater focus on these individuals and ensures that they do not get overlooked.

It is vital that children and young people are aware of and can benefit from education and training that is available to them. Families find the SEN process stressful. The new Code of Practice must ensure that the process is less challenging.

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We feel that by extending the age range, transition from child to adult services will be much smoother. The legislation needs to be clear regarding who has ultimate responsibility once the child has left school (we welcome that the White Paper identifies that Local Authorities are responsible for preparing and implementing IDPs for example).

An extension of the age for IDP and ALN provision to 25 with Local authority lead will have a significant impact on adult ID services. We must ensure that Local Authorities are equipt to do adress issues, cope with the challenges and provide continuity. The code of practice would need to be clear about what is expected regarding implementation and agency responsibilities.

There should be adequate training in place for professionals to ensure that they are equipt to meet the needs of those people in the age ranges, which they do not normally work with.

Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 101-120

Supporting comments

In theory, this would provide inclusive care for all, regardless of the complexity of their needs. It is important to consider the resource implications as this would result in an increase in workload.

It is important to reiterate that the support required should be needs based and not diagnosis driven as often children and young people's presentation may not fulfill diagnostic criteria but nevertheless they still have needs which need to be addressed.

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Again, it is important to ensure that LAs are equipt to deal with the challenges that this will pose, in particular with those children and young people with Intellectual Disability.

Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Mandatory requirements would ensure that there is consistency of good service

provision throughout Wales in meeting the needs of this vulnerable group. It would provide clarity in what criteria must be met and how. We cannot rely on good will.

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 101-120

Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We agree that if the age range for provision is extended beyond the current age of 18. Further Education institutions should be required to secure ALP for an IDP.

Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

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Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Children with the more severe behavioural needs tend to be placed in independent schools away from their home area on a residential basis under the guise of education but in reality as specialist residential provision. If the changes are going to regulate this better to ensure quality of provision, then that is what should be encouraged.

Legislative proposals for additional learning needs Responses 101-120

Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

It is very important for local authorities, local health boards and FE institutions to collaborate when assessing, planning, and delivering support to meet ALN. Similar arrangements already exist in most areas across Wales. We still believe that there needs to be consideration given to the implications of an increase in workload for health (and other) professionals to meet statutory requirements (ie., attending more meetings) and the need to balance these requirements with clinical and other work obligations.

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

Supporting comments

More joint working and training for professionals from all partner agencies

Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

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Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 101-120

Supporting comments

Disagreement resolution arrangements are proven to effectively reduce the number of cases making appeals to Tribunal, saving both time and money. We have identified that current arrangements are not robust and there is a lack of consistency throughout Wales. Therefore, it is important that Local Authorities are required to put in place such arrangements. This can reduce costs and more importantly provide measures to improve relationships between families and professionals.

- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

See response to Question 9.

Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

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Question 11

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Support must be needs driven and have the child's need at the centre of planning and providing support.

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐

ALN104: Wendy Hawkins
Clybiau Plant Cymru Kids' Club

Question 1 – New terminology

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

This is a positive change and is more encompassing than "special" which can be interpreted in different ways. It also does not stigmatise Children and Young People as much as the term previously used. ALN covers a wide range of needs all of which can vary at different ages and stages of development. It is also pleasing to see the age range 0-5 years and post 16 included.

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Yes, we agree as C&YP need support at all stages in their education. In Wales the term young person applies to anyone under 25 and so the new system needs to reflect this. If the new system applies to birth-25 years, then there is a definite need to recognise that children aged 0-5 are involved in a range of formal and informal learning environments and children of school age may attend out of school childcare where their learning needs must be taken into account. Therefore, liaison with the agencies involved in all forms of learning and not just nursery, school or college is essential to ensure a person centred, consistent, individual plan is agreed and implemented. The consultation document recognises that identification and intervention does not always happen at the earliest opportunity and recognises the key role that Flying Start plays in assisting in this. However, Flying Start is currently limited to defined geographic areas and so this is not an all Wales service. The implications are that some agencies may need specific training to implement robust processes and improve transitions. The professionals involved in providing that support will need to receive appropriate training and resources, be involved in the CYP's assessment of needs at key transitional stages so that they can facilitate the achievement of the individual's potential. This would facilitate liaison between different educational environments. A streamlined "handing over" system would help this to work.

Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Yes, but ALL children need an individual development plan from birth - it then may develop and be extended where additional needs are identified. An IDP will also be very time consuming to produce and there was a fear of how the quality and consistency will be assured. Using one plan should lead to consistency across services for children and young people and should standardise interpretation and language used. It should be a live document that can be updated online (possibly with some areas having restricted access where this is in the best interest of the individual?). When the CYP leaves school this plan would go with them to any further education provision or help to with transition to employment.

What needs to be considered here are the other agencies who are involved with CYP prior to starting school and outside school hours and what their involvement in the IDP will be. It is widely recognised that children learn through play - be it through Foundation Phase in pre-school/nursery and then school and also in their leisure time at out of school childcare clubs or at home or elsewhere. A holistic individual plan would involve all of those involved in the CYP's development and places that they attend even when not in school to ensure that the approach is consistent and agreed by all, including the individual. This means that the agencies who are required to develop the plans need to demonstrate that they have considered all aspects of the CYP's learning and development.

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

This needs to be centrally coordinated and standardised so that there is consistency and the ability to cross county where needs can be better met.

Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 101-120

Supporting comments

This makes sense so that there is consistency of approach and interpretation. But these agencies need to be liaising with all agencies who provide 0-5years care and education and informal learning environments such as out of school childcare.

Registered childcare settings are required to follow the current SEN code of practice in order to meet the requirements of the National Minimum Standards, however in practice many out of school clubs do not always have a child's plans shared with them and communication about the child's needs maybe with Parents/carers and the child or young person.

Doea this process join up with Welsh language medium provision?

The guidance referred to below can be open to interpretation and the code of practice should be stronger than 'guidance'.

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Yes, otherwise there is no point in having this in place. The code of practice needs to make this clear. The inclusion of FE means that C&YP with additional learning needs recognises that a person's needs do not suddenly disappear once they have left school. It will ensure continuity and support. Clarification of the term "best endeavours" needs explaining.

Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 101-120

Supporting comments

Yes, otherwise Children & Young People with additional needs will not achieve their potential and will be "lost in the system" with no-one being accountable for their needs being met which would contravene the Welsh Government's seven core aims for children. However, this has funding implications as specialist provision may be costly and this needs to be planned for.

Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Yes, as there needs to be evidence that a school can meet the needs of an individual as set out in their IDP. It needs to be clear how childcare is regarded in this context.

Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Yes, this will help information sharing but needs to take into account all of the different types of further education providers and not just colleges? To repeat the feedback to previous questions, there is a definite need to recognise that children aged 0-5 are involved in a range of formal and informal learning environments and children of school age may attend out of school childcare where their learning needs must be taken into account. Therefore, liaison with the agencies involved in all forms of learning and not just nursery, school or college is essential to ensure a person centred, consistent, individual plan is agreed and implemented. The consultation document recognises that identification and intervention does not always happen at the earliest opportunity and recognises the key role that Flying Start plays in assisting in this. However, Flying Start is currently limited to defined geographic areas and so this is not an all Wales service.

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

Supporting comments

Ensuring that one agency takes overall responsibility for the plan and that there is a checklist of agencies contacted outside formal education. Having the same case worker allocated to a C&YP will support continuity for that person.
Training on the code of practice should be multi agency rather than for individual agencies.

Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

Agree	<input checked="checked" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Yes, this will ensure that the same guidelines are followed and that paperwork is uniform thus increasing efficiency. It will result in a more holistic approach to assessment and individual plans.
There will need to be an agreed lead agency/person

Legislative proposals for additional learning needs Responses 101-120

Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Yes but clear guidance from Welsh Government is needed to avoid different systems across the local authorities so that it is standardised and monitored across Wales

- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

Agree	<input checked="" type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Yes , so that a tribunal is used as a last resort and that an ideal would be an early, local resolution.

Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

This is standard practice and if procedures are set up and followed with appropriate training this will not occur often.

Question 11

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

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Legislative proposals for additional learning needs Responses 101-120

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐

ALN105: Sw Roberts
ESTYN

Question 1 – New terminology

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We agree that there is a need for a clear definition of ALN that is understood by all and that this definition is applied consistently for all children and young people from birth to 25.

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

Whilst we agree in principle, the implications of applying the new system to children and young people from birth to 25 years are wide-ranging. For example, currently, prior to starting school, local authority education departments are involved with only a very few children. These children may have complex health needs, profound and multiple difficulties, hearing or vision impairments.

Extending the age range in a new system is likely to create extra pressures for local authorities, health agencies and providers of post 16 education and training to provide for far greater numbers of children and young people. The proposals do not provide enough information about how services should increase their capacity or meet the costs of meeting additional responsibilities. However, the proposed model has the potential to bring greater

Legislative proposals for additional learning needs Responses 101-120

cohesion of service planning across local authority services and health agencies.

There is a need to establish a statutory duty of co-operation for local authorities, health agencies and other partners to work in partnership and share the costs of providing the services agreed for individuals. It would not be advisable to require local authorities to provide non-educational provision, usually speech and language therapy, set out in part 6 of a statement of SEN, to meet needs identified under part 5.

Regional working models may assist joint planning, but it is unclear how local authorities, health agencies, early years non-maintained and post 16 providers will plan jointly or how they will fund provision jointly.

Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

Agree	x <input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

Agree	x <input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We agree that all children and young people that require individual specialist provision will require an IDP. However, pupils currently on 'school action' who have a group IEP or who are supported through appropriate in class differentiation may not require an IDP.

We agree in principle that the current plans should be merged and that this should make it easier for children, young people and their parents. However, it is not clear how the proposed changes will ensure that needs are identified early and interventions planned and implemented and resourced in a timely or effective way. A system of IDPs may not provide the clear criteria and consistent approach that is lacking under the present system.

Legislative proposals for additional learning needs Responses 101-120

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

d)

Agree	x <input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Ideally the IDP would be a joint plan that is prepared and owned by all bodies involved in providing for the needs of children and young people with ALN. All bodies should have equal responsibility for ensuring the implementation of their associated elements of the plan.

However, unless one body takes overall responsibility for IDPs there is a risk that no one would own them. In the circumstances therefore we agree. However, LAs cannot be ultimately responsible for preparing, delivering or reviewing provision or support that is the responsibility of the health service.

Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree	x <input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

A mandatory requirement for local authorities, schools, further education institutions, local health boards and the tribunal to work in accordance with a new code of practice is essential.

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

Agree	x <input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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We agree that the two bodies that are formally funded to work in support of parents of children and young people with additional learning needs would benefit from clear guidance in line with the changed legislation. The guidance should help these bodies provide up to date and accurate information, advice and guidance, advocacy and sometimes, representation.

Legislative proposals for additional learning needs Responses 101-120

We are concerned that if providers of services are not required to adhere to the guidance set out in the code of practice, local authorities may be compromised in their planning and co-ordinating role. Therefore, it would be beneficial to include other providers such as the independent school and college sector, careers companies, secure children's homes, young offenders institutions and prisons, providers of work based learning, non-maintained early years providers and the third sector providers.

Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

Agree	x <input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We agree in principle that FE institutes should be included, as this would support the longer-term needs of young people. The independent school and college sector, non-maintained early years providers, training providers, youth and criminal justice sector should also be included.

However, the funding system may need to be reviewed and additional financial support and capacity may be required in order to fund this development.

Greater clarity is needed about who determines whether best endeavours have been demonstrated in securing additional support/provision. This is particularly pertinent where, under the proposals, the local authority will be both the commissioner and the provider of services in areas for which it has direct, indirect or no management responsibility.

Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	x <input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 101-120

Supporting comments

We agree that this should be the responsibility of one body. However, it is not clear how the staffing and funding capacity of local authorities will be extended to match the potentially significant increased needs.

Providers other than the local authority should have the same statutory requirements to comply with the Code of Practice. This should ensure that they adhere to the commitments in the IDP.

Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We support in principle the view that local authorities should not place a pupil in an independent school that has not been registered to provide the type of additional learning provision identified in the IDP. There is a need for clarification as to whether schools could increase the range of pupils that they cater for by applying for a material change in the registration status of the school. However, it is not clear what the new registration process will look like. There may be a need to review categories of ALN as well as levels of need. For example, some schools may wish to cater for pupils with ASD, but not those at the severe end of the spectrum.

We welcome the intention to consider including independent specialist colleges in the proposed changes, as there is currently no formal registration process.

There is a need to consider the implications of these changes for Estyn in relation to the annual monitoring of schools or other institutions that cater for learners with ALN. Estyn does not currently have the capacity to monitor a significantly increased number of establishments that would be registered to take pupils with ALN.

Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 101-120

Supporting comments

All those involved in providing support to children and young people should be required to work together to provide a seamless service. However, it is important that all partners meet their statutory duties to work together to ensure that local authorities are not left to provide the services that ought to be provided from other agencies. This is a weakness in the present system and it is not clear how this will be addressed in the proposed system.

- a) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

Supporting comments

Multi-agency partnership working could be strengthened by having shared budgets and integrated planning arrangements. Successful local authority and health partnerships of this type support pupils with very complex needs well.

Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

Agree	x <input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We agree that IDPs should replace or function as personal education plans for children and young people who are looked after by a local authority. Ideally every child or young person that required additional support would have one plan that covers their holistic needs e.g. health, social services and education.

Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

Agree	x <input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 101-120

Supporting comments

This is already a requirement and existing arrangements should be built upon to, whenever possible, resolve any disagreements quickly and easily at a local level.

- a) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal. This would bring consistency to processes across Wales. It would hopefully lead to a quicker turnaround of decisions and avoid unnecessary delays.

Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We agree that the right of appeal to tribunal should be extended. However, we do not agree that the tribunal's right to make an order should relate only to local authorities. This has implications that local authorities will be required to provide services that ordinarily would be provided by others.

Question 11

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

It would be very useful to have clarity about accountability within the local authority

The proposals do not provide enough detail about how the important role of the ALNCo will be developed and supported.

Legislative proposals for additional learning needs Responses 101-120

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

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ALN106: **Caroline Brockhurst**
Teenage Cancer Trust

Question 1 – New terminology

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

Agree	<input checked="checked" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We welcome the move by the Welsh Government to adopt a new term of
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Additional Learning Needs (ALN) in these legislative proposals. This provides an opportunity to review the scope of provision for children and young people in Wales who may require additional support during their time in education up to the age of 25.

It will be important for a clear definition of ALN to be set out which includes children and young people with disabilities, including young people with cancer. Guidance must be provided for children and young people, their families and education professionals on how disabled young people will be included and impacted by the proposed change.

Cancer is a specifically defined disability under the Equality Act 2010, and its treatments and late effects can have a huge impact on a young person's experience of education. However, many young people with cancer, their families and their schools are not aware of their protected status, or its implications on their entitlement to support, and consequently are not accessing the support they need. This is why it's important any new definition clearly includes and explains how disability fits into ALN. Furthermore, the explanation of the additional and/or different support that will be available for those identified as having ALN should also be clear in its application to young people with disabilities such as cancer.

Clarification will also be needed on how provision for those with ALN will interact with other pieces of legislation, including the Welsh Government's guidance on children with medical needs. It will be important to provide details on how young people with medical conditions, such as cancer, will be included and evaluated with the new terminology. The legislation must also reference the medical needs guidance, which is not currently mentioned in the White Paper.

The Scottish Government, in the Education (Additional Support for Learning) (Scotland) Act 2004, replaced the term Special Education Needs (SEN) with Additional Support Needs. At the same time, the definition was also expanded to enable the provision of extra support to include a broader range of children and young people, including those who care for disabled siblings, those being bullied, or those with a disability or health need for example.

We note that the Welsh Government's 2012 consultation paper¹ on proposals to reform SEN put forward the concept of Additional Needs. It also listed a range of young people who may fall within this, including pupils with a disability and pupils with medical needs. We would strongly suggest that when adopting the new term of ALN, the Welsh Government use this opportunity to expand the scope of support outside of the current SEN boundaries and thresholds, and to use a definition more in line with previous Welsh proposals or similar to those used in Scotland.

Legislative proposals for additional learning needs Responses 101-120

The Department for Education in England has recently revised its SEN provision to create a new Code of Practice for Special Educational Needs and Disabilities (SEND). The Code and accompanying legislation applies from 0-25 years old and set out to incorporate both those children and young people currently classed as having SEN, and those young people identified as having LDD. The explicit inclusion of 'disability' within the new SEND terminology in England will help disabled children and young people to recognise that the guidance and provision might apply to them. We would therefore suggest that the Welsh Government consider this approach, and ensure that the relevance of new legislation for young people with disabilities, including cancer, is made clear whatever terminology is chosen.

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We welcome the plans to extend the new system to all children and young people up to the age of 25. Young people with cancer may have to retake school years, defer entry to university, or may wish to change their subject choices as a result of their illness. As a result, they may still be in secondary and further education beyond the mandatory leaving age of 16 and 18, and should not be at greater risk of missing out on provision than their younger peers.

Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We welcome the plans to extend IDPs to all children and young people with ALN. Currently significant numbers of young people with cancer who have additional needs, yet do not meet the threshold for a SEN statement, are outside of the scope of the additional support available in Wales. Providing IDPs to all children and young people with ALN may address this, and as noted in our response to Question 1a we strongly recommend that disability is explicitly included and referenced within the definition of ALN.

It will also be important to have a holistic approach to what is included as 'agreed additional learning provision'. For example, we would advocate including provision of psychosocial support and recognising the impact of medical conditions and disabilities on the wellbeing of young people.

Furthermore, it's vital that future legislation makes clear the link between IDPs and Health Care Plans for young people with medical conditions, or that HCPs are integrated into IDPs.

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We welcome the call for one body, such as local authorities, to be ultimately responsible for ensuring that all stakeholders meet their responsibilities for young people with ALN. Young people with cancer are likely to receive some form of educational support from a wide variety of health professionals which can be confusing, and so a central coordinating role would be a positive step. However, it is critically important that this role is clearly defined to ensure it is successful in practice, and that the lines of accountability between local authorities and other bodies are clear and transparent.

Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The new code of practice should include mandatory minimum requirements for all bodies that will play a role in supporting children and young people with additional needs. This should include timelines for putting support in place.

These requirements should be reviewed and monitored regularly, in order to ensure a national standard is adhered to, and data should be collected and published on all aspects of the new system. A process for addressing inequitable services must be laid out, and this must be accessible to young people and their families.

The code could also include case studies of best practice which reflect the range of children and young people who will be included within its scope, such as young people with cancer. We would be very happy to provide guidance and case studies relating to effective provision and support for teenagers and young adults with cancer.

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

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Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 101-120

Supporting comments

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Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

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Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

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- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

Supporting comments

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Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 101-120

Supporting comments

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Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

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- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

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Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

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Question 11

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Introduction to Teenage Cancer Trust

Teenage Cancer Trust is the only UK charity dedicated to improving the quality of life and outcomes for young people with cancer. We fund and build specialist units in NHS hospitals and provide dedicated staff, bringing young people together so they can be treated by teenage cancer experts in the best place for them.

Cancer is the most common cause of non-accidental death in young people, and five-year survival rates remain lower in teenagers than in children². Through our own research and working with our partners in the NHS, across the UK governments, and organisations both nationally and internationally, we strive to improve outcomes for young people.

Our Education and Advocacy team deliver a pioneering education programme throughout the UK. The programme is delivered in schools, colleges and universities for free, and aims to remove the stigma of cancer and demystify the disease by including discussions on the signs and symptoms of cancer, its treatment, healthy living and the emotional support issues surrounding the disease.

Overarching comment

Teenage Cancer Trust have been supporting and advocating for young people with cancer for over 20 years, and, as world leaders in the field of teenage and young adult cancer care, we welcome the opportunity to comment on this consultation.

We applaud the Welsh Government for reviewing their provision and support for young people with additional needs, as cancer, its treatments and late effects can have a huge impact on a young person's experience of education. We particularly support moves towards an approach for all young people aged 0-25, and plans to offer ICPs to all young people with ALN. However, we feel that it will be important for future legislation to include clear definitions and accessible explanations of which children and young people will or will not fall

under the remit of ALN. It will also be vital to lay out clear lines of accountability for the different bodies who may be involved in providing or coordinating this support.

Around 2,500 young people are diagnosed with cancer each year across the UK. In Wales approximately 114 new patients will be diagnosed annually, while around the same number again will continue to receive care for cancer or relapse³.

Young people have told us how the impact of cancer on their education is a concern for themselves and their family, and how retaining the normality of education as much as possible becomes a priority, often from the point of diagnosis⁴⁵.

Cancer is a specifically defined disability under the Equality Act 2010, yet we know that many young people, their families and their schools are not aware of this status, or its implications on their entitlement to support, and many young people with cancer are not currently accessing the SEND support they need. Despite this, their cancer, its treatments and late effects can have a huge impact on a young person's experience of education.

Treatment for cancer may involve young people being absent from education for significant periods of time, and attendance can continue to be irregular up to 3 years after diagnosis⁶. Some young people with cancer will return to school or further education while continuing with treatment, while others may complete their treatment and return to school once in remission. For these young people their need for additional support in education does not end once they have completed their treatment. For example, for young people returning to school following cancer treatment on-going cognitive effects can include a reduction in memory, information retention and organisational ability. Physical consequences might include amputation and chronic, on-going fatigue. While some of these effects are immediately visible to teachers and other pupils, others, such as fatigue, are less visible or less well known, and all are likely to require additional support long after treatment for cancer may have concluded.

80% of teenagers and young adults with cancer now survive for five years or more, and so the numbers seeking to return to or remain in education are only set to increase⁷. It is therefore vital that young people with cancer in Wales

have access to appropriate support within education for their additional needs at the time of their diagnosis, during their treatment, and post-treatment.

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

☐

ALN107: Alison Harris
Voluntary Action Merthyr Tydfil

Question 1 – New terminology

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- Yes, the term Additional Learning Need (s) is a good idea particularly for the children and young people who have fewer but not lesser needs; that understand the terminology and the implications of classification or 'labelling'

and feel stigmatised by the term 'Special Educational Needs'. Additional support, which is equally important to each individual, should become more accessible and available to those who need it. Providing the process also follows suit i.e. becoming more accessible and available it should make additional support a much more equitable prospect for learners across Wales. There were two additional points that the parents wished to make:

- Should the term be Additional Learning Need? Using the plural Additional Learning Needs implies that in order to qualify for additional support the individuals would have more than one educational learning support need - if this was the case, then as with the current process, only those with more complex needs would benefit from the new system.
- All of the parents agreed that the new term was much more 'user friendly' and more appropriate for many more children and young people and although they did not wish to further complicate the new process, they also felt that there are cases where 'special' is appropriate. Parents of a child with very specific health conditions, needing nursing care whilst learning, felt comforted by the term 'special' which implies that unique, specific and specialist support would also be considered and provided in the most complex cases.

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- The group agreed that the new system should apply to 0-25yr olds. The prospect of early intervention providing early support for those who would traditionally encounter difficulties in their learning would alleviate the problems relating to their specific difficulty that transpire later in life.
- There was also full agreement to extend the age span to 25yr olds as this would support those who need additional support to access Further Education and Training into early adulthood. This provision should enable many more young people to successfully access education, training and employment enabling them to become more independent adults.
- In addition to this; at present there are many young people who for example have dyslexia, speech language and communication needs etc. and have 'slipped the net', leaving school with disappointing GSCE results a good percentage of these are NEET or populate our prisons and Penal System. These young people consider themselves a failure and do not realise that it is our

current system that has failed them, when the new system is set up, hopefully, it will still be possible to persuade them back into education, training and gainful employment.

Implications for Professionals:

- Although in most cases, a diagnosis can be a helpful indication of a child's future learning needs, parents have experienced delays and misdiagnosis relating to conditions such as ASD which have had a negative impact on their child's assessment of learning needs. There seems to be particular tensions between 'Health' who are reluctant to make a diagnosis at an early stage and education that in many cases is keen to put together learning support for children. The flaws in the current system should be closely examined and processes put in place to ensure that there is no negative impact, the child should receive support in his/her current presenting needs. A child with a language development need should not be prevented from accessing a 'Language Unit' or provision if their main need is language, just because he/she did not meet the criteria for ASD for example.
- Transition between provisions must be managed smoothly in order for the child/ young person to continue to benefit not be set back. Professionals must share appropriate information prior to handover and in good time to support seamless transition; giving the staff and pupils involved time to get to know each other and to adjust to new people, settings, provisions and methods of support.

Multi-agency working must include:

- G.P's where there is a health need particularly at the start of the new process. There is a concern that learners post 16 are considered adult in some services and that information would not otherwise be shared where the young person's mental health or other condition would have an impact on their ability to learn.
 - Other Professionals such as social workers or key worker where appropriate, to support parents with learning difficulties or other barriers to engaging with the process using a Team Around the Family approach.
- Training:

- To enable professionals to develop the skill of simplifying or explaining jargonistic terms. Currently parents feel that they have to sit through meetings with professionals who use or overuse jargon making it very difficult for them to engage in the discussion. If the new process is to work effectively, engaging parents and children in the process, professionals must be made aware that, using jargon to parents who have little or no understanding of the terms is not appropriate. Parents have stated that having a child with an additional learning need is bewildering enough without having to sit through meetings having little understanding of what is being discussed.
- Parents have had experience of teachers in mainstream settings seemingly reluctant to engage with pupils with ALN, leaving the LSO's to provide the child with their education. This is not appropriate as the LSO's are unqualified in the teaching profession
- Concerns are also raised around turnover of LSO staff. While training in ALN is welcomed for all staff, turnover in LSO staff is high and there is little time for staff to get to know a child and develop a relationship of trust with

them before they are moving on. This can be disruptive and detrimental to the progress of a child who needs to build trust in order to benefit from support.

Time:

- The proposed system could work well if the correct amount of time to listen to parents and children/ young people is allocated to an IDP review. It will not work if the process is rushed or considered a waste of time.
- Must be given to co-ordinate a multi-agency approach to an assessment and continuing assessment of ALN. Using a keyworker or TAF where appropriate will help identify other issues families might be facing such as urgent hospital or other appointments as opposed to reluctance of the family to engage.

Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- Yes, it is agreed that the implementation of IDP's for all will be positive to ensure children and young people have equal opportunity to receive the help and support they require. However there are some concerns about how this system will operate. In terms of review of IDP's concerns are raised over whether this be made on an annual basis and who will have responsibility for ensuring this is carried out in a timely and thorough manner? Will children/young people who do not currently qualify for a 'statement' but may be in receipt of a Note in Lieu now have to apply for an IDP to ensure they receive the support they need? Will they automatically qualify for an IDP or is there a risk that allocation of resources to develop an IDP will mean significant delay for children/young people who are assessed as having less immediate need? This proposal also suggests responsibility on the school or education provider to apply for an IDP or for additional support. How will this be

organised and can we be sure that education providers will have the resources to do this. In order for an IDP to be successful it is also suggested by us that it should be a legally binding document to ensure it is supported and implemented properly by everyone involved in its delivery. From a parent or care giver's perspective ensuring the process is transparent and that they are involved and informed at all times is extremely important.

- Parents report that terminology and reference to varying plans and support mechanisms (PEPs/IEPs etc) can be confusing and that one single approach will promote understanding and ensure equality and consistency of support, especially to young people making the transition from secondary to further education. Parents report that at transition stage (14 years plus) there is little information offered about potential next steps and they often feel that guidance and support is lacking. Miscommunication is an issue and it is suggested that a new approach of asking parents for their input can give education providers a valuable insight into the child/young person which could aid them in making progress. Parents report that if circumstances lead to a withdrawal from school for any period of time then there is little monitoring of the young person or productive dialogue with the education provider. They would welcome the opportunity to have input at this stage also. Delivering support through a single IDP mechanism will ensure all parties and service providers involved in this process are familiar with the method of support and what this means for the young person. It will promote understanding of the process and be a step toward consistency of support from primary/secondary education through to further education.

Legislative proposals for additional learning needs Responses 101-120

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

• Yes, this is welcomed but it is strongly suggested that Local Authorities should support the funding of an employee who can offer support, guidance and sign posting to parents and care givers of children with additional educational needs who may benefit from an IDP. At present parents often find that services do not work well together, information is not shared and there is a lack of clear leadership around ensuring plans are delivered and reviewed. Having one body essentially responsible for delivery and review will mean IDP's are more likely to be a success and that the process will be clearer. Main

concerns are around how local authorities will be monitored to ensure that they are fulfilling this new role. Cost implications are also likely to be higher, especially to ensure IDP's for young people up to age 25, funding to support all resources must be in place to ensure local authorities can meet their long term commitment.

Legislative proposals for additional learning needs Responses 101-120

Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- Yes. All providers should be subject to the same code of practice to ensure a high standard of support and consistency of delivery.

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- Parents of children entering transition phase from school to

college/further education setting agree that consistency of provision through to further education will ensure young people receive the support they need. Parents question whether young people would be placed with a FE institution which could not provide adequate provision according to their IDP anyway? However there is concern over the term 'best endeavours'; does this suggest a 'get out clause' and that school may be able to justify poor performance or lack of support by indicating it was a 'best endeavour' at a particular time.

- Training - Teaching qualifications for FE Lecturers should also include a module on ALN this will give lecturers a better understanding of student needs and in terms of equality should enable all young people to access their choice of courses.

Legislative proposals for additional learning needs Responses 101-120

Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- Yes. If a young person has an ALN, that without support would affect their ability to access training, then it is critical that the support follows them. With that support there is more chance that they will gain employment and become more independent. Research has indicated that gainful employment supports better health and wellbeing, so in terms resources, this will in the long term be a beneficial and cost effective solution.

Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- Yes. Children/young people should only access facilities which are assessed as having the resources to fulfil their IDP. Concerns were raised over the ability to monitor this within Language / Faith Schools and establishments which are not accountable to the LEA. How will the local authority be able to ensure children attending these schools, who may have ALN, are receiving the support they require? (these facilities are often provided in another county or local authority area to the child's home)

Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- Yes, all partners should be required to cooperate and share information, but a major concern is how will GP's, as standalone partners, be encouraged to commit to a multi-agency partnership approach? It is essential that in order for IDP's to meet needs effectively that they are drawn up with full facts and up to date information at hand and this requires a commitment from all involved. Without this and without regular communication between partners there is a risk that important information will be missed and that IDP's will be made without consideration of the individual as a whole. With the cuts and demands on partners can we be assured of their support?
- A local authority role co-ordinating support, advice and sign posting for parents and care givers, could strengthen multi-agency partnership working by creating a single point of contact linking in all services and promoting information sharing processes - this Key Worker type approach is currently being established for other services through Families First. At present no such role exists to bring together the professionals in this process and responsibility is very much on families to seek support and further information at what can be a difficult and vulnerable time.
- Parents and care givers also report that upon diagnosis there is an evident lack of information or guidance offered by the local authority or schools on clarifying processes; options for families; and where or who they can turn for support. Parents suggested that families would benefit from having access to information leaflets or sign posting advice at the earliest point in the process and that, schools are best placed to deliver this information directly to

parents.

- Concerns are also raised over consideration of siblings. Local authorities/schools often fail to recognise the impact of supporting a child with ALN has on siblings and the wider family. This can mean siblings often fail to receive the support that they may also need. A young carers' register should be implemented in all schools to ensure information could be shared appropriately among services; and that schools recognise siblings of children/young people with ALN and in due course ensuring they receive any additional support they may need.

Legislative proposals for additional learning needs Responses 101-120

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

Supporting comments

It was suggested that the new legislation follows a joined up approach with the new 10 year Mental Health Strategy for Wales - Together for Mental Health. Bringing the two together will focus on positive outcomes and promote resilience for carers and families. The MH Strategy focusses on recovery and enablement - improving attitudes avoiding stigma and discrimination. Siblings' mental health can be affected by the trauma of diagnosis and living with a brother/sister with a disability, bullying and discrimination can occur in schools which can affect the child's ability to concentrate and learn. Parent and carers mental health is most likely to be at an all-time low - implementing both processes TMH and IDP should help to make a positive difference.

- It is also very important to recognise that when a process such as diagnosis of a child is implemented, for parents, the news can be devastating and consequently starts the grieving process. Depending on a multitude of other occurrences the path then followed could be of a normal grieving process or abnormal grieving process - leading to mental breakdown. Early intervention or signposting to appropriate third sector organisations/services in a timely manner could make all of the difference to the parent/carer/families ability to put in place coping strategies for future use.

Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- Yes, to ensure equality among all children and young people a single plan is a good idea. However it is recognised that where children have additional issues or emotional problems there must be the opportunity for this to be a consideration in their overall plan.

Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- Parents and care givers report that disagreement resolution arrangements are in place and can work effectively for families. However there is little guidance through time consuming and complicated process. The policy and jargon involved in this process is often very difficult for parents and care givers to understand and without support they can often feel 'out of their depth'. Parents and care givers are keen for any new plans to make this process easier to understand and to follow.
-

b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

As above. Due to the complexity of the current process parents have used and acknowledged the exceptional support offered by organisations such as SNAP Cymru, but this organisation relies on Local Authority funding which has been cut drastically. Parents fear that cuts to services such as this will have a detrimental effect on families leaving them with no-where else to turn. Will there be opportunity to ensure funding for supporting third sector organisations in this new process?

- There is a suggestion that child advocates would be a productive and positive addition to the process; at present there are no education specific child advocates.
- Use of local CVC's to promote advocacy services and sign post to support is also suggested.

Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- An extension to the Right of Appeal is welcomed
- Lack of support to understand this process is an issue however and many families would benefit from having someone to guide them through this.
- A big issue for parents is that there are no longer any Legal Aid providers for education within Wales. Parents who wish to pursue a tribunal face having to travel to England or to find the funds to pursue any action. For many parents restricted by their circumstances, this is not an option; and can make the family more vulnerable.

Question 11

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

- The current system for many people is dire; parents, children, young people, have been let down and treated very badly and inappropriately by professionals e.g. Diagnosis by letter - with no follow up appointments; no signposting to other services such as third sector organisations that could provide support; and no access to services that could make massive differences to a child's future prospects (Early Intervention).
- Due to these circumstances parents feel that they have been pushed to 'fight mode' and have to fight for everything that their child or young person should be entitled to. Parents of children with ALN do not wish to be perceived as unreasonable, but unfortunately due to the way they have been treated many have been labelled as so. This is a very unfair perception as they have their child's best interests at heart, want equality of access and the best opportunities possible for their child; all of which should be available for any child with or without additional learning needs. The new system shows promise that this would be a better method of achieving this.
- It is highly commendable that the Masters in Education should include a module on ALN, but it would be beneficial to extend this to the Bachelor's Degree and to the Teaching Certificate covering all age categories. i.e. PGCE/Cert ED. This would then alleviate the problem of re-deployment of untrained staff and should promote equality and a much fairer system for pupils and students with additional learning needs.

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐

Legislative proposals for additional learning needs Responses 101-120

ALN110: Peter Jones
Guide Dogs Cymru/Blind Children UK Cymru

Question 1 – New terminology

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Guide Dogs Cymru supports a change of terminology. We recognise that the current lack of clear criteria has resulted in an inconsistent approach between local authorities and has not protected the provision required to address less complex needs, such as those of children who have a visual impairment, but no other needs. For example, we know that staffing levels of Qualified Teachers of Visual Impairment (QTVI) vary across Wales: in September 2014 there will be only 1 FTE QTVI for both Pembrokeshire and Ceredigion, whereas in Powys there will be 1.9 FTE. Clearly this is inconsistent.

Guide Dogs Cymru are very concerned that currently blind and partially sighted children and young people are not getting enough support with learning to allow them to benefit as fully as possible from the education or training available to them, and that this is having a long-term impact upon their lives. The White Paper states that the learners captured by the definition of ALN will include all of those currently regarded as having SEN, as well as encompassing young people up to the age of 25 who are currently said to have LDD. This must include all children and young people with sight loss.

Current case loads in Wales indicate there are over 1600 blind and partially sighted, up to the age of 16, learners in Wales. The majority of these are educated in mainstream settings. We suspect some children are missed due to a lack of sight screening in schools. One of the difficulties faced by pupils who are blind or partially sighted is that they have a low incidence disability which teachers often struggle to address. Problems identified by research include a lack of understanding by mainstream class teachers of the impact of a visual impairment, poor planning by teachers and an inability of schools to fully meet children's specialist visual impairment needs. Although some of these problems can be addressed through empowering classroom teachers, there is a need to retain and support a specialised teaching workforce (Qualified Teachers of Visual Impairment) to provide specialist teaching (e.g. Braille and accessing the curriculum through tactile, low vision

techniques and technological means).

The potential effect of even a relatively moderate vision impairment is significant, and children and young people will typically require access to:

- regular input from a qualified teacher of pupils with VI (QTVI), both for direct teaching of specialist skills (such as learning to read and write through braille) and for advisory work;
- provision of technical equipment;
- personal in-class support, such as a Teaching Assistant;
- ongoing adaptation of resources;
- consistent funding by Local Authorities for low vision assessments and prescription of aids;
- mobility training and independence skills, including daily living activities;
- support for social and emotional development;
- support for parents to promote the learning and wellbeing of their child .

It is critical that children with sensory impairment are guaranteed access to support under the new legislation. Severe vision impairment or blindness can substantially delay early childhood development and learning, with some children following an atypical developmental pathway; the potential effect of even a relatively moderate vision impairment is significant, especially in combination with other SEN. Thus we would expect that all children and young people who are eligible for medical certification as sight impaired would be entitled to an Individual Development Plan, and that the definition of ALN in the Bill and associated codes of practice will include specific reference to visual impairment.

It is important that support is provided in the early years if we are to encourage appropriate long term development. While we support the change of terminology, we regret that the terminology has been narrowed from the previous proposal of “Additional Needs”. It is essential that the needs of children and young people with disabilities are considered holistically, and we feel that the former proposal of “Additional Needs” better reflected this. Children and young people with visual impairment need specialist support to acquire life and independence skills, both in education and more widely.

Guide Dogs Cymru often hear of inconsistent provision of mobility training, because it doesn’t fit clearly within any single agency’s responsibilities. It’s critical that an IDP acts as a coordinated plan that identifies which agency will deliver the support identified, particularly around habilitation (which includes mobility, orientation and independence training), and ensures more seamless and consistent support for individual children and young people.

Legislative proposals for additional learning needs Responses 101-120

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree	<input checked="checked" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We support the proposal that the new system should apply to children and young people from birth up to the age of 25.

Most blind and partially sighted children are born with their vision impaired: approximately two thirds of children with severe vision impairment and blindness are diagnosed before their first birthday (Rahi and Cable, 2003). If babies with a visual impairment are not identified early and intensive health and education developmental support provided in the first two years of life, the development of their social and communication skills can be seriously impeded (Dale and Sonksen, 2002). Blind children, in particular, need high levels of specialist input to address crucial needs in their cognitive development, communication, social and independence skills (Perez-Pereira and Comti-Ramsden, 1999). Thus it is vital that the new system should apply from birth. We also welcome that the Code of Practice will provide guidance to professionals on the early identification of children with ALN including those below compulsory school age. However we would like to see greater detail about how the IDP process will work for this age group, and would welcome further discussion of this issue.

We also welcome that the new system will extend to the age of 25. Children and young people with sight loss can experience serious difficulties in the transition period, and need support to manage the changes in their life and when leaving school. It is a positive step that local authorities would be responsible for ensuring that transition planning arrangements had been put in place, even for those young people who take up post-16 opportunities outside of school or FE (eg higher education or work based learning). However, Guide Dogs Cymru are concerned that without further guidance, local authorities will make decisions based on cost, rather than the best transition for that young person. For example, referring them to a general college within their local area, rather than to a specialist residential college where they will be able to access specialist support. We would also stress that young people must have the right to appeal decisions made about their transition.

For specialist post-16 provision there is a case to ring fence existing funding transferred from the Welsh Government to the Revenue Support Grant. This will ensure that Local Authorities do not have the opportunity to divert funding to other priorities.

Evidence shows that if young people with vision impairment, with and without additional disabilities, are to be equipped with the skills required to succeed in post-school settings, a greater emphasis is required during schooling on developing their independent learning and habilitation. Information and guidance should be provided to young people while at school, and to their parents, about the options available, including Access to Work. Young people with additional needs making the transition from residential settings should also have the support of a dedicated transition worker. We would wish to see greater detail about arrangements for supporting young people through transition contained within the Code of Practice.

Guide Dogs Cymru is keen to see that there is joining up of the journey from school to employment, and for those with visual impairment and complex needs, that there is a pathway into a future that promotes independence and gainful activity. To achieve this, support systems, such as the family support provided by Blind Children UK Cymru, need to be put in place to prevent young people becoming socially isolated and not in education, employment or training (NEET) when they leave education.

Blind Children UK Cymru (part of the Guide Dogs Group) deliver a range of services, comprising practical and emotional support, information and advice on a range of issues including education and access technology, mobility and life skills training, access to grants for technology and equipment, recreational activities and the production of large print books. At the moment the White Paper is weak on how these wider wrap-around services will be delivered to children with visual impairment eg how will a child with visual impairment be supported in a cookery lesson? It is vital that guidance around the new IDP makes it clear that the wider habilitation needs of the children and young people are always addressed and most importantly sets out who is going to deliver what by when.

Implications for the professional involved

Guide Dogs Cymru are also concerned that there are not enough QTVI's in Wales and supports RNIB Cymru's concerns about this issue which is set out in their consultation response.

Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 101-120

- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

2(a) Guide Dogs Cymru believe that it is essential for all young people with sight loss (whatever the severity) to have a statutory entitlement to support. Thus we support the proposal that all children and young people with Additional Learning Needs should be entitled to an IDP.

Since 80% of learning comes through our sight, it is essential that the needs of learners with sight loss are recognised and that programmes to support their holistic development are put in place. Guide Dogs Cymru is concerned that the group of young people with sight loss that is deemed a less severe additional need has been overlooked in the past, whereas they too need support, particularly through times of transition and change. The proposed new system must also offer them support by ensuring they are entitled to an IDP, not just those with more complex needs.

Regular review of an individual's IDP will be critical to ensure that it reflects any changes to a child or young person's support needs. The White Paper states that the timescales for producing and reviewing IDPs will be contained within the Code of Practice, however we believe that this information would be better placed on the face of the Bill, alongside other key information about IDPs (as set out in 1.3.4, on page 21 of the White Paper).

We note that previous proposals had suggested a web-based tool for IDP. We would stress that a system for IDP that relies on access through the internet has its own complications for people with sight loss. If this approach is adopted, attention should be given to ensure that it is fully accessible to people with sight loss (whether they are the child, parent or professional involved), including through screen enlarger, Braille and screen reader technologies.

2(b) We agree that this will ensure a fairer, more consistent and more transparent approach, and avoid unnecessary and time-consuming duplications of similar assessments.

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- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We agree that there must be accountability for preparing IDPs and the delivery of ALN provision, and that this should lie with the local authority.

Guide Dogs Cymru believe that multi-agency working should be a requirement of producing an IDP, and that the local authority should have responsibility for ensuring this happens. The Code of Practice should include guidance that in the actual production of IDPs and delivery of provision, there must be collaboration with health, social care and third sector professionals who may also be involved with the individual child or young person, and the roles of different agencies must be clear.

Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

A Code of Practice is central in determining the success of these reforms. Thus it is critical that it contains mandatory requirements. Guide Dogs Cymru believes it should cover the joint aspects of education, health and social services delivery.

The Code of Practice should set out that multi-agency working is a requirement, and set out clear duties for the different agencies involved. At the moment, multi-agency working should be happening, however the experience of families of children and young people with sight loss demonstrate that this is variable across Wales.

The detailed mandatory minimum requirements for information required in the IDP must include the necessity to record sensory impairment as an additional need, even where it is not sufficient to be recorded as a primary or secondary need.

Blind Children UK Cymru would welcome the opportunity to work with Welsh Government on the wider detail of the Code of Practice, especially on how to

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promote multi-agency working. Our habilitation training teaches young people with sight loss crucial movement and living skills so that they can achieve independence in their daily lives – from catching the bus to making their own tea or safely crossing a road. Fifty seven per cent of families we support feel that the lack of professional support available is a major barrier to their child's development.

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Blind Children UK Cymru would support this proposal only if the provision from other bodies is funded by the local authority. The voluntary sector should not be used as a cheap way of servicing the need.

Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We agree that FEIs must be included alongside schools, maintained nurseries and pupil referral units. It is crucial that blind and partially sighted young people can continue to access support with learning in further education institutions. Guide Dogs Cymru would expect FE institutions to secure the additional learning provision that a student needs to continue their education. Without this, there is the risk that blind and partially sighted young people will be excluded from further education.

However, we have serious concerns about the use of the term "best endeavours", as we understand there to be little consensus about the interpretation of in practice. The terminology that is used must clearly set out responsibilities. It is critical that responsibilities are clearly defined and can be evidenced, measured and tested. There must be a proper mechanism for holding statutory bodies to account. Without this, we are concerned that differing interpretations will lead to variation in local

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practice, with consequences for the provision of support for a child or young person.

Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We would support this proposal. We note that the Children and Families Act proposals in England has introduced a provision for those on apprenticeships to have Education, Health and Care Plans. We would advocate that the IDP will also cover apprenticeships and how this will work in practice. These IDPs will also need to ensure that habilitation support is always provided when an ongoing need has been identified.

Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Children and young people with VI should only be placed in a school that is able to meet their needs, including in terms of appropriate staff training, curriculum access and the physical environment. Particular attention also needs to be paid to ensuring that children are able to participate in the wider aspects of learning and enjoy full social, as well as educational, inclusion.

We would also like further clarity on how this proposal will relate to proposed placements in specialist schools in England. As there is no specialist provision in Wales for visually impaired children and young people, some access provision in England, such as the Royal National College for the Blind in Hereford. It is vital that

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local authorities are not prohibited in placing a child or young people in these independent facilities where these are demonstrated to be in the best interest of the learner. We are concerned that local authorities may see this as a money saving exercise and that the specific learning, social and independence needs of the learner will therefore not be met.

Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Guide Dogs Cymru agree that requirements for local authorities, health boards and further education institutions to cooperate and share information in assessing, planning and delivering support to meet ALN are necessary. We are pleased that the White Paper states that “Local authorities would be required to consider the advice, information or views of other agencies when preparing, implementing and reviewing an IDP”. There must also be clarity about pooled budgets especially when voluntary mergers of Local Authorities take place prior the implementation of the “William’s Report”.

This requirement must also cover social services, who have a key role in providing skills such as orientation and mobility training for blind and partially sighted children and young people.

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

Supporting comments

Multi-agency partnership working could be strengthened by having a set of principles for all organisations to sign up to such as transparency, co-operation, child-centred, knowledgeable and mutual respect so that all agencies have commitment to working in this way. Specialist organisations in the third sector such as Blind Children UK Cymru have much to offer in terms of multi-agency partnership working. Building partnerships with local authorities and other local organisations is key to the delivery

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of our services for children and young people. We want to increase and supplement the services that are currently provided rather than to replace existing services or duplicate them and seek to support CYP's in the best ways possible equally with other agencies.

Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We see merit in avoiding duplication and considering how the IDP could also replace other plans or assessments for children and young people.

We would also like to know how the IDP might function alongside other assessments, in particular the new assessment process for care and support that will be introduced under the Social Services and Wellbeing Act, which we anticipate will require local authorities to consider a child or young person's wellbeing, including education and training, as well as physical, intellectual, emotional, social and behavioural development.

Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We agree that local authorities should be required to put in place disagreement resolution arrangements, and support the principle of delivering quick and straightforward solutions to disagreements about additional learning provision. We believe that the Code of Practice should specify timeframes within which disagreements must be resolved or, if they cannot be resolved, progress to tribunal. Information about the process for resolving disputes should be readily available, and

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must be accessible and transparent.

To ensure oversight of the effectiveness of disagreement resolution arrangements, there should also be monitoring of disagreement resolution arrangements. This information should be made publicly available, with due regard for the need for individual confidentiality. For example, it might be helpful to monitor the numbers and categories of disagreements that go through this process. If a local authority was recording a high number of a particular type of disagreement, for example, it may be indicative of a wider problem.

- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

We would suggest that if there is a clear breach of legal duties by the local authority then there may need to be an ability for a case to go directly to tribunal. However, in the majority of cases we would expect that it would be appropriate to use local complaints processes first.

Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

It is inevitable that there will be times when families and statutory authorities will disagree on a child or young person's support needs. It is, therefore essential that appropriate rights to appeal are in place for when these disputes cannot be resolved, and that there is equal entitlement to an appeal.

Legislative proposals for additional learning needs Responses 101-120

Question 11

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Specialist staffing and resources

There must be adequate resources available for blind and partially sighted learners. We consider it a fundamental right that blind and partially sighted learners are able to access the curriculum on a par with non-disabled learners. This means having educational materials in a format they can access (braille, large print, audio or computer based), in a physical environment that promotes independence as we have already mentioned. Consideration needs to be given to how this is funded.

Portability of IDP

It would be helpful for the legislation to set out expectations about the portability of IDPs. If a child has additional learning needs, these are unlikely to change substantially, regardless of which area in Wales they live. We would anticipate that children should be able to access a similar level of support across Wales, and thus that an IDP should be portable.

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

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ALN111: **Devra Applebaum**
Coedcae School, Llanelli

Question 1 – New terminology

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- More appropriate terminology which takes account of barriers to learning including social deprivation, medical as well as learning difficulties.
- Clear guidelines needed for consistency - what is an additional need and who should it include?

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- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

- This should depend on the needs of the young person.
- At 18, the pupil will move from child health to adult health services - will the actions identified on an IDP be mandatory on adult services?
- The LA may not have responsibility for all young people at the age of 25 but still have mandatory actions and funding liabilities.
- Pupil needs at 19+ have different implications - the legislation does not include universities with the same mandatory guidelines.
- More flexibility dependant on age and need should be considered.

Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- Clear guidelines are needed to ensure consistency on including pupils on a school AN register and therefore needing an IDP
- The time implications for schools drawing up an IDP for all SA/ SA+/S pupils is considerable if they are to be meaningful and reviewed regularly as appropriate.
- The role of the ALNCo need to be considered as part of the IDP process.

- Schools currently use group IEPs - will the needs of all pupils be addressed if there is a need for individual IDPs?
- Clear guidelines need to be established at LA and school level - if the needs of the pupil have a funding implication, budgetary and leadership considerations need to be considered with a whole school perspective. Who will have responsibility for making these decisions.
- IDPs should be drawn up with all involved parties but it may not be feasible for health, educational psychologists etc to attend all meetings for all pupils. More consideration needs to be placed on assessment and information gathering as part of the process.

Legislative proposals for additional learning needs Responses 101-120

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- The need of the pupil post 19 will not necessarily involve the LA.
- The drawing up of an IDP for colleges, universities or specialist provision should be a different process otherwise this may be too complex.
- The responsibility of drawing up an IDP should be that of the school not the LA as this would be too unwieldy. The LA has a role to play in the process but it should be led by the school who has more knowledge of the needs of the child provided that ALL involved professionals are involved.

Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- Within the mandatory requirements there needs to be clear and consistent guidelines so that school can make appropriate decisions based on the needs of the young person.
- Funding implications can create difficulties and possible conflict.
- There needs to be a clear prescriptive Code of Practice so that parents and

schools are aware of the procedure and accountability.
- Local health bodies need to have mandatory responsibility for e.g. occupational health, Speech and language therapists, physiotherapists etc.

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- The wording 'best endeavours' could create loopholes - if actions are mandatory for schools, then these should be the same for all institutions.
- Equality at KS5 should be mandatory regardless of whether the young person attends a sixth form, college or specialist provision.

Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- Post 19 provision is not within the control of the LA and therefore it is not always possible for them to ensure and monitor the provision.
- Is the provision outside the FE sector bound by the same mandatory guidance as schools - this needs to be clarified.

- More need for extending the training for IDPs

Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 101-120

Supporting comments

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Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- The wording should change 'be required' to 'must' as this needs to be mandatory if the IDP is to reflect the holistic needs of the young person.

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

Supporting comments

- Key workers should be identified and have accountability..

Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- This will pull together all the needs and provision required. Currently the process is too patchy.

Legislative proposals for additional learning needs Responses 101-120

Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- Essential to ensure that the parents accept the provision and also that the schools fulfill their obligations.
- Clear criteria should be set for these disagreement resolutions - who will be on the panel, accountability etc.

- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

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Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

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Legislative proposals for additional learning needs Responses 101-120

Question 11

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

- No clear guidelines on the role of the ALNCo which is at the heart of the legislation and the implications for schools.
- Budgetary considerations - clear guidelines need to be provided.
- More details should be considered on assessments required.
- If formal diagnosis of ASD is not essential, more guidelines should be provided for schools
- Assessment for dyslexia needs to be formalised and updated.
- No mention of Provision Maps to identify available actions within a school and to demonstrate appropriate use of resources as part of the IDP.
- What are the obligations to maintain the provision as on the IDP when a pupil moves schools and on transition (KS2 to KS3 / KS4 to post 16 education)?
- Obligations on mainstream class teachers needs to be clarified.

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐

ALN112: **Keith Brelstaff**
 Powys County Council Schools Service

Question 1 – New terminology

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The term 'special' educational needs always implied difference and separation. 'Additional' suggests the same needs as everyone else but with additional facets that need to be responded to.
A clear definition of what ALN means and who is included would be helpful, for example ALN is used currently to describe vulnerable learners such as those

with poor attendance, English as a second language etc. If ALN is to be used to describe those who have access to the curriculum as their core and relatively permanent need, then they should be distinguished in some way from other groups within the wider population of what may best be described as 'vulnerable learners'.

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Preparation for adulthood is a major source of stress for young people and families, and the move to 25 provides a measure of protection during the transition to adult services where different ages of adulthood apply.

The risks are that that young people will see remaining in education or training as an entitlement and this will conflict with the colleges obligation to provide programmes where progression is clear and individual achievement part of a pathway. Local authorities will be therefore attempt to cease the IDP when the college say they cannot continue to provide, and this will be challenged in tribunal where if successful the LA will be obliged to provide. In summary there is a real risk of a clash between ALN legislation and FE funding regulations.

The other real and obvious issue is cost. Who will provide for this increase in demand for needs lead services that are currently resource lead when the Statement ceases/lapses? Taking a part of the adult social care budget will be a possibility with Children Services going to 25, but it will be insufficient to meet the demand that this will generate.

New funds must be made available at a time of massive budget cuts. In England £75,000,000 has been made available to LAs for implementation of the C&F Act in addition to the previous £75,000 per LA. I would suggest that this was not foreseen as it was made available only months before enactment and was a reaction to the realisation of the implications. On going costs have yet to be understood.

Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

There is a clear lack of understanding as the purpose of legislative protection for the most vulnerable group in society, ie children and young people with the most severe and complex needs/disabilities.

The desired outcome is to do away with the fight for access into that protected group (ie those with severe and complex needs requiring support and funding beyond what would normally be available in mainstream school). However, the result of taking away the fight is to make a legal protection for those that need it available to everyone with the risk that the particular protection afforded to those that needed it will be diluted. By making it available to everyone, its value is decreased.

It is important to understand that the reality of parental perception of the 'fight' to get statutory support is seen in the best local authorities as the need to assess evidence and ensure that statutory process is necessary. Inevitably from one position it is personal and from the other, objective.

If the suggestion was to retain the existing protection and extend it to those up to the age of 25 (with the caveats noted in the answer to the previous question), Powys Schools Service would support the proposal.

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Local authorities are reducing their capacity in line with budget reductions and cannot provide IDPs for the 20% of the school population where it is currently providing statements of SEN to 2%.

The White Paper refers to schools being responsible for the construction of the IDP for those at SA and SA+ (p22) and the LA's involvement would be 'minimal'. And yet, the LA is ultimately and presumeably legally, responsible. At a time where responsibility and funding for ALN is being delegated to schools, this appears a blurred and retrospective proposition. If the LA is the responsible body according to law, the number of tribunals against the LA where the LA has not been previously involved, will be unmanageable. Specificity and quantification will be impossible to deliver for those at SA and many at SA+. This has been established in case law for many years and a cornerstone for parents' ability to get the detail into part 3. The lack of these key actions will reduce the protection as parents will see it to those who currently have a statement of SEN.

The outcome will be a two tier IDP service which will have to be recognised in law. In effect this will replicate the statutory and non statutory provision currently in place.

Reflecting on 'Research on the IDP Expanded Testing Phase' (28/2014), it is clear that the desired outcome is to have person centred reviewing and planing for those at SA and SA+ that puts the young person at the centre and delivers full parental participation. The researchers mistakenly assume that this is only possible through a statutory IDP. There is absolutely no reason why the LA and schools cannot jointly develop a person centred review and planning process that meets the needs of those at every level of the graduated approach to ALN ie a statutory and a non statutory IDP

The age rise to 25 will place the extra resource demand on LAs where the provision in an IDP is needs lead and not resource lead. It will become a de facto entitlement as families will want to continue education input for as long as possible.

Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

a) Given the lack of detail in the White Paper it is essential that a Code of

Legislative proposals for additional learning needs Responses 101-120

Practice is published that will clarify the ambiguities. The English experience is that the intention was to produce a short 30 page document but the final Code is now longer than the previous at 281 pages.

b) Guidance will be essential and the distinction between 'must' and 'should' will be helpful

b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

This is far too vague and takes away the insistence on specified outcomes. One of the issues regarding FE colleges is that they may decide not to provide entry level programmes because they are concerned at being named in a IDP. In order for the FE aspects of the reform to be effective they should not only be tied to the IDP through being named but also all FE colleges should be obliged to provide a tertiary curriculum. At present colleges are effectively independent businesses who may see ALN as not part of their core offer. In rural areas this could result in a lack of provision for those with learning difficulties/ disabilities.

This relates to the FE funding question in the answer to question 1.

Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

There is a strong argument to make LAs responsible for the funding of all ALN provision in FE colleges. This would allow for consistent audit of need from schools into colleges. At present there is little clarity of the funding a college say they need to put in place in relation to how they were supported at school. It would allow the IDP to be far more meaningful. It is difficult to challenge a college if they say they cannot provide to the young person's needs

This relates to the decision whether to commission a place in the independent sector. It is clear that the Section 140/139a is not fit for purpose, and so the statutory ALN plan in whatever form should specify on an evidence base the necessity for a placement in an ISP. The LA need access to the evidence as auditors of need and provision to ensure the specialist provision is necessary.

There is the additional responsibility of monitoring and support for IDPs in the FE sector which will place further demand on reducing resources within the LA.

Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

It would be surprising and very concerning if placements were made in any specialist provision not registered to deliver to the needs specified in the statement or in the future the IDP

Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

As said in the White Paper, it is important that the IDP relates to those with Additional Learning Needs; ie that education and learning is the core and that it remains an educational process.

In order to be effective and reflecting the person centred approach that will facilitate it, the readiness of other agencies to engage and support will be essential.

This will involve children and adult services both in health and social care, further education, training agencies and schools. It will be complex and different agencies have their own restrictions such as Caldicott principles.

The statutory duty on other agencies is to share information but there seems little requirement for them to commit resources to provide services.

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

Supporting comments

If the IDP is extending to tiers one and two, the risk is that guidance (albeit as a 'should' rather than a 'must') will be issued for services that are themselves not statutory and may be subject to being reduced in the future. How can IDPs specify a level of multi agency commitment when the service providing them may not be there in the future?

In order to strengthen multi agency working, IT systems need to be compatible or at least accessible certainly within the local authority, (social care and education)

Welsh government would benefit from linking the ALN legislation to the Social Services Bill in order to effect the same copoeration that is being recommended at a local level

Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

There is an assumption that a child in care is one who has ALN. therefore whilst a IDP may absorb the functions of the PEP, a PEP will need to remain for those who do not have ALN. This comment is on the basis on not fully understanding the content of an IDP in practice

The proposition that all those in care should have been assessed for an IDP (p31) is making that assumption and may be seen as condescending to those who do not have ALN. It's the child who should be at the centre and any blanket policies are counter to this principle.

PEPs are also used as a funding mechanism and it is important the specific purposes and agendas of specific meetings are not lost in the effort to bring meetings together as one. A further risk is that it runs counter to principles of person centred reviewing in that the young person loses control of who is at the meeting due to statutory requirements of different workers and the number of attendees may increase to the point that the child / young person and their family are overwhelmed by professionals all wanting to fullfill their needs in this one off meeting

Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

All local authorities should already have in place disagreement resolution processes and mediation through impartial, independent providers.

If the IDP is open to all with ALN and therefore the disagreement resolution that is currently commissioned for those who may or who have started formal appeal procedures is now open to all, the costs will be unmanageable and the capacity of officers to engage, reduced dramatically.

- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

A complaint is not an appeal.

A complaint is about the alleged failure of the LA to provide what it should. The LGO is the ultimate arbiter for complaints regarding processes not being followed. Complaints may also be against specific members of staff.

An appeal is against a statutory decision made by the LA and there is no suggestion, whatever the outcome, of fault or irregularity on behalf of either body.

The confusion of these terms will lead parents and the public generally to see that where a decision is made that the parents do not like, that they are challenging the 'rightness' of the action not - as it should be - the interpretation of evidence made by the LA

Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

By making the IDP available to everyone the White Paper takes away the appealable decision to agree to a request for a statutory assessment.

However, there will still be the 'line' between those that have ALN and those that do not. Parents may feel their child should have an assessment for various reasons and the LA and schools will not have the resources to agree every request made by parents. For example, a parent may want her child to be seen as dyslexic and yet the teachers feel that the child is doing well and does not have literacy needs. With no graduated approach to provide structure as to when a statutory assessment may be necessary, the parent will be able to expect a statutory assessment unless someone says 'No'. How will that process be managed?

Extending the existing rights of appeal to all those with an IDP (ie the 20%),

will result in local authorities and the tribunal service not being able to cope

Extending the right of appeal to all children may have little or no effect unless children are made aware of their right. If that education process is undertaken, there may be an increase in appeals (will they be vexacious and or frivolous?) and there may be disputes between parents and children with regard to the appeal.

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Question 11

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

IEPs are termly and are being replaced by provision management. If IDPs are reviewed annually, how will this work?

There is very significant movement of children in and out of Wales as a result of the long shared border and the closeness to urban centres (Cardiff, Bristol, Cheltenham, Shrewsbury and Gloucester). This is not a characteristic of the border Scotland shares. To take the lead from Scotland in divergence from England will result in major complications, the first of which are appearing with the new English legislation being implemented in September. The Scottish system has relied heavily on caselaw to define the terms used in very general government documentation. This is a costly, stressful to parents and an unnecessary process that allows legislators to avoid the need to be specific by placing that responsibility on the judiciary. This should be avoided.

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐

ALN113: Chris Howard
NAHT Cymru

Question 1 – New terminology

- a) Do you agree that a new term, ‘additional learning needs’,(ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

Agree	X	Disagree	<input type="checkbox"/>	Neither agree nor disagree	X
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Supporting comments

This change seems to reflect current practice in many settings and recognises the fact that the current legislation applies to a significant minority of pupils, most of whom are educated within mainstream settings at school action or school action plus.

Some of our members in Special Schools believe that the term ALN is less clear

Legislative proposals for additional learning needs Responses 101-120

than the current statutory definition of SEN and it may not clearly recognise physical barriers facing children or young people, for example issues regarding access and physical support.

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree	X	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

This proposal is consistent with other areas of Welsh Government policy and practice and is welcomed by our members. However, there is currently a lack of appropriate Welsh provision for post-19 students who have the most complex needs. There are also transition issues that need to be addressed. The current transition from school to adult services is unsatisfactory. Our members believe that many parents/ carers will take this new system as being a guarantee of a place in the familiar school setting until the age of 25 is reached. Whilst this may well be appropriate in some cases there are obvious resource and logistical issues that may arise.

Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	X
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	X
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Legislative proposals for additional learning needs Responses 101-120

Supporting comments

Our members welcome the concept of the IDP.

However they also raise some important concerns. During earlier discussions of these policy changes it was suggested that IDPs would be applied to the most complex learners and that simpler approaches would be used to inform plans for other groups.

There are significant resourcing and capacity issues if they are to apply to all learners. There is also an uncosted additional bureaucratic burden with its associated workforce implications.

Meetings without all stakeholders being present are not effective. It is highly unlikely that health professionals will have the capacity to attend meetings as well as provide for the pupils' needs. There will be additional burdens on school staffing, especially senior leaders when they are required to attend meetings and this will add to school costs. Also, the IDP documentation will need to include detailed 'professional' documents in addition to the action plan which again places an additional burden on schools' workforce capacity in a time of falling budgets.

Whilst IDPs could replace the current statutory assessments and statements and might apply to some pupils currently at school action and school action plus, the proposals threaten to expand demand in a time of contracting resource. They will also impose an unnecessary burden on education professionals dealing with high incidence needs that are to be met primarily within school settings.

In relation to post-16 pupils and young adults, significant additional work would need to be undertaken between Local Authorities and FE settings to clarify roles and responsibilities in relation to IDP work. We are not confident that budgets and working relationships are strong enough to secure what 16-25 year olds need.

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

Agree	x	Disagree		Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We agree with this proposal in principle. However, it extends the burden on Local Authorities at the very time that they are least likely to be able to manage it. The responsibilities of Health & Social Services need to be clearly specified so that all

Legislative proposals for additional learning needs Responses 101-120

partners are expected to contribute resource to the meeting of need. Without this being nailed down in legislation, we will continue to hear of partnership meetings that make recommendations that cannot be resourced. It is wholly unacceptable that LAs and/or schools are forced to fund the shortfall in health provision.

Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree	X	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The new Code of Practice should include mandatory requirements particularly for Local Health Boards. Our members tell us that the biggest failing of the current code lies in the capacity to provide adequate therapy provision, particularly speech and language therapy in special schools and psychiatry and behaviour therapies in mainstream schools. This is the issue that most concerns parents and engages them in dispute with providers. Without the mandatory requirements that will oblige Health Boards to be integrally involved and legally committed to the process, there will be little change to practice on the ground.

(3b below) Our members are also concerned that If guidance for third sector organisations is included in the Code of Practice there will be uncoded financial /funding implications.

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

Agree	X	Disagree	<input type="checkbox"/>	Neither agree nor disagree	
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Legislative proposals for additional learning needs Responses 101-120

Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	X
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Supporting comments

We agree that FEIs should be included as a distinct provider within the scope of the legislation. However, the term 'best endeavours' is not acceptable since this will inevitably vary from institution to institution. As one of our members puts it: 'Best endeavours' could be a get out of jail card for institutions not able to meet the needs of children & young people'. Since resources will vary, so will provision. Inconsistency is thus built into the legislation and discussions about individual need and appropriate provision will revolve around interpretation of the phrase.

Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	X
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Supporting comments

As we have indicated above in Q1, we believe that the time is not right for this extension of Local Authority responsibilities. If Local Authorities are appropriately resourced to undertake this additional work, they would have the capacity to take on this extra responsibility. In an era of extended austerity, we cannot see that Local Authorities will have either the budget or personnel to fulfill this role adequately.

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Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	X	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

This is current practice in many of the areas served by our members and its inclusion in legislation is positive and welcome. We assume that registration will be contingent on meeting a specified and regularly inspected quality assurance framework.

Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	X	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The current statutory assessment is a multi agency procedure and it is essential that everyone involved in supporting children, young people and families with ALN should be required by the legislation to cooperate.

We would like the legislation to go further in this important area. The legislation should require Local Health Boards and Social Services to provide the levels of support that they are currently happy to identify in their assessment reports. We say this because our members loudly tell us that health providers often identify a level of need but then decline to provide it because they have insufficient resources. In fact, resource does exist but it is rationed by Health Boards and Social Services Departments and since they do not have a statutory obligation to provide, the ALN needs of young people are not prioritised within their own budget plans. If Health Boards and Social Services are to be brought to the table as key partners in this new process they must be subject to a statutory obligation to provide what is agreed in the IDP.

Currently, when such situations arise, LAs are expected to pay for the additional health provision as they are legally responsible for the delivery of the Statement.

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This approach is reinforced by Tribunal outcomes where therapy provision is often the key issue contested by parents.

Unless all partners are obliged to share costs and resources, co-operation becomes a talking shop rather than an effective means of meeting the needs of young people.

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

Supporting comments

Our members strongly believe that unless there is a statutory requirement some partners will only pay lip service to multi-agency working.

Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

Agree	X	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

This is very welcome. Currently there are too many different plans and duplication of information requested by the different agencies. NAHT always supports reductions in bureaucracy. One plan would seem sensible in both principle and practice.

Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

Agree	X	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Many of our members already operate informal dispute resolution procedures by making use of helpful agencies such as SNAP Cymru. Some LAs offer an SLA to schools to provide such a service using the resource of partner agencies. As above,

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we are not convinced that Local Authorities will make a big difference simply because they will be statutorily obliged to put procedures in place.

- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

Agree	X	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

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Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

Agree	X	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The right of appeal to tribunal should be limited to those who have first sought redress through the local complaints procedure.

Question 11

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

1. The proposals are fundamentally flawed in that changes do not apply to all statutory agencies –there is no shared vision or any shared responsibility. Unless Health and Adult Services are legally obliged to share responsibility there will be no real capacity to resolve the issues raised by the rationing of appropriate support in a climate of austerity. Trying to achieve change without any additional resource being made available to providers is unlikely to improve the way we educate and care for our most vulnerable young people – and it may well make things worse.

Legislative proposals for additional learning needs Responses 101-120

2. The White Paper makes a passing reference to regional school improvement Consortia. Our members are not convinced that Consortia see ALN as a significant part of their work and they have been marginalised within this consultation.
3. Sharing information is absolutely crucial. Sharing protocols need to be established and all stakeholders need to have secure access to the information. The legislation should reflect this aim.

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

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ALN114: **Sandra Spratt**
 Swansea parent Carers Forum

Question 1 – New terminology

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

However concerned as this appears to be widening the population without any additional funding what impact will this have? Without additional funding the system will be weakened for those currently receiving support via an SEN statement. Also 'additional learning provision' - 'this may be provision from a

range of services beyond education but focus on their necessity to enable a child or young person to access learning' - not sure what is meant by range of services?

Page 15 of white paper

□ Agree with "there is an unclear divide between those requiring statements of SEN and those who do not". Concern however as to whether there is the capacity to deliver ALN support across the board and open up inclusion of even more children under the ALN umbrella, whilst maintaining support for those CYP with complex needs.

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Welcome the extension of ALN 0 to 25 years of age but have providers the range of provision and capacity, information and training to roll out. If a diagnosis is not going to be required then there will be an increase in the number of IDP's being requested and this will require training and co-ordination. Early identification and intervention - concern currently that if the disability has not been diagnosed prior to nursery the pathway requires the school to refer for assessment for statement. This can be a barrier as head teachers have competing needs on budget so no referral is made, despite requests by parent. In pre-school many 3 to 5 year olds with a disability are unable to access school provision as the school cannot meet the need if no statement. Concern as to how an IDP will be triggered. Have schools the capacity and will also there be a hierarchy as to who is listened to re request?

Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 101-120

Supporting comments

Parents welcome one shared document for information, assessment and planning and delivery. This has been piloted in Early Support Programme but whilst professionals are still required to complete additional documentation for their own organisation duplication and inevitable omissions will occur, as their priority is to meet their own agencies paperwork. It is then left for the parent to update all agencies. Parents are therefore concerned that without the statutory plan their child becomes vulnerable and each professional defers to another professional and no one acts as the key worker to co-ordinate. Without the plan being a legal requirement parents are worried that for those children who currently are supported to attend mainstream schools may have to look at specialist schools as a non statutory plan will not be a guarantee of support.

Page 14 Figures on pupils with statements. Geographically the percentage can be higher depending on LA area. Swansea has a high % of pupils with a statement. For those who have a statement the majority of parents report that their child is well supported within the statementing process.

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

The role of the ALN co-ordinator within schools can be monitored and reviewed by LEA however parents were not sure who in the LA would perform the same role in childcare and FE settings?
Welcome guidance for those aged below compulsory school age. Needs the inclusion of multi agency awareness. Many services for pre school children with additional learning needs are provided by private or 3rd sector organisations.

Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Parents are in favour of mandatory requirements as without this they could be faced with lack of action and their child not receive support. In Swansea there was a change in April 2013 when SEN funding budgets were given to individual schools and not the LEA. Since that time Swansea Parent/Carers Forum is aware of a growing number of children 3 - 5 years of age who are not accessing education due to their level of need and the schools lack of capacity to manage those needs. Parents then have no choice - as a childcare voucher system does not operate access to a private alternative is not an option. Many mothers are unable to return to work due to the number of medical appointments and support needed by the child thus a drop in household income so unable to afford childcare. The family are left with no other provision until 5 years of age when the LEA has a statutory obligation to provide education and even then there can be delays. The parent and the child become isolated, which places them with additional barriers when they do start school.

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Query as to why worked based training is not covered. For many young people

with a learning disability/ADHD/Autism employment training could be a more appropriate option rather than FE. In which case an IDP would be of great benefit. Currently Careers Wales has a responsibility to complete an individual learning plan prior to 16+ if moving to new provider outside of school, and to monitor it with the young person and provider within 13 weeks. Will the LA have additional funding to ensure IDP 16 to 25 is being met? Would a provider e.g. FE be best placed to review the IDP 16 to 25? Could be a possible conflict of interest. Page 7 Work based learning is not accessed enough by young people presenting with a disability. In Swansea for example the work based learning provides tasters for pupils attending Pen y Bryn Special School yet none will go on to have a placement with the work based learning provider. If employment is to be a priority then this route could prove more successful than FE or a combination of both with independent living skills running in parallel to vocational skills.

- In early years provision pre-school the paper states that 'best endeavours' duties would not be required. Many parents feel that this is a missed opportunity in the earliest transition from childcare to school nursery. A child with a disability will have been functioning in a childcare setting with a higher ratio of staff to support them. On entry into school (3+ part time nursery) the ratio changes drastically. Toileting for example is a major issue and can result in a child regressing once the ratio changes. The information contained within an IDP would provide specific information related to how the child was functioning, this was welcomed by parent/carers when a pilot took place with Early Support. Parents continue to complain about having to retell their child's diagnosis, triggers, communication etc.

Terminology best endeavours query why this wording is being used and what legality will it provide.

Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Last paragraph page 17 - this is the crux of the problem as not conducive to planning strategically for the future provision locally regionally nationally. Page 18 Last sentence. There is also a potential conflict of interest if the statutory duty of the LA is to provide appropriate education provision for 16 to 25 - regionally delivery may be more appropriate and affordable and provide

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choice and equality of opportunity. Many parent/carers have commented on the differences in provision between different LA's and for specialist provision the pooling of resources to provide a distinct service would be a better route to follow. If planned within a 10 to 15 mile radius provision could be established e.g. a centre of excellence for autism 16 + that could be accessed by up to 4 different LA's daily. There have been issues for parent/carers in Swansea in understanding what options can be accessed locally, what barriers are in place, suitability, part time nature of provision compared to school no respite during long summer break. Their main concern is that there is only 1 option - Gower College post 16. Most parents want their son /daughter to access local provision and not have to resort to specialist provision many miles away. Parents have asked why they cannot have a choice of provision with local neighbouring authorities having specific specialisms so that their young person can remain living at home and travel daily.

Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Page 17 2nd paragraph re post 16 planning and provision - welcome this and totally agree with the statement that FE providers do not have access to all relevant information about the young person, specifically on the support the young person is accessing in school which enables them to succeed and function at a particular level. Transferring skills from one situation to another

is something that people with learning disabilities find difficult. Pupils may have been having support from the same teaching support assistant for many years in a school setting operating inside and outside of the classroom in a familiar environment. FE provision can be a very different environment presenting different barriers which can result with the young person being excluded or not meeting the criteria for progression and thus funding, presenting then with a higher risk of becoming NEET.

Page 25/26 Refers to the current SEN Process being rigid and slow. "The concern of parent/carers is that the support identified on their SEN statement has ceased to be relevant to their needs." Many parents state that this is not a concern however they are concerned that their child is not receiving what is currently identified on their statement e.g. speech and language

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

Supporting comments

Information to support practitioners working with children below compulsory school age. This inclusion is welcomed by parent/carers specifically for registered day care provision however parents are still concerned that there is not enough training and information on disability in early years settings. Suggested good link in Swansea has been the links with the Family Information Service and the training programmes they offer local childcare providers have included disability training.

ALN co-ordinators should have dedicated time for role to prevent clashes with curriculum. There will be an increase in IDPs so not having dedicated ALN co-ordinators will devalue the role.

Welcome close collaboration and information sharing between agencies currently a young person can have 5 transition plans (school, careers, social services child & family, adult social services and health) with no key worker co-ordinating the process. Needs to be one system for all agencies

Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

concern as could cause confusion as not all LAC CYP will have additional learning needs

Legislative proposals for additional learning needs Responses 101-120

Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

needs to be mandatory

- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Important that it is independent

Will young adults (18- 25) consent be required under 'duty to share information'?
conflict between parent and young person could also result Will child/young person be aware of their needs and how will the views of both be taken into account
It is important that independent advocacy is available to ensure that a young persons' views are being listened to as well as for families in the area of resolution of disagreements. Currently this is patchy depending where you live in Wales.
Independent advocacy services - parents report difficulty in finding out about advocacy services. Also can be conflicts within family as to parental wishes and young persons' wishes.

Question 11

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Page 11 Tackling the impact of deprivation on educational attainment - disability often goes hand in hand with poverty, with many families experiencing financial poverty, poverty of services and poverty of time. Poverty is wider than geographically where you live. Many parents who have a child with ALN will not be able to return to work, will become single parents will have other children who become sibling carers and the impact on the whole family will have a financial affect.

(22) footnote on free school meals. This measure does not reflect the population of disabled CYP as many will have entitlement to free school meals but not access the opportunity due to specialist diets, the dinner arrangements being too overwhelming triggering sensory issues or for those who are tube fed.

Page 13

This module should be compulsory and not just within MEP programme It should be a mandatory part of childcare and FE professional qualifications.

Page 17 2nd to last paragraph. The idea is welcomed but concern as to how it will be achieved. Will funding be ring fenced within the RSG? How will the spending be transparent? How can joint planning be achieved and include all stakeholders? This will not happen as a result of just producing guidance.

Page 24 On the top of this page 'connections between education and social services departments are needed' This happens now if a young person

qualifies for social services provision, many however do not meet the ever tightening eligibility criteria (especially ASD). How will these young people be planned for and be supported. Autism is supported via CAMHS and once 18 then that service ceases. They are left without any support.

Page 28 Will there be capacity to allow for CYP and parents to request earlier reviews?

Page 29 Welcome inclusion that diagnosis will not be a requirement for an IDP however need to ensure that those with a diagnosis of a long term disability continue to receive support required.

Legislative proposals for additional learning needs Responses 101-120

Page 32 Welcome CYP and parental information currently this is the responsibility of individual schools and varies widely.

Page 34 Welcome input of parent partnership services. Will the extension to 25 years of age affect capacity to deliver?

Page 37 Conclusion -how can an equitable system 0 to 25 be delivered if pre school duty relies on 'best endeavours' also if work based training is missed out

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐

ALN115: **Fiona Jenkins**
Cardiff & Vale Health board

Question 1 – New terminology

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Yes this is a more accurate reflection of the range of needs children can encounter and carries less stigma, however the phrase additional learning

needs' needs an agreed definition ,

Legislative proposals for additional learning needs Responses 101-120

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Yes, early identification and intervention is critical to improving outcomes and processes are already in place between the Health Board and local Education authorities which relate to early assessment and planning. Clearly for the individual a service that spans transition allows for continuity of care however the traditional model of a child centred approach in Children's services does not always happen in adult services. Educational services will need to consider how they engage a different healthcare system post 18 in adult services which can be more fragmented. It is likely that there will be implications for adult services and Learning disability services with the increase in age range and the need. It is therefore essential that a clear definition of ALN is established so that plans can be put in place across wider services where these have not historically happened. Children's Therapy services focus on functional impact not on impairment so it will be critical that others have a clear understanding of this.

Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

There remain concerns from health professionals on the impact of IDP's on service capacity because there could be an increase in professional time required to support these depending on how IDPs are monitored and who manages the process.

Legislative proposals for additional learning needs Responses 101-120

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

There will need to be careful consideration of how this is implemented at an early stage and post 18 and local agreements put in place with Health Board services. As not all provision needed is able to be provided by the local authorities and co-operation from Health to support the plans is required. The LA should be ultimately responsible but work in partnership with others to ensure needs are met.

Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

These mandatory requirements would need to be specified and agreed. Joined up working is essential to meet the needs of a child. It is recognised that different agencies have different processes and protocols as well as differing priorities and for this to work the requirements put on health boards will need to be specific and explicit. Input for a child needs to be evidenced base and based on outcome. Could some consideration be given to this requirement when considering the new outcome framework for health services?.

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 101-120

Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Yes provision at post 16 and post 18 for Special educational needs has traditionally been poor with many families feeling that leaving school is extremely traumatic due to this. Therefore this is welcomed but it will require the Local Authority and Health to build different relationships with providers.

Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Yes however this would require discussion and agreement between all partners as there may be implications for agencies in terms of training and service delivery to meet identified need this should be in consultation with all partners

Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Yes, this will require that IDP's very clearly identify needs in order that there is no confusion as to whether the school is or is not registered for that need

Legislative proposals for additional learning needs Responses 101-120

Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We agree with this approach but there are barriers which exist which will need to be overcome. These include:

Different IT not shared systems for communicating information, this has usually been face-to-face on school premises. The Health Board and Local authority will need to agree an information sharing protocol which allows this to happen and there may be resource implications in setting this up
The users of different services have different needs therefore services have different priorities.

The local health board would have to agree to this co-operation and information sharing as this would have to be necessary for person-centred planning.

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

Supporting comments

There are many areas of good practice in this already. There is a lot of shared training. This leads to using a common language and understanding about needs. The fact that many schools carry out speech and language work and

other therapies at universal and targeted levels is very positive but needs to be built on and be effective and equitable. In the area of children's therapy, the education work force (teachers and teaching assistants) could develop competencies (externally accredited) and for Health staff to be involved in training them (eg. at an undergraduate and post graduate levels for teachers).

There could be a single pathway for referrals for education and health across some aspects of service such as Speech and Language therapy avoiding duplication and ensuring joined up services
Shared IT systems would be really beneficial

Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 101-120

Supporting comments

This would be a positive step forward to avoid any duplication

Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

It is vital that any assessments include looking at the child or young person in their current provision and consider the child or young person's functional skills (and not be solely impairment based) before making recommendations about alternative provisions. There can be differences of professional opinion as to the best way to meet need and it will be important that a process is put in place to resolve this that does not leave parents feeling they are having to negotiate this themselves

There needs to be work done to reduce the differing clinical views between NHS and independent allied health professionals which again can leave parents wondering what is the best approach.

- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Meeting and understanding concerns with a view to resolution is a much more measured approach.

Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

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Legislative proposals for additional learning needs Responses 101-120

Question 11

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

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Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐

ALN116: **Gareth Cooke**
Blaenau Gwent County Borough Council

In principle we agree with the context of the document, but it's about the interface with other legal duties such as Social Service Act, Mental Capacity act and application of all duties. We have some concerns around equality; Is there a danger inherent within the white paper of treating adults with learning additional needs in a way that disadvantages them against adults who are not in this category. We don't think this is in the spirit of the bill but a consequence could be that all learning disabled adults for instance remain in education until 25. The white paper talks of person centred planning and this is vital as are the choice to all adults. There must be focus within the bill about strengthening options beyond education, work, leisure, social, community etc.

ALN117: **Anonymous**

Question 1 – New terminology

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 101-120

Supporting comments

We agree with the introduction of the term 'additional learning needs' and the intention to precisely define it. We also welcome the intention to not regard a pupil as having ALN solely because they are in a recognised vulnerable group.

We believe that the new terminology will help minimise any stigmatisation felt by pupils labelled as having SEN.

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We are in agreement that the new system should apply from birth to age 25. This will reduce the number of young people who fall through the net upon transition into adulthood as well as ensure a better information flow from Health and Social Services at Early Years.

We would raise the following concerns:

- the success of this new system will depend on increasing the resources available to manage the additional workload. The increased workload will be due to:
 - increase in casework at the equivalent of SA/SA+
 - increase in pre-school and post-16 casework
 - the extended rights of appeal to include all children/young people with an IDP, the rights extended to children/young people, and the extended age range. While the number of appeals may not increase, the amount of work to resolve issues at a local level may well be very significant.
- the Educational Psychology Service is well placed to provide assessment/support for post-16 transition but this again raises the issue of capacity.

Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 101-120

- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We welcome the introduction of Individual Development Plans. They will provide continuity for a child/young person as they move through to adulthood and will lessen confusion for parents and all agencies.

However, we have the following concerns:

- the introduction of IDPs will not be cost neutral.
- we are concerned that there has been little development of the new Code of Practice and would want to see this finalised prior to the introduction of the new system.
- there needs to be clarity on the range of professionals required to be part of the development of an IDP and guidance on when specialist input is required.
- there is significant concern amongst SENCOs that establishing an IDP for pupils using a person-centred approach will significantly increase workload particularly as it will replace existing IEPs at SA/SA+.

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We do not agree that the LA should be ultimately responsible for the preparation of an IDP. For children/young people in the extended age ranges, the LA is not best placed to fulfil this role.

We would agree with the principle stated in the previous consultation document that the responsibility for preparing an IDP should sit with whichever Service is the most involved and provides the support co-ordinator. Therefore, for school age pupils, it would be the LA but for pre-school and post-16 it would likely be other Services. Whilst the role of support co-ordinator is not in this White Paper, we believe the broader principle remains correct.

It is our view that WG should tackle the issue of multi agency working and defining

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mandatory multi agency responsibility.

Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We agree that a new code of practice should include mandatory requirements as well as guidance on the practical detail. This will ensure that there is consistency across all LAs in how ALN needs are met. We would expect to see detail on the role of the Educational Psychologist incorporated into the code of practice and would hope that the code would be finalised before LAs are expected to adopt new processes.

- a) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

It is essential, if the age range is to be extended, that FE colleges are included alongside schools and other settings as institutions that must use their 'best endeavours' to secure the provision called for in an IDP.

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Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

We accept that LAs are well placed to assess the needs of pupils for post-16 placement. We also accept that the transition process would be smoother for pupils and families given the delays often experienced under the current arrangement.

However, we have the following concerns:

- the LA does not have capacity to take on the increase in workload this would produce.
- we anticipate that there would be an increase in requests for specialist provision once the requirement is passed to the LA. This will have a significant budget implication in addition to workload implications.
- Parents/young people will have a right of appeal which does not exist under the current system. This will introduce additional workload and will open the LA up to potentially highly expensive out of county placements, including residential settings, directed by Tribunal.

Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Whilst we are in agreement that it is appropriate to remove unnecessary duplication, we are concerned regarding the wording in the White Paper which seems to suggest that independent schools will have to register that they can provide for specific types of additional learning needs. This seems to undermine the principle that a mainstream school can be enabled to make provision for children. We would like to see this point more clearly defined.

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Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We agree with the focus on multi-agency working but believe that the White Paper falls short of what is actually needed. While we are pleased that Welsh Government has previously legislated to create a statutory duty of co-operation, what is needed is a statutory duty to provide with accountability for all services at Tribunal.

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

Supporting comments

While the IDP will include provision agreed by health, social services, other services and education, it will be the LA which is responsible for preparing and implementing the IDP. The current duty of cooperation is not robust enough. Appeals will be lodged only against the LA and this provides a get out clause for other agencies to avoid responsibility. The only way to ensure this does not happen is to ensure multi-agency working is clearly defined and the responsibilities of agencies legally defined.

Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

While the information in a PEP can be contained within the proposed IDP, there is a requirement for the PEP to be much more flexible. In addition, while it is proposed that all LAC pupils will be assessed as to whether they have ALN, presumably only those with ALN

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will receive an IDP. Others will then have a PEP which is a confusing situation.

Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We agree that a restating of the current arrangement is appropriate. Recognition needs to be given to the likely hood that there will be more disputes through the IDP process than the current statement process, this will have resource implications.

- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We would strongly support the need for parents/children to have gone through a local complaints process before appealing to Tribunal. This would be particularly important given the intention to expand the right of appeal to cover pupils currently at SA/SA+.

We would hope that this would be a mandatory requirement stated clearly in the new Code of Practice and that SENTW would not be able to register an appeal until it is confirmed that a local complaints process has taken place.

A local complaints process would also assist in reducing the anxieties for parents/children brought about by the appeals process.

Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Whilst it is clearly beneficial to move away from the current entitlement model, the LA is concerned that the extension of the right of appeal:

- could lead to a considerable increase in the number of appeals lodged
- will lead to an increase in workload to resolve issues at a local level.

With limited resources, these increases could impact upon service delivery both for Caseworkers, Educational Psychologists and other Officers.

In addition, there is concern that the proposal for the LA to be the body ultimately responsible for the preparation of IDPs and for ensuring that any agreed additional learning provision is put in place will make the LA subject to Tribunal appeals in cases where the LA has had no direct involvement. This is particularly the case post-16.

As previously stated in another response, it must be mandatory for parents to follow a local complaints process and for SENTW to require this prior to registering an appeal. If this does not happen, the appeals process for LAs would likely become unmanageable.

Question 11

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

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Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:



ALN118: ANONYMOUS

Question 1 – New terminology

- a) Do you agree that a new term, ‘additional learning needs’, (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

This description maintains an appropriate focus on the educational needs of each learner and is in line with current practise within FE. Consideration needs to be given as to the scope of this term and whether it includes those learners who struggle (particularly in FE) due to basic skills deficits but do not fall within the current definition of ‘learning difficulties and/or disabilities. It is often difficult to make clear distinctions between these two groups as there may be an underlying learning difficulty which has resulted in the delayed acquisition of literacy and numeracy. There has also been a growing understanding of the various cognitive dysfunctions that can play a part in specific learning difficulties like Dyslexia. Difficulties with working memory, processing, etc. can cause considerable educational problems for young people who do not necessarily present with a typically dyslexic profile.

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Many young people with learning difficulties or disabilities take longer to develop the full range of educational and life skills needed for adult life. Securing appropriate education/training and support for these learners up to the age of 25 should ensure that they have every opportunity to reach their full potential.

Legislative proposals for additional learning needs Responses 101-120

Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The number of learners entering Further Education has risen considerably over the last 20 years. At the same time there has been a broadening of the range of difficulties recognised and a blurring of the line between LDD and low ability. Currently approximately 10% of our learners come to us with some evidence of LDD and to provide all of these with a detailed IDP might be counter-productive. There needs to be clear guidance regarding the criteria used to trigger an IDP. This will need to include guidance for FE institutions on what to do about learners who arrive without an IDP but who appear to have some form of learning disability.

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Responsibility for this aspect of each child's provision needs to stay with local authorities, working closely with schools, to ensure decisions are made by those who have the best knowledge of individual needs. This would, however, mean a significant change in working if it is extended to learners in FE.

Currently, Careers Wales act as independent 'brokers' and this allows them to make decisions about placements post-16 based on the needs of each learner rather than on available funding. They also have a great deal of experience and expertise in the range of education and training opportunities available to young people. While ultimate responsibility

Legislative proposals for additional learning needs Responses 101-120

falls to each LEA, it is essential that they take advice from the other professionals that are currently involved in the process.

Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

These mandatory requirements will, of course, need to be drafted very carefully and should always reflect the needs of the learner in relation to reaching their educational potential. Careful thought will also need to be given to what constitutes 'education'. This is particularly important with regard to the needs of learners who have significant difficulties resulting from ASC. If provision for such learners is to include social skills, speech and language, etc. this will need to be clearly identified and funded.

Colleges already have procedures for meeting the needs of those with learning difficulties and/or disabilities. Any additional requirements that create the need for further procedures will have a resource implication and consideration will need to be given as to whether this is prudent in the current financial climate. There would need to be a clear benefit to learners for this to be worthwhile.

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Most colleges would agree that, given the resource available to them, they already use their best endeavours to meet the needs of their learners.

Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The LEAs are best placed to make appropriate decisions about post-16 specialist placements. However, care must be taken to ensure that these decisions are not just based on the available budget. They should be made following consultation with FE providers, Careers Wales, Social Services (where appropriate), the secondary school and the young person and their family. Where appropriate additional funding could provide access to local FE provision, this needs to be available.

Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Independent schools do not always provide the most appropriate environment for a young person. This is especially the case where the placement is residential and takes the young person away from their community. There needs to be clear evidence that the local state school/FE college is unable to meet the individual's needs and a close match between the independent school's provision and the educational needs of the learner.

Legislative proposals for additional learning needs Responses 101-120

Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

This is essential to ensure the effectiveness of educational support. A secondary school works with a young person for at least 5 years; in most cases developing a whole range of strategies that help enable the learner to become as independent as possible. Much of this information does not currently get passed onto FE institutions and training agencies and while allowing students who have not functioned well in school to have a 'clean slate' can be useful, lecturers and trainers should have the benefit of the school's experience.

This is particularly important to ensure that, having made progress and achieved levels of independence; learners do not regress once they move on.

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

Supporting comments

The current practice in schools is to hold full reviews during year 9 and year 11. If there is a review in year 10 it tends to be a minor event. Where there are significant issues to be considered regarding the post-16 placement and support needs of a young person the year 9 review is too early and the year 11 one is too late to make appropriate plans. Parents are rarely ready to consider post-16 provision in year 9 but it is important that they are given plenty of time to consider the provision of support available within FE colleges and training establishments before they make a choice with their children. Too often parents have already decided on specialist FE provision before they give full consideration to the alternatives.

Whether LEAs are responsible for post-16 placements or not, it is important that relevant professionals meet to properly discuss the needs of each learner when specialist placements are to be considered. In this way all aspects of the young person's needs can be discussed in relation to the various options for their further education and training.

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Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Many young people who are looked after by a local authority have similar needs to those with learning difficulties. It makes sense to use a similar process to ensure their needs are met.

Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

This is in everyone's interests and should allow for early resolutions to disagreements.

- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

This could save a great deal of emotional turmoil on the part of parents as well as resulting in a more efficient use of the available resources.

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Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

While extending the right to appeal through a tribunal could have benefits for some parents it might not result in the most efficient use of resources; putting further burden on an already stretched budget.

Further education has a very different role to play in that it is largely vocational; delivering competence-based programmes to prepare young people for employment. Providing young people and their parents with an opportunity to appeal decisions around the appropriate level of support would seem a fair way of ensuring they have a voice. However, if this was extended to include appeals against decisions to offer a place on a course it might lead to an avalanche of cases from parents who have unrealistic expectations as to their child's future career. This may include parents who wish their child to stay in education for reasons other than their need for learning.

Question 11

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Although guidance currently exists for schools regarding the identification of learning difficulties and subsequent inclusion on PLASC, there does appear to be a great deal of variation between schools on how learners are labelled. Colleges are finding that if they use the PLASC data to label each learner on the LLWR return (LP30) the result is considerable variation in the way students are recorded related to their presenting difficulties. Further guidance is needed to create a common approach to recording additional needs.

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:



ALN119: ANONYMOUS

Question 1 – New terminology

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

There needs to be a new agreed term so that there is no confusion between SEN, AN, AEN, LDD, ALN. We currently have SEN as a distinct group within the 'vulnerable groups' but due to overlapping needs of many young people it is not always clear what the main needs are.

If ALN is going to be used as an overarching descriptor for 0-25, there needs to be guidance at all ages and stages of what this means.

ALN will also give scope for short term needs which may or may not have their causes in connection with external factors. This again requires guidance so that it is clear that ALN may not always be a lifelong need requiring support.

The emphasis should be on the learning, or impact on learning from other influences. Further information should be incorporated into the guidance in the code of practice and there needs to be some reflection about what might be considered within the list of vulnerable groups.

Further guidance might be useful about the responsibilities for the ALNCO although this will be determined by a number of factors e.g. size of school staff, other coordinator responsibilities, size of school pupil population with ALN etc.

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

There is a growing concern currently about the number of very young pre nursery/pre school children being referred by health colleagues to education for formal assessment. This route is being used as there seems to be no other mechanism for gaining information from all

agencies and agreeing support and outcomes.

In reality, an educational based statement does not give the desired backing until the young person enters a school based nursery provision. If a statement has been written when the young person is three years old (or younger) the information is not up to date and the provision not always appropriate two years later. If IDPs are in place instead, this would be a much better process. There has also been extremely positive feedback from parents in our Local Authority (LA) to date, when IDPs have been put into place for pre school children.

The main concern around pre school children would be that **all** children should be given the right to identification and provision/support if required. Agencies would have to work together although funding streams are very different and do not always easily accommodate this way of working. An example of this would be the pre school children who attend Flying Start, non maintained and private provisions and settings. Although it is not appropriate, in theory their needs can currently be identified through the statutory assessment process.

In the future, some children in these settings would not have the opportunity to access an IDP without the staff voluntarily taking part in extensive training and taking responsibility for the provisions identified on the IDP.

There are opportunities for some funding streams to be used more productively. An example of this could be the Wales Pre School Playgroup Association (WPPA) funds being used to support the transition of children from playgroup to nursery settings rather than individual support only in the setting until they reach the maximum age allowed for WPPA to be involved.

If the support for young people is to continue until the age of 25, there needs to be a complete change in the funding mechanism.

There is also a great amount of concern regarding the availability of placements available. Although it is being proposed that education is responsible for the young person's provision until they are 25, there will have to be arrangements made with other agencies to support provision as this is not always easily or locally available. Education would then have to take more of a quality assurance role.

Communication between agencies, especially at all transition times, needs to be strengthened. This will need to incorporate time allowances for planning, agreements about data sharing, multi agency commitment for funding and provision and identified key people in post to ensure smooth transitions take place.

There will be staffing implications for all of the above and this will be of great concern to LAs who are under great budget constraints and are currently looking at a reduction in their staffing.

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Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

There needs to be a graduated approach as now, so that the entitlement is broad and covers all young people with ALN both for short and long term needs. The IDP would be a document that becomes more detailed as the young person's needs dictate to be necessary.

There will need to be different formats to the IDP depending on the age/key stage of the young person, but all IDPs should be based on the principles of person centred planning.

We have trialled different formats in all of the schools in our LA and are currently evaluating the impact of the changes. Initial feedback suggests that primary and secondary schools will have slightly different formats to take account of the age difference and type of information that needs to be captured on the profile.

From the education point of view, all schools need to consider their universal provision before a decision is made about whether any additional provision is required. This should, if approached in the right way, show an initial reduction in the number of young people on the PLASC returns at school action stage. This will mean that clearer identification and intervention can take place for those young people with ALN, with true needs over and above differentiation and other universal provisions. The WG will need to take this reduction of numbers into account and not assume that this indicates a reduction of need leading to a reduction in funding.

A tracking system or provision mapping tool needs to be employed to show the evidence and outcomes of interventions in schools from universal provision through to young people with complex needs who will require many interventions over and above purely educational ones.

All young people across the school would benefit from having the personal profile part of the IDP and this would break down the barriers even further between those young people who have a profile and those who don't.

All IDPs for pupils should be developed with the pupils as an integral part of the curriculum

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such as in PSE lessons, and not viewed by staff as an "add on" task.

The distinction between the IDPs for those young people (who are currently at school action, school action plus and statemented) would be found in the number of different people and services contributing to the IDP meetings and provisions and the information collated on the IDP. Guidance for this should be available in the code of practice.

Until the new code of practice has been published, any further comments are difficult to make, but there needs to be criteria or a defined definition of ALN to ensure identification and provision is in place when required.

With regards to a universal provision and graduated approach. The different stages of provisions from all agencies, not just education, should be clearly defined and shared so that there is clarity for all concerned about what is available at any time for any young person.

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The inclusion officers who currently prepare and write the statements would be able to facilitate some of the PCP meetings for those young people who need multi agency IDPs. However, it needs to be noted that there has been a drastic reduction in staff within Inclusion Services in all LAs and the workload for those staff still in post would be unrealistic.

The time element for attending meetings by officers will increase substantially, due to the new systems and the need to support schools, the increase in age range and the multi agency element.

There will also need to be an increase in the number of officers available within the LA which as stated above, is contrary to what is happening in LAs at the present time.

There would be a training element required for these officers as the job of facilitating PCP meetings and drawing up an IDP would be very different to the current writing of a document (the statement) as an office based administrator.

Post 16 work will also be a new area for officers to work in and will therefore require a training element and an increase of staffing.

There would need to be a lot more commitment from health and social service agencies to attend, contribute and deliver agreed, required services, and to agree on contributions to combined budget commitments.

There would need to be statutory elements for all agencies. If health/social service agencies

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currently disagree or refuse to commit to delivery of a service in a statement, education has to commission and deliver the service, even though it is not an education service. This is not fair or sustainable.

Further clarity on responsibilities is required for children and young people who are not in a pre school setting. An example might be that a member of the Health service (e.g. Portage) highlights that a child has additional needs; however the child is either too young, or is not in an educational or recognised pre school establishment which may be possibly due to parental choice or possibly due to lack of placements with appropriate support. There should not be a responsibility on the LA to lead, develop and provide resources noted on the IDP, as it would be more appropriate for health to initiate the IDP meeting in this instance and invite education to it.

The delivery and reviewing of IDPs that take over from statements would possibly have to be delegated to schools, as it is now in some cases, due to the lack of officers available to undertake this work. There will then be a high risk of unsustainable demands on budgets, unrealistic requests for provision and lack of equality and consistency in approach across the LA.

LAs are reducing their support teams which would make this monitoring very difficult for young people of school age and probably impossible post 16, therefore multi agency work is essential and the delegation of provision required so that education would take a quality assurance role only.

Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The new code of practice needs to ensure there is commitment from all other agencies as well as education. There should also be information and guidance on what constitutes ALN.

Any mandatory requirements must be realistic in terms of ongoing budget restrictions and cuts in central support teams across all LAs.

The potential increase in workloads should also be taken into consideration and realistic recommendations for ALNCOs to have adequate release time to undertake their role should be highlighted.

The recommendations from the work around 'The Role of the ALNCO' need to be taken into account where time allocation, status, knowledge of finances and qualifications were among

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those points that were most important to consider as inclusion in the new code of practice.

Funding mechanisms must be transparent for all. Schools need to be clear on their funding and be accountable for their provisions and outcomes.

Tribunal recommendations must be realistic. To support this, tight guidance should be in the code of practice regarding the qualifications of tribunal members, so that they have practical and up to date experience enough to be able to make measured and realistic decisions based on a comprehensive code of practice.

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

If IDPs are being used for students until they are 25, there should be an expectation that continued provision will be in place to ensure continuity of learning. This will need to be on a multi agency agreement basis.

'Best endeavours' need to be quantified as this is the current way of working and proves to be an impossible task at times. An example of this is the provision of speech and language therapy, which may be in a statement but no therapist is available to deliver the provision.

There will need to be robust systems in place in order to scrutinise and challenge 'best endeavours' when these have been determined by WG.

There will be a training element required for this to ensure that all institutions have the same training and knowledge. This is required to make transition from one to the other as smooth a pathway as possible and to ensure that each institution's interpretation of 'best endeavours' is similar.

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Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

This needs to be subject to adequate funding being available from WG.

There also needs to be some safeguard so that unrealistic demands are not made by individual parties. This is where 'best endeavours' will need to have further clarification.

All agencies involved in meeting the needs of the young person need to commit to funding and provision as the provision indicated may not be available within the LA.

There needs to be some scrutiny built in from LA staff who have the appropriate background, knowledge, training and ability to monitor and challenge the provisions for young people post 16 if the provisions are to be the responsibility of the LA.

Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Any provision indicated in an IDP should be available in a registered setting. This is ideally within the LA of the home address but for some young people this may mean that they need to access provisions further afield for specific needs.

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Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	<input checked="checked" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Protocols and IT systems need to be put into place to ensure that this happens effectively.

There must be a commitment to shared planning and provision to meet ALN.

The attendance and participation in person centred planning meetings is essential for all people involved and should be seen as a priority by all agencies.

Within the planning and delivery of provision there needs to be an agreed review or evaluation of the actions and a key worker or responsible person needs to be appointed to ensure arrangements are made for the review cycle to take place.

If all parties involved with the young person attend PCP meetings to contribute to the IDP there should be fewer requirements for reports and paperwork which is always a problem for a number of agencies. There is often a difficulty in the distribution of paperwork for Annual Reviews of Statements before a meeting but if meetings were attended, paperwork would not be required and this could be the solution.

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

Supporting comments

As above, there is a need to have compatible IT systems available. Protocols and agreements for sharing of information and a commitment to providing and/or sharing provision is also essential for this to work properly.

All agencies should have compulsory training on ALN as not all agencies are fully aware of ALN issues.

There should be a willingness to explore different ways of working, e.g. preventative working rather than a pure medical/therapy model. There is early discussion currently in S. Wales about the feasibility of OTs spending a day a week in schools to do preventative work rather than just dealing with referrals in a clinic following a visit from an expert in Canada with interesting research.

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Newport have had a protocol in place between OT, Physio and schools for twelve years to ensure that children have their coordination needs addressed in school and that referrals to health are appropriate. This should be normal good practice across the whole of Wales.

The SpLD needs of young people are addressed by a small central team of specialist staff in Newport without the need for a diagnosis of Dyslexia, Dyscalculia etc. due to effective training, identification and provision.

Schools have been asking for many years for Speech and Language (S&L) therapists to deliver programmes in schools rather than in clinics, as children do not sometimes attend and therefore do not get their therapy programmes. Schools would be able to work with the S&L service to support programmes in school if they were delivered and modelled in schools rather than in isolation in a clinic. They would also be better placed to engage parents if they were within the school community rather than in a remote clinical setting.

All of the above is easy to arrange if there was a willingness to think differently!

Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The combining of different plans is very sensible as the same information is often repeated unnecessarily.

It is not clear in the consultation what 'assess' all looked after children means. If it is holding a multi agency meeting to put an IDP together to consider any ALN as for any pupil in a school, then this is acceptable. If 'assessment' means going through any sort of process such as the current statementing procedure, then this is not feasible or necessary.

Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

This already happens for the statementing stage and often any disagreements are resolved. The main problem occurs when there is backing from independent parties with unrealistic or inappropriate demands, or legal representatives who have no consideration for the young person in the centre of the dispute but are driven by funding. Also, there is often no opportunity for an independent pupil voice if private or legal parties become involved.

Information should be made freely available by the LA and schools about access to these arrangements.

Funding of disagreement resolution arrangements need to be made available from WG and needs to be provided by an independent body that have the capacity, experience, knowledge, skills and understanding of the needs of the young person involved but also of what constitutes realistic provision.

b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

This certainly needs to be a mandatory requirement.

Guidance needs to be clear and specific timelines given for the process to take place, with the expected steps to be taken by all parties explained in full.

Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

As IDPs are being proposed to replace the current IEPs and statements, there needs to be a detailed and realistic pathway of expectation and process.

Information for parents will be essential, support for parents and young people for the resolution of disagreements needs to be available from trained, independent people and the

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Additional Learning Needs Tribunal Wales should have a specific remit.

The Tribunal panel should consist of people who understand the demands and constraints for ALN provision in a school setting and recognise when inappropriate private reports or legal representatives demand unrealistic support and provision.

The young person and/or their independent advocate must have a voice in the whole process!

The paperwork and bureaucracy associated with an appeal needs to be changed and guidance provided for anyone who may have to attend a tribunal at any time.

Question 11

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

With all of the proposed changes in ALN there is a tremendous opportunity to enhance multi agency working. This would make the most of limited resources and ensure maximum impact and outcomes for all young people. For this to realistically happen, managers and budget holders must be prepared to consider these changes seriously.

The illustration discussed in section 7 above is just one example of a simple change to working practices. For Occupational Therapy (OT) staff to work in all schools on a regular basis to support preventative work and provide generic information and strategies to school staff would make a tremendous difference.

This would not only be in early identification and provision, but would also help with appropriate referrals and cut waiting times for referral and therapy due to lower demands. There would also be further positive outcomes for all concerned, as it would enhance knowledge and confidence of school staff and capacity build in schools.

There would be a reduction in inappropriate referrals and this could offer an opportunity for OTs to provide therapeutic work in schools rather than in a clinical setting. The modelling of further requirements, to be continued in school by school support staff and supported by parents, would be beneficial to all concerned and parents and carers would find it more beneficial to attend the school community setting rather than a clinical setting in most cases.

A further example of change would be for speech and language therapy (SALT) to also be delivered in schools rather than a clinic. A high percentage of families do not attend SALT and the young person is consequently removed from the service caseload. This denies the young person their right to receive support and amounts to a number of wasted hours each month for the therapist waiting for families to arrive for their appointment in a clinic.

If all SALT was delivered in a school setting, all of the young people in that school receiving SALT could have their therapy sessions delivered on the same day with parents attending and school staff involved, to ensure that programmes were continued as appropriate in the classroom. This would be a much more effective way for provision to be delivered and

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ensure the outcomes for young people are maximised.

Although all consultation questions are agreed with, there needs to be a lot more detail provided in supporting documents i.e. Code of Practice, support toolkits etc. There must be mandatory aspects as well as guidance and a full commitment from all parties to make this a better system than the outdated one which is in place currently.

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:



ALN120: **David Davies**
 Vale of Glamorgan County Council

Question 1 – New terminology

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

Agree		Disagree		Neither agree nor disagree	
✓					

Supporting comments

The term ALN is more inclusive than SEN. It is disappointing, however, that the original proposal to use the term Additional Needs has now been abandoned. As stated in the Ministerial foreword it is not only education that has the responsibility and ability to meet the needs of children and young people with "additional needs". This must be a collaborative process involving all services working with children and young people, particularly health and social services. Using the term Additional Learning Needs and not Additional Needs implies an education led approach which goes against the original "Foreword in Partnership" documentation. This is a significant lost opportunity to commit partners, particularly local health boards, to a meaningful joint commitment to jointly planning and funding the additional needs of children and young people (CYP)

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- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree		Disagree		Neither agree nor disagree	
		√			

Supporting comments

To facilitate smooth transition into adulthood there is a rationale for this, however the implications for LA's could be enormous. There are potentially huge funding implications for LA's both in terms of providing appropriate provision and in employing the additional personnel that would be required to ensure appropriate assessment monitoring and review processes are in place. This aspiration could not be met without sufficient funding.

Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

Agree		Disagree		Neither agree nor disagree	
		√			

- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

Agree		Disagree		Neither agree nor disagree	
		√			

Supporting comments

The need for a collaborative process of assessment, planning and monitoring which facilitates early, timely and effective interventions is without question. The emphasis on person centred planning is welcomed and the need to reform the statementing process is also undeniable. However, this proposed legislation does not recognise the effects already made by Local Authorities to provide support at SA+ and therefore diminish the need for entering the laborious and time consuming statutory assessment process. It would, therefore, be sensible to abolish the statutory assessment process and replace with the IDP. Those children and young people currently supported at SA+ should also have an IDP with

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the same statutory rights as those who would have statements. In essence the SA+ stage of the Code of Practice and the statutory assessment stage should be amalgamated and IDPs put in place. Pupils assessed as being School Action could be seen quite differently. Schools should be required to have provision maps in place to identify how they monitor, evaluate and review the provision they have in place for these pupils. To have this group of pupils with IDPs and with the same statutory rights as pupils with more complex difficulties would be far too bureaucratic to implement successfully and would be extremely counterproductive for all involved. This proposed legislation does not take into account that funding is increasingly being delegated to schools and that it is schools as well as Local Authorities that should be held to account for the use of their resources.

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

Agree		Disagree		Neither agree nor disagree	
		√			

Supporting comments

This is impractical. Approximately 20% of those pupils in education have additional needs and would therefore have an IDP. An LA could not prepare and monitor an IDP for this many children and young people. Pupils in FE colleges are not currently the responsibility of Local Authorities; it is very unclear how this additional responsibility could be discharged effectively when FE colleges do not come under LA control. The new Code of Practice would have to set out the responsibility of all partners extremely clearly. It is very important to maintain all of the key elements of the current Code of Practice, particularly the need to ensure a “graduated response” to address the needs of CYP with ALN. This legislation is in danger of losing this key message in an attempt to give all ALN pupils equal rights.

Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree		Disagree		Neither agree nor disagree	
√					

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Supporting comments

This is essential but the detail of this is in the new Code of Practice will be crucial. It will be crucial that the responsibilities of all parties are made very clear. There needs to be a recognition that Local Authorities have delegated funding to schools and therefore the statutory obligation of schools needs to be stressed. The Code of Practice will also need to reflect that LA's cannot be responsible for provision not provided by further education institutions or local health boards. Each partner will need to have their responsibilities clarified

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

Agree		Disagree		Neither agree nor disagree	
√					

Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

Agree		Disagree		Neither agree nor disagree	
√					

Supporting comments

This is a minimum requirement. FE colleges do not come under the control of Local Authorities therefore Local Authorities should not be held responsible for lack of FE provision and should not be answerable to tribunals for this. If this is the case, the financial burden on Local Authorities will increase massively.

Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree		Disagree		Neither agree nor disagree	
				√	

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Supporting comments

It is a sensible development for Local Authorities to be responsible for identifying appropriate placement. However, if the legislation also transfers the responsibility for funding and monitoring these placements to the Local Authority then the financial implications for Local Authorities will be enormous. The Welsh Government would need to recognise this and transfer sufficient funding to Local Authorities to meet the increased costs.

Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree		Disagree		Neither agree nor disagree	
√					

Supporting comments

This is a very sensible proposal.

Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree		Disagree		Neither agree nor disagree	
				√	

Supporting comments

This needs to be emphasised in the new Code of Practice but more importantly, local health boards and further education institutions must also share funding responsibility. The majority of current tribunal cases relate to disputes over health care provision. Currently if tribunals find in favour of parents on such issues the cost of providing health provision falls to the Local Authorities and not the local health boards. This legislation does nothing to address this obvious failing.

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- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

Supporting comments

The key to improving Multi-agency partnership working to ensure that all partners of equal responsibility for provision. This will mean that all parties have a vested interest in working together in a meaningful way

Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

Agree		Disagree		Neither agree nor disagree	
√					

Supporting comments

This would avoid duplication and streamline bureaucratic processes which is very welcome.

Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

Agree		Disagree		Neither agree nor disagree	
√					

Supporting comments

Local Authorities already have disagreement resolution arrangements in place. Parents should be required to enter into disagreement resolution prior to instructing solicitors. At present, as soon as parents meet with solicitors, disagreement resolution processes cease. Solicitors often insist that any correspondence is between the LA and solicitor which makes disagreement resolution very difficult.

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- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

Agree		Disagree		Neither agree nor disagree	
√					

Supporting comments

This should reduce the number of very costly appeals to tribunal.

Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

Agree		Disagree		Neither agree nor disagree	
		√			

Supporting comments

This proposal will have a very negative effect on relationships between parents, schools and Local Authorities and will create a new industry around appeals to tribunal which will be time consuming and costly to all concerned.

The new Code of Practice will have to set out very clearly what level of need for every area of SEN equates to the different stages of the Code e.g. SA, SA+ and statementing. This will need to be an “All Wales” document to ensure consistency across all Local Authorities. The Code of Practice will also need to state quite clearly who appeals would be against at different levels of need e.g. at school action it would have to be the school and not the Local Authority that was answerable to the tribunal. It appears that in order to ensure that parents do not lose the statutory safeguards of a statement to legislation proposes that all pupils with ALN (approximately 20% of the population at any one time) are to have these rights. This is a very drastic step to take and does not reflect the basis of the current Code of Practice i.e. “a graduated response”.

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Question 11

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

The legislation only sets out broad themes. The crucial detail will be in the Code of Practice. It is difficult to comment further until this has been produced.

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