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Legislative proposals for additional learning needs Responses 161-180

ALN161: Richard Spear
Careers Wales

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 welcome the introduction of a consistent terminology which is appropriate for both children and young people

- 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 danger has been in the past that even the perception of "cut off dates" related to ages have disadvantaged young people in the assessment of need and ensuring that those needs are provided for.

The main concerns are how this will work at a local level and ensuring that professionals and organisations work collaboratively in delivering a system from birth up to age of 25.

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 more information on how those eligible for an IDP will be identified - also, if all children and young people with ALN have an IDP what is the 'trigger' in the future that establishes the provision of funding to provide specialist education provision - the implication is that you could end up with a two tier IDP system.

- 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

It might be that these responsibilities would be better delivered on behalf of the local authorities through the four education consortia. In order that consistency of approach across Wales is more easily achieved.

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

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- 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

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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

The distribution of funding across the current 22 local authorities could be a difficulty for learners with a lack of consistency in decision making between local authorities on what they will fund and whether, on an annual basis, there is sufficient funding to meet need. The option of managing this through the education consortia may minimise some of these issues.

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

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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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Legislative proposals for additional learning needs Responses 161-180

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

There may be a need for a code of practice to be strengthened and consideration should be given to how this could be set out within the madatory requirements set out in Question 3 for local authorities, health boards, schools and FE colleges. In addition this could be extended to other organisations in receipt of Welsh Government funding who provide services to children and young people who have additional learning needs
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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

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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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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 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 161-180

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 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.

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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, ☐

ALN162: **Jane Davies**
 ACT Training

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 161-180

Supporting comments

The term ALN incorporates a broader spectrum of learning support requirements. Using the same terminology will easily map the support needs throughout the learner journey.

- 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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- 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

Clear guidance is required for service providers, including roles and responsibilities.

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

The IDP needs to contain relevant detailed information which is fit for purpose and available to all service providers in order to maximise the support given to ALN learners.

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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

Although the Local Authority should have overall responsibility, all service providers should feed into the IDP which should be a working document.

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 clear code of practice with mandatory requirements will ensure a standardised approach.

- 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

ALN needs should be resourced throughout the whole learner journey and issues regarding funding or appropriate provision shouldn't prevent this happening.

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 relevant specialist support should be made available for learners who cannot be accommodated in mainstream learning.

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

The provision should be relevant to the learner's needs.

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 essential to share information with relevant parties and historically when this has not occurred it may have prevented learners with ALN needs accessing the correct level of support.

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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

Standardisation meetings, discussing best practice and clear guidelines on effective, timely communication between service providers.

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 IDP would offer a broader spectrum of co-ordinated support.

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

There are clear benefits to independent mediation. The policy and procedure regarding disagreement resolution arrangements should be able to be easily accessed by all parties concerned.

- 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

The tribunal should be the final resort. Some disagreements can be more easily resolved through the complaints procedure.

Legislative proposals for additional learning needs Responses 161-180

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

More evidence may come to light which could affect a decision.

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.

In the current system we are required by the Welsh Government to plan a programme of reduced support as we have to ensure a learner demonstrates progression. In some cases the overall progression might be a longer progress as the ALN needs are not 'fixable' by short term intervention. By reducing the support the learner is disadvantaged. Will this still be the case in the new proposal?

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: ☒

ALN163: Sian Millar
Aneurin Bevan 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

ABUHB welcomes the proposed change as it recognises a wider spectrum of additional needs. We note that the consultation does not provide a precise definition of 'additional learning needs' and that the new process of considering whether someone has an ALN will involve the child, young person, their

Legislative proposals for additional learning needs Responses 161-180

parents and relevant agencies including education, social services or health and others as appropriate working together in a person-centred approach. Appropriacy must be based on a realistic outcome of reducing the risk of impact and harm, not just agency input.

The definition excludes prevention of ALN which is cost effective.

- 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 type="checkbox"/>
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Supporting comments

We agree in principle that the new system should apply to children and young people up to the age of 25. However, we have concerns that a broader definition of ALN and an extension to 25 in terms of entitlement could lead to resources being spread too thinly to the detriment of those who would benefit most or have greatest need. We recommend 'greatest need' includes greatest potential to benefit. Furthermore, we are concerned that those with less severe impairments but in whom greatest cost effective and efficient outcomes can be made, also risk losing out if resources are not allocated according to evidence base. Additional funding may be required to provide for young adults as well as additional training of staff as a different skill set is needed for working with young adults.

We recommend a financial impact assessment.

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?

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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 principle of a collaborative multi-agency plan to replace statements. However, we are concerned about the impact of IDPs on service capacity as there may be an increase in demand for professional staff input, which may or may not have effectiveness or efficiency. We also welcome clarification in the new consultation of the local authorities' statutory duty for preparing and implementing an IDP to ensure there is accountability for the delivery of ALN provision. We would seek assurance that local authorities will consult appropriately with health professionals and other agencies in their determination of the need for an IDP and in decisions on whether IDP's should be maintained for individuals. We are concerned that there is no financial impact assessment on potential increase in demand to Health service staff, particularly Health Visiting for under 3 year olds and the HCPC registered workforce.

- 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, we welcome the clarification of clear accountability. The provision should be delivered using a universal targetted and specialist model in order to deliver an effective and efficient support to the need. Due regard must be taken to the 'prudent healthcare' philosophy and prevention agenda. Provision of prevention services may fall outside of the remit of responding to Additional Learning Need, and any risk of this reform to hindering or pulling resource from prevention must be considered.

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 type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Legislative proposals for additional learning needs Responses 161-180

Supporting comments

We support the need for mandatory requirements for local authorities, schools, further education institutions, local health boards and tribunals to work collaboratively and share information in assessing and planning to meet the additional learning needs of children and young people. However care must be exercised with view to other legislation concerning healthcare which is not subject to mandatory delivery but is based on health economic evaluation.

We believe that mandatory requirements must be specific and agreed between agencies with due regard to other legislation. We welcome the requirement for the Code of Practice to provide guidance to professionals on early identification of children with ALN including those below compulsory school age particularly deprived children with Flying Start entitlements. The consultation recognises the key role played by health visitors and paediatricians and other HCPC registrants in providing clinical assessment of needs and in identifying early developmental problems.

- 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 checked="" type="checkbox"/>
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Supporting comments

We believe the terminology 'best endeavours' is open to interpretation and may lead to inconsistencies across Wales in securing additional learning provision. We would wish the legislation to set out clearly the duties and responsibilities of all institutions.

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="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="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 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

We strongly agree. ICT systems for sharing information are often incompatible between agencies and improved communication, sharing information protocols between health and local government will need to be agreed guidance on multi-disciplinary working needs to be set in place to ensure person-centred planning is effective.

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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

We would support a single pathway for referrals for education and health for some aspects of service in children's services to avoid duplication and to ensure joined up services. Shared IT systems would support this. We recognise that a great deal of good practice is already in place in terms of multi-disciplinary practice as well as shared training leading to a consistent approach and mutual understanding of a child's needs. We believe examples of best practice across Wales should be identified and form part of the guidance.

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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Supporting comments

It is inevitable that there will be differences of professional opinion in some cases in terms of meeting the needs of the child or young person. We strongly advocate a process that would help to resolve such differences between professions and not leave parents feeling they must negotiate for themselves.

- 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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Legislative proposals for additional learning needs Responses 161-180

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 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.

We note that the new consultation does not say that ALN reform will be cost neutral. However, it does refer to significant financial resources already allocated to support children and young people with SEN. We remain concerned that the broader definition of Additional Learning Needs and extension of provision to the age of 25 will mean resources will need to be spread across a greater number of children and young people and believe that a thorough financial impact assessment is essential.

We welcome proposals to strengthen multi-agency working if it leads to a seamless care pathways supporting children with complex additional needs through to adulthood.

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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ALN164: Rita Price
Wrexham Roman Catholic Diocese

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 phrase is broader and more inclusive.

- 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

I have concerns about the liability and financial impact on local systems e.g. re students going on to Higher Education.

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

Concerns about the interpretation of all children with ALN. I welcome the initiative but how is it being costed?

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

While this sounds logical, LAs continually refer to their cutting of essential services, such as school transport, because of Welsh Government cuts. There would be little point in the LA being responsible for the IDP if the child can't get to school.

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

Strongly disagree. The instruction is already clear - 'best endeavours'. Welsh Government is proposing and imposing mandatory requirements at the drop of a hat, and, it would seem, without due consideration.

- 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, but why does this not include work-based training, apprenticeships, and employment?

Legislative proposals for additional learning needs Responses 161-180

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

I have not agreed that local authorities should be responsible.

But I do agree that this provision should include work-based training, apprenticeships, and employment.

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

The description IDP is broad-ranging and all schools are externally inspected for their provision. The notion of being registered to provide the type of additional learning is more bureaucracy; the reference to an LA being prohibited from - - is wholly wrong; it denies the essential engagement with the parent and the school and advocacy. I doubt it would stand up in court. Whether the child is at an independent school or not, (presumably at the parent's expense), responsibility for the child's IDP rests with the local authority.

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

Legislative proposals for additional learning needs Responses 161-180

- 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

All responsible will surely take initiatives with multi-agency partnerships.

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 seems right and sensible.

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 checked="" 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 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 161-180

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

This is now hugely protracted with consequences for staffing and costs.

Where is this costed?

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.

I believe this is a helpful document.

I am concerned that there is no reference to the increase in time and costs that the new proposals will generate.

The Welsh Government's increasing tendency towards mandatory proposals are unhelpful and dictatorial, given the fact that everything is being handed down to local authorities.

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 161-180

ALN166: Colin Jones
Kitchener Primary School

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 children should not be regarded as having ALN solely because their home/first language is not the same as the language they are taught in. We agree that MAT children should not be regarded as having ALN solely

because of their enhanced ability or talent.

- 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

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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 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

We agree that the minimum frequency for reviewing IDPs should be annually (with IDPs being reviewed more frequently if appropriate; this being at the professional discretion of schools on a case-by-case basis, or at the request of children or parents). However, if children or parents are able to request more frequent reviews, then there needs to be suitable controls in place to prevent this becoming potentially unmanageable; possibly this should only be possible in the case of children at SA+ level or the current statement level.

We agree that IDPs should not be required solely because a child's home/first language is not the same as the language they are taught in and that IDPs should not be required for MAT children solely because of their enhanced ability or talent.

We disagree that IDPs should be mandatory for all children at School Action level. The creation and maintenance of IDPs will require considerable time from the IDP Support Coordinator, the child's class teacher, parents and other adults involved with the child. Therefore it is imperative that IDPs are only mandatory for children with severe and/or complex needs or such significant needs that they would currently have a statement. Apart from these children, IDPs should only be created at the professional discretion of the school - such as for those pupils that are not making sufficient progress over time despite appropriate intervention and advice/support from the local authority or outside agencies; this could include many but not necessarily all children at the current School Action + level. We agree that appropriate Quality Assurance systems (e.g. an online Provision Mapping system) should be in place to assess and monitor children, and to determine and provide appropriate interventions and support, for children at all levels of ALN; such a robust Quality Assurance process would negate the need to have IDPs for all children at School Action level, as the QA system would identify needs and stipulate appropriate intervention and support. Such a QA system could also negate the need for IEPs - with the detail of IEPs being specified within teachers' planning for classroom teaching/support or within the planning for specified interventions. A full-blown person-centered planning meeting and creation of an IDP for every child at School Action (potentially around 100 children in a school such as ours) would necessitate a very significant ongoing addition to the school budget to fund extra staff or to pay supply teachers in order to release class teachers to attend IDP meetings and to fill the role of the IDP Support Coordinator. Use of supply teachers within a classroom can have a detrimental impact on learning. In a school such as ours, a significant proportion of IDP meetings would also need support from a bilingual assistant for the parents of many ALN/EAL children, thus removing the bilingual assistants from their current duties of supporting children's learning within the classroom and hence having a potentially detrimental impact on learning; the alternative of hiring of extra staff would of course have an ongoing cost.

- 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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Legislative proposals for additional learning needs Responses 161-180

Supporting comments

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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

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- 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

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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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Legislative proposals for additional learning needs Responses 161-180

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

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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

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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

An online IDP system and online sharing of information, including appointment information, would be very beneficial and it is very unfortunate that this element is not going forward.

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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

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

We agree in principle with the proposals, but there needs to be controls in place to prevent the possibility of large numbers of appeals, so that they are restricted to only those which are appropriate and necessary.
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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.

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: ☐

ALN167: Welsh Local Government Association

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales. The three fire and rescue authorities and the three national park authorities are associate members.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.
3. The WLGA is guided by a number of key principles which underpin the work of the Association and have helped to shape this response to ALN White Paper. The WLGA believes that decisions about services should be taken as close point of delivery as possible and that the people and communities using those services should be as engaged as possible in their delivery. It is also our belief that local services should be provided within a democratic framework of local accountability.
4. The WLGA recognises that it is the role of the Welsh Government to set the strategic framework and policy direction for services at a national level and that it is the role of local government to deliver those services taking account of the local circumstances and pressures. It is also recognised that services must be provided within a proportionate but effective regulatory framework to ensure that public resources are used appropriately and that services are delivered effectively and efficiently.

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5. The WLGA has consistently argued for an un-hypothecated revenue support grant (RSG) as the best way of funding local government and any new responsibilities or additional burdens placed on local government should be fully costed and appropriately funded.
6. The WLGA recognises that some policy initiatives or strategies need to have funding attached to them for specific periods of time to make sure that they become embedded and are delivered as intended. For this reason, the WLGA, by exception, supports the use of specific grants or the ring fencing of revenue funding for specified purposes on the understanding that funding will eventually return to the RSG.
7. The WLGA is pleased to be able to respond to the *White Paper – Legislative proposals for additional learning needs*. This response has been informed by the knowledge and expertise of the Association of the Directors of Education in Wales (ADEW) and the Association of Directors of Social Services in Wales (ADSS). As such this is a joint consultation response on behalf of the WLGA, ADEW and ADSS.
8. The WLGA welcomes the proposals within the White Paper and the progress towards legislation. The Association is pleased that this White Paper has been preceded by a pre-legislative consultation and a number of pilots across Wales and that professionals within the sector have been engaged with the process to date. It is essential that education and social services professionals continue to play a key role in informing and developing the legislation to ensure that it leads to improved outcomes for children and young people with additional learning needs in Wales. Local authorities in Wales are committed to improving outcomes for all children and young people and believe that every child can achieve high standards. In order to meet this aim there needs to be a robust, evidence-based system of support for children and young people who have an additional learning need.
9. Local authorities are currently experiencing an extremely challenging financial situation. The local government settlement was cut last financial year by 3.5% and it is predicted that the cut for the next financial year could be up to 4.5%. These cuts have put an unprecedented strain on local authorities' finances and all local authorities in Wales are looking to make savings to enable the continuation of delivery of essential services, such as provision for children and young people with additional learning needs. Within this context it is essential that the financial impact of the proposed Bill and any subsequent changes to

delivery that are introduced as a result, are fully costed and financed. Any new duties or expectations on local authorities, such as extending responsibilities to age 25 will need careful financial planning and will need to be fully funded. The WLGA would welcome further discussion and clarity as to what resources will be put in place to ensure quality and appropriate provision.

10. The Bill covers a cohort of pupils who have diverse and, in some cases complex needs. Local authorities believe this group of pupils should be supported to achieve their full potential, it should however, be acknowledged that the costs associated with supporting these pupils can be substantial. As such the financial implications for local authorities should be fully explored and strategies for making the best use of resources should be discussed. Local authorities acknowledge that forward planning in this area is particularly difficult as new individuals enter the system throughout the year and Individual Development Plans (IDPs) will also be developed and discharged throughout the year. The risks associated with the potential for escalating costs need to be considered carefully.
11. In addition there is a concern regarding the costs for training staff in schools, local authorities and other partners, principally in relation to developing and continually assessing IDPs. As this is the cornerstone of this legislation it is essential that all staff are fully and appropriately trained and the costs of this training need to be considered. Local authorities along with the local authority school improvement consortia are keen to discuss options for this training with Welsh Government colleagues.
12. More broadly there is a concern that at this stage of the legislative process it is difficult for the WLGA, ADEW and ADSS to authoritatively comment on many of the proposals in the Bill as much of the detail will be contained within the accompanying code of practice. The code of practice will be paramount to the delivery of the proposals and it is essential that this is available for comment and co-drafting as soon as possible. Local government welcomes the principles contained in the proposed Bill but with the understanding that a new code of practice will provide clarity on the role of the specific role and duties on local authorities. It is the view of local government that the Bill, and the code, should be focused on standards, outcomes and expectations rather than on form, process and the structure of delivery.
13. The WLGA would also like to ensure that developments within the White Paper and the Bill are reflective of policy developments in other areas. This will

Legislative proposals for additional learning needs Responses 161-180

include the proposal to develop a Looked after Children Education Plan, Safeguarding in Education guidance and relevant sections of the Social Services and Well-being (Wales) Bill.

14. In addition to the broader comments above there are also a number of specific comments and concerns that have been raised by local government in relation to the content of the White Paper. These are outlined below.
15. The White Paper *'requires local authorities to prepare an IDP (Individual Development Plan) and ensure that any agreed additional learning provision set out in the IDP Action Plan is put in place for all children and young people aged 0-25 who have been determined as having ALN and who are receiving or wish to receive education and training'*. This accounts for approximately 20% of learners which amounts to some 93,000 pupils across Wales. The White Paper goes on to state that local authorities are to have effective governance arrangements in place to deliver, monitor and review their ALN duties. It is the view of local government that this should be reviewed in light of the numbers of IDPs that this duty will cover and the number of circumstances in which the local authority will have a delivery and monitoring role. This wide-ranging duty will significantly increase the workload of education and health professionals including teachers and psychologists and as such will incur considerable additional cost. This concern could be addressed with more specific detail about the expectations on the local authority at the different stages of the IDP. Further clarity is sought on how this is to be achieved in addition to recognition of the extent of responsibility.
16. The aim of the IDP process should be to create a simple and accessible process to support, and provide clarity, for parents, children and young people and practitioners involved. It is positive that the IDP is working towards targets and milestones that can be measured and reviewed. There does however, need to be a further discussion regarding the potential cost and time in monitoring and reviewing the IDPs. Again, additional clarity would be welcomed regarding the role of the local authority and the expectations in relation to reviewing. It is the view of local government that this work should be focused on achieving outcomes for children and young people rather than measuring processes.
17. The White Paper states, in point 6, that maintained schools, FE institutions, and Pupil Referral Units (PRUs) are required to use their best endeavours to ensure that the additional learning provision set out in a child or young person's IDP is

provided. The statutory duty for preparing and implementing the IDP remains with the local authority, which is welcomed by local government. The wording of this section, however, could result in some ambiguity over responsibility for provision and the funding of that provision. The WLGA would like to see greater clarity as to what is meant by 'best endeavours' and some more weight to the requirement. Clarity as to the parameters of 'best endeavours' would be welcomed, for example, is this funding, facilities, service provision limitations etc.

18. It is essential that the needs of the children and young people with additional learning needs are of paramount importance and it is also important that the expectations of parents and carers are carefully and sensitively managed. A great deal of work will need to be done to change parent's and carer's perceptions that the current system of statementing is the only way of accessing support for their child. Not all children with ALN require the same level of service, and support for pupils should be based on the needs of the individual. Working with parents and carers in during the transition between systems of delivery will be crucial and the emphasis has to be on the needs of the child and not on the process.
19. The health service is a key partner in the delivery of some of the services required to support children and young people with additional learning needs. It is important that there is clarity as to their role and responsibilities in relation to the delivery of services; the code of practice and guidance will need to make this clear. Whilst the new code is intended to lay the path for collaborative working it is necessary for current working practices to be addressed. Responsibilities and the roles that each professional plays should be clear within the code and in line with resources. This will provide parity of provision across authorities. The code needs to acknowledge the role that health services play and how they input into the IDP and delivery.
20. The principles set out within the White Paper put the interests of children and young people and their families first. Pupil and parents/carers voice is key in the process and guidelines on how this will be achieved needs to be included within the code of practice. Parents who have children with complex needs often have to attend multiple meetings with a variety of professionals which can impact on families in terms of finance and time. Often professionals are unaware of other services involved with a case and families can be frustrated by the lack of joined-up working. A more integrated approach will help address many of these issues.

21. Guidelines regarding the expectations of the role of the ALN Co-ordinator (ALNCo) are important to ensure consistency across schools and local authorities particularly during any transition between schools or settings. Reducing burdens, such as these, can be constructive and lead to more effective multi agency working.
22. The WLGA also welcomes the move towards looked after children having an IDP rather than a Personal Educational Plan (PEP). This will help to ensure consistency, ease of access to information and reduce bureaucracy. It is important, however, that there is a policy link up between this development and any looked after children education plan developed by Welsh Government.
23. Finally, tribunals are timely, costly and stressful for both families and the local authority and it can lead to a break down in the relationship between the two parties. Local government supports the suggestion that parents and local authorities to go through the disagreement resolution process before progressing to a tribunal but again greater detail is needed in the code of practice to ensure consistency. It would be useful if the guidance addresses issues such as parental disagreement with decisions made by the local authority, in this small number of cases it is essential that there is an independent person involved in the process. It is also important that children and young people are fully involved in this process and have a voice. A reduction in the number of tribunals should follow from effective implementation of systems to attend to the pupil and parent voice. There also needs to be access to current and accurate legal advice and guidance from an independent person who is a specialist in this field so that we can ensure that what the local authority has offered is fair and reasonable and meets the needs of the child.

CONCLUSION:

24. Much of the content of the Bill reinforces the direction of travel for local authorities in Wales. Many local authorities are currently working towards effective early identification, greater collaboration and links with health. The drive towards this in the proposed Bill is welcomed, as is the greater emphasis on the child and young person's voice.
25. The WLGA, ADEW and the ADSS would welcome continued engagement with Welsh Government to shape the developing legislation and would be

Legislative proposals for additional learning needs Responses 161-180

particularly keen to support Welsh Government in developing the code of practice associated with the legislation.

ALN168: Joy Mitchell
Wrexham 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	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Wrexham have been using this term for the last two years.
Will the term include 'more able and talented'?

- 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

In principle this could be fantastic for continuity for individual, in practice LA / Education cannot take responsibility from 0-25, without audit of budgetary and service capacity requirements- for example, the work of Education Psychology Services and Inclusion Department Officers will greatly expand with the expansion of the age range, at a time when budgets are shrinking (non replacement of staff who have retired means that service capacity has reduced).

How can we ensure that health and social services take mandatory responsibility? Without agreement conflict could arise.

When pilot / trial was introduced health/social services were to take equal responsibility.

Wide range of professional expertise and possible across a number of agencies which requires effective communication. Without this, the support could be patchy / insufficient.

Status of funded 3 year old practitioners needs to be raised as currently no information is shared with them from eg the hospital.

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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

With strong concerns:

- 1) Key agencies need to be involved
- 2) Currently opens up scope for tribunal
- 3) Post 16 - Careers Wales should still be involved due to expertise
- 4) Practically - prepared by partners - parents / agencies etc.. not by LA as at pt 5 page 22 of white paper. Continue graduated response.
- 5) New code and responsibilities need to be clear.
- 6) There is a question of where the funding will come from in individual cases e.g. from health or education and budget restraints on schools and settings. There are also training implications and costs. Wrexham have already trialled this approach.
- 7) We would consider IDPs and person centred planning to be 'best practice' so this is a very positive development. Wrexham is already moving forward with rolling out training in PCP to all schools and key agencies.

- 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

- 1) Strongly disagree - schools/agencies/parents need to have responsibility (especially outside statutory school age).
- 2) In current financial climate LA do not have capacity to carry out this duty - not financially viable (especially 0-25)
- 3) This model would require increased staffing at a time of austerity.
- 4) This proposal is very ambitious in terms of capacity of LAs to deal with this. Would require a single point of contact / responsibility. Can the LA effectively monitor provision for all with ALN / IDP?
- 6) Schools / settings have a sense of ownership and accountability for those with ALN. Would this be offset to the LA and detrimental to the children / young people?

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

Local Health Board essential
Further education institutions essential
Good to have statutory requirements laid out but need to consider capacity of LA.
In relation to 3b below, there should be a need for third sector organisations to work in collaboration with the LA.

- 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

Must clarify "best endeavours"
How realistic in practice?
This question needs further clarification - does it imply that they will do their best to meet statutory requirements but are not bound by them?

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

In principle would be good but huge financial implications.
In practice interpretation may lead to less equality due to finance and interpretation.
Currently is more equitable approach.

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

Does the parent's rights over-ride this?

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 for effective working.
Mandatory duty and guidance should be absolutely clear.

Legislative proposals for additional learning needs Responses 161-180

- 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

Mandatory duty for all agencies - clear.
Responsibility for IDP needs to be shared by agencies dependent on primary need of individual - clearly stated.
Recognition of statutory funded 3 year old education.
Key transition points must be strong in information sharing.
Multi-agency working over the IDP is essential but the Code of Practice will need to be very specific in showing how this would work e.g. Speech and Language Therapy Services require at least 6 weeks notice to attend multi-disciplinary review!

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

1) With appropriate input from Social Service and their responsibilities made clear - SS responsibility.
2) As long as the content and provision is appropriate and meets the needs of the child.

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

If this is to be statutory, should there be statutory guidance on this matter?
An example would have been useful in considering this proposal.

Legislative proposals for additional learning needs Responses 161-180

- 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 checked="" type="checkbox"/>
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Supporting comments

19 - needs to be sensible parameters. Depends on who is responsible for preparing IDP.

20 - Yes - who is the complaint against. Huge range 0-25 = floodgates to a tribunal. Better definition needed.

21 - No.

There is a possible issue regarding the LA's capacity to deal with a potential increase in appeals. There could also be a financial issue with widening the right to appeals - time, payments, compensation, consequences? Is this being taken into account?

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.

- Person centred planning - very positive

- Code of Practice needs to be very clear regarding agencies / responsibilities
- Include good parts of existing code e.g. graduated response
- The ability to respond to the consultation has been restricted by the questions asked in this response form. Listed below are the points we would like you to consider:
 - We need to be more child-friendly when assessing needs.
 - It is essential that these proposals fall in line with other WG initiatives e.g. curriculum proposals, EYDAF, new early years framework.
 - Does equal rights to IDP equate to equal time / funding?
 - Has funding in different sectors been built in, particularly in light of budget cuts?
 - Who would be accountable in a non-maintained setting regarding appeals as children are funded by LA/WG? e.g. LA, committee, private owners (day nursery).
 - How do we effectively gain the views of a 3 year old regarding IDP?
 - Increased entitlement to IDP and early intervention alongside budgetary restraints could be an issue - would some restrict numbers according to budget? The reverse could also happen - overspend.
 - The transfer of responsibilities to the LA is such that it is a budget pressure for the LA (capacity / administrative burden)

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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ALN169: All Wales Heads of Children's Services

We broadly welcome the proposals outlined in the White Paper.

We would support the need for:

- A unified legislative framework
- A single Individual Development Plan for all children with additional learning needs
- Increased flexibility in aligning plans with provision and a move away from a graded hierarchy of levels.

Issues which we feel need to be addressed:

- Health Boards need to be signed up as full partners to the guidance avoiding the use of words such as “could/should” and replace with must, and not refer to *collaboration*, rather joint responsibility for the delivery of the plan.

Legislative proposals for additional learning needs Responses 161-180

- A training requirement for all partners, including Social Care, needs to be more prominent in the paper to ensure effective joint working and shared commitment to outcomes.
- On page 16 of the White Paper, the phrase “it does not seem fair to base entitlement or protection on the extent of a child and young person’s need” should be reconsidered, as it appears in direct contradiction to the principle enunciated in the Social Services and Wellbeing Act 2014.

Suggestions we would like you to consider:

- We would support the view that all young people in care should have an Individual Development Plan, specifically to address their unique needs. This is not to say that all children in care have additional learning needs; rather it is to emphasise that, due to being in care, young people are entitled to a collaborative multi-agency plan to ensure that their needs for educational access are being fully met.
- This would also include those who are gifted and talented and those with mainstream educational needs.
- We feel the inclusion of looked after children in IDP requirements would have the advantage of creating a single planning framework for children in care’s education supported by statutory guidance. This could potentially offer a route for ensuring explicit funding arrangements.
- The Guide and Code of Practice would need to reflect the unique position of children in care, therefore including a wider category of young people than just ALN. This may avoid any potential stigma being attached to the plans.
- Clarity of governance accountability is important for all key stakeholders. The White Paper highlights that local authorities will have effective governance arrangements to support the delivery of their duties, including monitoring and review processes. There must be a clear framework on how it is expected that this will happen in practice.
- Overall, it is important that the Bill keeps the young person at the centre of developments. This is an opportunity to focus on achieving best outcomes through shared professional contribution, therefore having the best chance of creating integrated synergy where no key stakeholder has the option to disengage.

Legislative proposals for additional learning needs Responses 161-180

ALN170: **Robin Hughes**
Association of School & College Leaders

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

It is noted that the intention of the proposals is to be inclusive of a wide range of needs that a significant number of learners in mainstream provision may have and which have an impact on how they can be best supported to progress. That is commendable. However, there is some concern that the new term, ALN, may weaken the understandings that are based on the existing statutory

definitions for Special Educational Needs. These concerns will need to be considered and addressed as the proposals are scrutinised.

- 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

The proposal to establish a less punctuated service for the individual child and young person is commendable. However, there are significant concerns about the resourcing and implementation of such a commitment. In particular, the transition points between child, youth and adult services will need close attention. Providers will need certainty about who is doing what, when and how, and need reassurance that there is adequate resourcing for any commitment made. The child and young person, and their parent or carer, will deserve nothing less than a clear statement of what is possible, what is promised, and who is accountable for each element.

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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Legislative proposals for additional learning needs Responses 161-180

- 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

The child and young person, and their parent or carer, would benefit from having a clear statement on what service they can expect. This statement would benefit all providers too. However, extending the commitment to

provide an IDP to all ALN learners will create significant additional work for our schools and other services at a time when resources are already under increasing strain. The resource will need to be made available so that the commitment can be honoured. This resource will include capacity, expertise, money and time.

It is not clear if the proposals pay sufficient attention to securing the engagement and commitment of all the relevant stakeholders. Health professionals have a key role to play, and this needs discussion.

- 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 is an important role for Local Authorities in this provision. It has to be noted that our Local Authorities are under severe financial pressure and are having to consider how they respond to the recommendations made by the Williams Commission. There is concern that the good intentions within these proposals will not be met whilst such pressures and preoccupations exist.

The role of health and Social Services authorities will need careful consideration. They too are under strain, but there remains a role for them in providing the services described in these proposals. It is unfortunate that this is not explored more fully; it is a sincere hope that such discussion will feature prominently as scrutiny takes place.

Legislative proposals for additional learning needs Responses 161-180

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

It is essential that there is clarity on who is providing what, when and how when a range of stakeholders are contributing to a package of support for the child and young person. This statement must, however, be accompanied by a realistic understanding of the resource that is available. Commendable commitments, made in good faith, but which do not get delivered are of no value to the child or young person.

- 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 checked="" type="checkbox"/>
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Supporting comments

FEIs should be included in the reach of the legislation.

Careful attention needs to be given on how third sector organisations may have to respond to a commitment placed upon them. It would be unfortunate if the administrative burden on the third sector, for instance, increased such that valuable resource is diverted or that valued partners draw their service based on cost/benefit decisions.

'Best endeavours' is an unfortunate choice of terminology. It is too open to challenge and interpretation to provide reassurance for the child or young person, nor the providers.

Legislative proposals for additional learning needs Responses 161-180

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

Whilst it might be appropriate to consider local authorities as the proper holder of this responsibility, it is hard to accept that the current financial and re-structuring pressures that are impacting upon them will allow them to accept and progress this responsibility.

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

A framework for quality assuring placements is required.

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

An effective multi-agency approach will include all stakeholders working in partnership with honesty about what can and cannot be delivered. This partnership will be anchored with a framework that has a basis in statute.

Current disputes between providers, and between the representatives of the child or young person and providers, are often based on a confusion about what service has been recommended, and who is obliged to deliver it, if anyone. Often, the root cause of confusion is between, on one hand, the school and

Legislative proposals for additional learning needs Responses 161-180

local authority, and on the other, the health and social services. Statutory responsibilities may be placed upon the local authority but there is no such responsibility on health, meaning that there is an imbalance between the commissioning agent of the special services and the provider of such services (eg. behavioural or speech therapies).

- 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

see above

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

replacing several documents with one is always a good idea.

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

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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 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 161-180

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

Right to appeal should be available only to those that have followed the established conflict or complaint resolution process.

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 intentions of these proposals are commendable. But there is insufficient attention given to the full range of stakeholders that have a part to play in any sensible implementation of these proposals, especially the health and social services.

It is difficult to see how the responsibilities being palced on local authorities and other services can be adequately resourced, given the pressures that are bearing down upon these services.

School leaders will be vary wary of accepting additional administrative burdens, for no clear advantage to the child or young person.

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: ☐

ALN171: **Richard Tither**
 Coleg Elidyr

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 welcome the clarity and coherence that this will establish, particularly when young people progress into further education. We would also welcome

the focus on learning and education that clearly highlights the central importance of education in reducing the barriers for young people with SEN/LDD to access a more meaningful and dignified life.

However, as the White Paper makes clear, the Bill would also need to identify very clearly that the responsibilities for meeting a young person's learning needs are shared by many agencies, not simply education, and that in order to enable learning, a young person may need access to a range of services beyond education.

We are also not sure whether the use of a single term to encompass all young people with a diverse range of needs would replace more differentiated descriptions of need, with negative impact on those with the highest level of need, for example young people with severe and complex needs. We would be concerned if the effect of this change would be inadvertently to reduce the level of provision for this particularly vulnerable group of young people.

- 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 this change and feel it should lead to both much greater coherence and consistency in terms of planning and support for a young person and their family, as well as more effective longer term planning within local authorities.

However, we do have concerns about the ability of some of those involved in assessing and providing support for young people to provide impartial advice and guidance across the full range of options available post-16. The Code of Practice would need to ensure that all those involved in this have a much broader awareness of all progression pathways at post-16 than is currently the case. Provision within general FE is still very frequently of a one size fits all variety and there is still among many professionals associated with young people with learning difficulties and disabilities a lack of aspiration that is determined by established practices and the limits of their own experience.

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 would welcome this as long as the benefits of greater consistency and inclusivity do not at the same time lead to a downgrading of the support for learners with more complex needs.

- 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 with this proposal but would repeat the point made above that the quality of this will depend very much on the level of expertise and awareness of those involved in the assessment process. Unless there is confidence in the ability of those involved in this to explore the full range of provision available, the most appropriate match to a young person's learning needs is unlikely to be identified.

It is not yet clear who within the local authority would have the responsibility for coordinating all elements of the IDP through the 25 years of a young person's life.

Finally, we do have significant concerns regarding the final aspect of this proposal, namely that the local authority should also be responsible for ensuring that the provision set out in the IDP is delivered. While this might be appropriate during a child's school years, it is much less likely to be so post-16, and there are many conflicts of interest for the local authority at this stage. It is unlikely that there will be a similar requirement for local authorities with

regard to young people without learning difficulties who have the right to access provision anywhere across the UK when they leave school (see response to Q5 below).

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

In principle, it would be difficult to disagree with this. However, it is far from clear at this stage what the mandatory requirements are and thus very difficult to provide comment at this stage.

- 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 161-180

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

As with many of these proposals, this should in theory facilitate better planning, consistency and progression and we welcome the inclusion of further education institutions within this proposal. Currently, planning at post-16 for this cohort of learners within mainstream FE is frequently overly generic, not individualised and not well-matched to learners' needs. There is a lack of specialist expertise within too many FE departments and colleges as well as a lack of appropriate facilities and curricula.

However, we have considerable reservations about the use of the term 'best endeavours'. and there would need to be clear guidelines about what this means in practice. What are a young person's and their family's rights if they feel that 'best endeavours' to secure their identified learning needs are not being made?

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 strongly support the implicit recognition within this proposal that many learners currently struggle with the options available to them post-16 and would support the right of all learners to have access to an education that meets their own aspirations, needs and abilities - not just what is locally available because this is all their disability allows them access to.

However, we are concerned about moving the funding for this from the WG to local authorities. We know already that funding will not be ring-fenced, and given the pressures that local authorities are under, many parents fear that it will become even more difficult for learners to gain access to this sort of provision than it currently is. What sort of requirements will there be on the local authorities, other than the use of their 'best endeavours' to ensure that those who require specialist provision outside of general FE, receive this?

In addition, there would need to be clear guidance around how the local authorities should best approach this. Specialist education provision already exists in some local authorities but there is currently very little effective dialogue between those responsible within the local authority and specialist providers about how the provision they offer can be exploited to ensure best outcomes for learners and maximum use of resources within the authority.

Given the need to avoid costly duplication of resources, particularly at this time, guidance would need to ensure that local authorities work much more collaboratively with all partners, including 3rd sector organisations who have many years' experience of providing specialist education, considerable staff expertise and extensive facilities, to ensure maximum benefits for learners.

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 checked="" type="checkbox"/>
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Supporting comments

We feel that the issue here is really about the quality of the provision and how this is assured. Currently, the level of scrutiny across sectors lacks coherence, with providers of specialist provision in the independent sector subject to a much greater level of scrutiny (annually) than providers within the mainstream sector (every six years). This is particularly true within FE where the numbers of learners are much greater, and where under Estyn inspections, the provision for entry level learners is barely scrutinised in relation to the degree of scrutiny a learner in independent provision would receive, and certainly not in terms of individual outcomes for learners.

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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Legislative proposals for additional learning needs Responses 161-180

Supporting comments

We strongly support this as the only effective way in ensuring a learner's complex needs are met. It would also establish greater transparency around the costs of different programmes and levels of provision for learners.

Our only reservation would again be around ensuring that all parties have a greater understanding of the full range of options that are available for young people, about the impartiality of guidance for them and their families and about how the third sector could play an appropriate part in this.

- 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

In our experience, the main barrier to multi-agency working is pressure on funding. Where pressures on budgets exist, it becomes difficult to coordinate priorities, leading to delay and mistrust. Short of wholesale reorganisation, the code of practice must have sufficient teeth to force different partners to promote the cultural shift that will allow colleagues from different agencies to work together effectively and openly in the interests of the individual learner.

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 agree that this should reduce needless 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

We strongly support this, providing these have the confidence of all partners and are considered sufficiently rigorous and impartial

Legislative proposals for additional learning needs Responses 161-180

- 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

In principle, yes. However, we are concerned about the many stages a young person and their family may have to go through before they have the rights of appeal to a tribunal. The code of practice would need to be clear about the requirements on all parties to ensure that each stage of the process is concluded in a timely fashion, does not lead to undue pressure and lead to some young people/families effectively giving up the fight as a lost cause.

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

We welcome this proposal.

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.

Coleg Elidyr is an independent specialist college that provides further education and training for young people with LDD, whose needs cannot currently be met by mainstream FE colleges. A significant number of these are young people who have previously been assessed as students whose needs could be met within mainstream FE provision, and whose placements have then subsequently broken down. We have a long history of providing highly personalised, differentiated programmes for young people who experience a broad range of learning disabilities, as well as emotional and behavioural difficulties.

As such, we remain concerned under these proposals, as we were under the proposals under the previous Bill, about the conflict of interests for local authorities that arises when funding for such a vulnerable group of learners is

transferred from WG to the local authority. We remain concerned about where the responsibility for assessment will lie and that when the responsibility for assessment of learners' needs is transferred to the local authority, there will be pressure to assess for FEI places, as the authority will then not be responsible for the funding - just for those who require specialist provision. There are potential implications here not just for the right of learners to choose the most appropriate provision for them but also for the quality of provision across the sector as a whole. These are clearly early days and it is hoped that the code of practice will be sufficiently strong to ensure that all decisions are made in individual learners' best interests, but at the present time, this remains a significant concern for us.

Related to this are questions about the consistency of scrutiny and the quality assurance of provision for this group of learners between specialist colleges and FEIs. We have raised this question with Estyn previously and are still awaiting a response but in the meantime evidence suggests that the differences in this vary significantly. If the aim of this Bill is to ensure transparent advice and guidance for all involved and high quality outcomes for all young people with ALN, we feel strongly that this is an issue that needs to be addressed.

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: ☐

ALN172: **Dr Mair Parry**
Royal College of Paediatrics & Child Health Wales

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

RCPCH Wales is keen to see the Welsh Government address support for children with medical conditions while in school and to include this in the definition of ALN. Welsh Government guidance - Access to Education and Support for Children and Young People with Medical Needs (Welsh Government circular, May 2010) - covers support for children with medical conditions. This ALN

legislation offers the opportunity to equip schools with the necessary skills and tools to support the education of children with medical conditions.

Public Health Wales recommended last year that schools in Wales should have a health care plan for children with severe asthma [Public Health Wales, Child Death Review Programme - Annual Report 2013]. RCPCH Wales strongly recommends that the Welsh Government considers a duty in the ALN Bill to require schools to follow statutory guidance to help support children with relatively common medical conditions that impact on their learning and development: e.g. asthma, diabetes, epilepsy, heart disease, cancer and severe allergies.

A duty in this area would require schools to have regard for statutory guidance, which could include roles for governors, a requirement for school policies, integration with the IDP process, staff training, medicines management, emergencies, and provisions for children with medical conditions who are on trips, visits or taking part in sports.

The college believes this is in keeping with the legislative requirement for Welsh Ministers to have due regard for the best interests of learners the primary consideration.

- 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

RCPCH Wales members will work with the new system in their capacity as health professionals. Some members have been involved with ALN pilots across Wales over the past few years. Individual Development Plans have potential - when well run - to promote a child-focused approach and encourage information sharing among the multi-disciplinary team working to support a child. RCPCH Wales is concerned, however, that paediatricians might face similar issues in the new IDP system as the statementing system: to be pushed at a time of restricted resources towards describing only the statutory requirements a child or young person has for the IDP and record only 'eligible needs'.

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 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 type="checkbox"/>
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Supporting comments

Not answered

- 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 type="checkbox"/>
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Supporting comments

Not answered

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, RCPCH Wales thinks that the Welsh Government should consult on a statutory code of practice to support the ALN legislation. This is a key part of the reforms and will play a large role in determining how successful the new IDP system is.

Legislative proposals for additional learning needs Responses 161-180

- 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 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

Not answered.

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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Supporting comments

Not answered.

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

Not answered.

Legislative proposals for additional learning needs Responses 161-180

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

There is considerable merit to extending the Education Act 1996 provisions in the new system to include a duty to share information. At present paediatricians face practical obstacles to sharing information and RCPCH Wales is aware that information sharing across services varies in Wales. Services use different patient record systems, for example, so data inputted by different teams is not visible to other members of the multi-disciplinary team. The precise legal definition of 'cooperation' will need further discussion, however.

- 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

Some members of multi-agency teams have no administration support, which requires paediatricians to spend time on routine administration tasks rather than using their clinical skills and experience.

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

RCPCH members across Wales have considerable experience of managing children's safeguarding and the college itself has an officer responsible for child protection and staff who can advise on child protection issues. RCPCH Wales would be very happy to work with Welsh Government to develop proposals in this area.

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

Not answered

- 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

Dispute resolution processes are important. Local arrangements will be needed but must be supported by a clear, statutory code of practice that sets out further detail and minimum standards.

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

Not answered.

Legislative proposals for additional learning needs Responses 161-180

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.

About RCPCH

The Royal College of Paediatrics and Child Health (RCPCH) is responsible for training and examining paediatricians in the UK. The College has over 15,000 members in the UK and abroad and sets standards for professional and postgraduate medical education.

Almost 5 per cent of RCPCH members are in Wales. RCPCH Wales works on their behalf to provide training courses and work externally to influence policy and legislation around paediatrics and child health.

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: ☐

ALN173: **Sian Griffiths**
 All Wales Paediatric OT Network

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 Network support the new terminology and feel it is a more positive term.

Legislative proposals for additional learning needs Responses 161-180

- 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 Network agrees in principle and looks for assurance that this will mean the education system will support the needs of young people up to the chronological age of 25 years, specifically in support of young people whose developmental age is far below their chronological age.

Consideration is required in relation to how health, social services and the voluntary sector are currently set up in comparison to age range to support a service from birth to 25 years.

Further consideration is required in relation to the legal framework that supports service delivery within all agencies and the voluntary sector in relation to this age range. For example how would this interface for young people beyond 19 years in receipt of Continuing Care, given the difference between WG guidance relating to responsibilities by way of statutory services between the adult Continuing Health Care and Children and Young People (C&YP) Continuing Care?

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

The Network recognises that an IDP will support the identification of the

specific learning needs of individuals and has the potential to put in place bespoke support to maximise learning and development, but has some concern in relation to the statutory obligation that will be placed on education to meet these needs and seeks clarity regarding any potential change in legislation.

The Network also seeks clarity and assurance that the best skill mix will be put in place to support individual learning needs, which is often beyond the scope and expertise of teaching staff.

- 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

In principle yes, the Network agrees that ultimate responsibility remains with Local Authority (LA), however, as indicated in 2b, the Network is concerned with regard to the current skill mix within mainstream, ALN units and special schools.

For example, paediatric occupational therapists have in-depth knowledge and skills to facilitate and support learning and development, to provide training for other staff and in support of IDP's. Yet whilst openly recognised, employment of these skills within the educational skill mix are a minority and remains patchy.

Current IEP's rely on paediatric therapy advice from a mix of education based services and those employed by health, this leads to an inequality and impacts on timely contributions. Health based services have a different statutory obligation and therefore are not compatible with the LA based services.

The network seeks assurance that in setting up the IDP service, the appropriate skills mix required to meet the needs of C&YP with ALN will be put in place. Timely assessment, recommendations and review assessments are essential for the success of an IDP.

Clarity is also sought in relation to whether LA as indicated above, includes Social Service? Occupational therapy employed by Social Service have expertise in environmental adaptations to facilitate access to and within educational settings, but are not currently utilised in this capacity, is there a plan to include these skills to support the provision of IDP?

Legislative proposals for additional learning needs Responses 161-180

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

To offer a response the Network seeks sight of the new code of practice in order to consider the implications.

Initial clarity is required on the impact for statutory obligations and the term 'local health board' suggests local independence?

3b refer to 3a, the Network questions whether recipients of the guidance include private practitioners and parents/those who take on parental responsibility?

- 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

The Network fully supports extending IPD's to include all further educational institutions, where an appropriate skill mix is in place.

Early intervention and prevention can only be achieved with an appropriate skill mix; where expertise is available to identify ALN at the first possible opportunity. Signs can be very subtle at an early stage and do not become obvious until educational expectations increase. Paediatric OT/Therapies will provide that expertise and reduce the potential for complex ALN. This applies

Legislative proposals for additional learning needs Responses 161-180

throughout school age and not only preschool.

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 Network agrees, as per previous comments and recommends that this provision is best placed close to home.

The Network recommends an appropriate skill mix within the education system that includes occupational therapy. This is essential to the success of post 16 learners, especially in relation to the development of life skills and vocational training. Occupational therapists have a unique knowledge and skill base that maximises the potential for learning, development and independence for pupils. Including setting realistic expectations and utilising individual splinter skills to facilitate success wherever possible.

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

The Network agrees, in the assumption that the IDP is accurate, appropriate and realistic.

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 Network recognises that sharing of relevant information is key to informing the IDP and recommends an infrastructure to support management of this information.

The Network seeks clarity on why parents are not included in this question, as we feel parents are central to communication and have primary duty of care and therefore ultimate responsibility for the education of their children.

Further, we seek clarity on where parental consent to share information will fit within this requirement? Should consent not be agreed, how would this impact on completion of an IDP and any subsequent support for an individual with ALN?

- 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 indicated in the responses above, the Network recommends the development of an appropriate workforce and skill mix, including occupational therapists to meet the requirements of ALN and the provision of IDP's. The Network, in its extensive experience of working with ALN, recognises that given the increasing number of pupils with ALN, the current workforce lacks the competencies and expertise required to deliver the national curriculum.

Additional recommendations support pooled equipment budgets across Wales, as recommended in WG report and recommendations; including equipment management structures to facilitate, procurement and core equipment stock. This will facilitate best use of resources and timely provision of equipment required to meet ALN. Current systems rely on manufacturer time frames and individual pricing.

As indicated in 2c, LA employs occupational therapists with expertise for environmental adaptations, but does not utilise these 'in house' skills to advise on school environment development, but relies on general advice from Disability Environmental Guidance, which is primarily designed for adults and are very general in nature.

An IT system to support communication, avoid duplication and support timely access to information is necessary. In addition, co-location of services across agencies, including Educational Psychology within a Community Services would support multi-agency working. Shared targets and the capacity to deliver integrated training opportunities between agencies would also benefit.

A move away from diagnosis led services to needs led services would facilitate the support of children as co-morbidity is 90+% and diagnosis led pathways has the capacity to increase ALN, without the expertise to identify the presence of co-morbidity.

Legislative proposals for additional learning needs Responses 161-180

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 Network supports that an IDP can function as a personal education plan for C&YP who are looked after by LA. On the premise that attachment and psychosocial development is included as part of the IDP and that the relevant skill mix is in place to support these psychological issues and the impact on neuro-development and therefore ALN.

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

The Network agrees on the premise that this is an independently commissioned body from a governance perspective.

A multi-agency/professional panel is recommended, with parent and advocate for the child/young person included. Time for attendance at these hearings will need to be factored in for the professionals as they can be a time-consuming process which takes resources away from other service delivery.

- 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

The Network does not feel that this would support integrated working practice in their current form. Consideration is required as above.

Legislative proposals for additional learning needs Responses 161-180

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

The Network agrees in principle, given that it reasonable and practicable.

It is recommended that evidence based service provision, which has proven to have efficacy should be respected.

The Network seeks clarity on who can appeal and recommends that this is opened to the multi-disciplinary team.

The Network requests that the IDP is flexible to allow for adjusting need.

The Network seeks clarity with regard to pre-school IDP right to appeal i.e. what would it look like and how would it be funded?

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 Network has included in the body of its responses recommendations regarding workforce development and seeks a response with regard to this recommendation.

Statutory obligations have only been touched upon throughout this consultation. The Network seeks clarity on any potential change to current statutory obligation.

The Network seeks assurance that documentation and processing relating to IDP will be standardised and not open to local interpretation.

In line with the Public Health agenda, it will be important for agencies, including those with occupational therapists, to have the opportunity and mandate to work at a universal level such as working with whole classes or schools to develop and implement universal strategies.

For example, working from a universal perspective and when needed at a targeted and specialist level, the project “Partnering for Change: An Innovative Model for Providing School-Based Occupational Therapy Services to Children with DCD”, demonstrated a cost-effective service; eight occupational therapists over a combined total of 295 days, worked with over 2600 children at a whole class level in 183 different classrooms, 428 children in small groups and with 168 teachers, 17 special education teachers and 24 assistants. Parent workshops were also held, influencing 88 parents at 11 schools and 440 parents at nurseries (Missiuna et al., 2012). A summary of the project is available from <http://canchild.ca/en/ourresearch/partneringforchange.asp>.

Using this type of approach will enable more children have their needs met and could reduce the number of children requiring intensive services. However, consideration would need to be given as to the funding arrangements for such as service as the systems described here focus primarily on individual children.

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: ☐

ALN176: **Greg Walker**
Colegau 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

There has 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.

The range of additional learning needs that are recognised and understood has widened as diagnosis has improved. Thus any term adopted does have to be clearly defined to ensure that vulnerable young people are not placed at risk because the support or guidance that they require is not put in place.

- 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 and training for them to the age of 25 should ensure that they have the opportunity to reach their full potential.

However, care will need to be taken to ensure that there is not a perception that this provides an automatic right for all young people with ALN to stay in education on a full-time basis until they are 25 years old. FE provision should be available to all those who can benefit from it but many will have achieved all that it can offer them after three years or so. Providing continued full time provision for many of these would be both costly and pointless, turning FE institutions into day centres.

Clear guidance will need to be provided to ensure all continuing education has a clear benefit to the learner and allows for lateral or upward progression.

All the professionals involved will be required to work to shared and common standards, sign up to protocols to share information securely and be appropriately trained to have the skills and understanding to provide the appropriate balance of support and challenge for these young people - and know where to go for specialist guidance, advice or support.

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

The proportion of learners entering further education with learning difficulties/disabilities 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 low ability and learning difficulties/disabilities (LDD). 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.

Completion of IDPs should be done to specified standards and good practice should be provided in the completion guidance. The IDP should be subject to regular informed and professional review to ensure that any changing needs are adequately recorded, recognised and met.

- 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

There are concerns about the capacity and the level of expertise of local authorities to fulfil this responsibility and to have the wider picture beyond their own authority of how these young people's needs can be best met. There is a need to ensure a more regional approach to ensure best use of specialist resources and wider collaboration.

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

This should aim to secure the involvement of the appropriate professionals without making demands on them that are unreasonable or unrealistic. Roles and responsibilities should be clear and appropriate within efficient and effective processes.

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 autistic spectrum conditions (ASC). If provision for such learners is to include social skills, speech and language, etc. this will need to be clearly identified and funded.

- 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

Within a framework of collaboration that ensures effective shared use of resources to better and more cost effectively meet specialist needs. At the heart of this should be the shared collaborative aim to give parents the information and understanding of the options available to their young people to enable them to play a full part in the decision making.

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 concern about local authorities' capacity to take on this responsibility in a proper and consistent way, involving all the necessary professionals including further education and other providers. Careers Wales was considered by further education colleges to be an honest broker and to have done well in most areas.

Nonetheless, the further education sector acknowledges that there is no other body that has contact with the learners from birth to adulthood and that local authorities are therefore best placed to make appropriate decisions about post-16 specialist placements.

However, care must be taken to ensure that the decisions made by local authorities are not just based on available budget and 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 further education provision, this should be made 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 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.

The placement process is best undertaken through a collaborative framework of registered providers both to share resources / expertise and to meet young people's needs.

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

Every effort should be made to share expertise and resources, and to support access to the best learning environment to meet the young people's needs, including access to transport.

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.

- 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 well as a code of practice, there should be a process to monitor the decision making process, the costs incurred in arriving at the solution and the outcomes for the young person.

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

Again this should be undertaken through a collaborative approach in order to ensure that the needs of any vulnerable young people are met. There is a specific need to support each transition for the young person with an emphasis on advocacy. This should include the capacity to resolve issues that arise during the transition efficiently (such as costs of any necessary uniform or protective clothes required by the young person to make the transition). This avoids the risk of young people falling out of the transition.

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

There is a need for a process to resolve disagreements but there are questions about local authorities' capacity to resource this. If the process to secure appropriate provision to meet learners' needs works well, this process may be only be used occasionally. To have credibility, the process must be seen to be impartial and thus requires the involvement of other agencies, with local authorities being in a position to resource and support the process.

- 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

The complaints process needs to take account of the source of the complaint and include the support of an advocate for the young person or their family in this process.

Legislative proposals for additional learning needs Responses 161-180

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 a necessary part of the process.

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.

There are other specific areas that may need clarity, including:

- the role of Careers Wales in these processes and their Learning and Skills plan
- the boundary between these learners and the new processes and the Youth

Guarantee and the CAP process - it is not clear where the boundary lies for vulnerable young people

- the potential disconnect that has been apparent in the CAP process between small local authorities and the wider regional FE colleges, whose specialist ALN resources may be out of county and discounted in the decision making process led by the local authority - and thus disadvantage the young person from access to the best learning environment
- the need for clear criteria for young people with ALN. There is a significant reduction in statementing currently and a decrease in LA capacity to support the transition for vulnerable young people. It is necessary to ensure all young people are supported to remain in education or training in the best learning environment for their needs and aspirations.

This response has been formulated in conjunction with the ColegauCymru's Learners with Learning Difficulties or Disabilities Network. Each of Wales 15 FE colleges and FE institutions have a place on this Network and we are grateful for their input into this response.

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: ☐

ALN177: Rhea Stevens
Action for Children 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

We welcome the term "additional learning needs" and agree it is less

stigmatising than negative associations with "Special Educational Needs". We note that in a number of areas in Wales our staff are working with local education authorities (LEAs) who are already using this term to describe provision for children who require additional support to learn. The white paper is not clear however how ALN will be defined and what the legal status of this term will be. We believe the Act and Code of Practice should include a clear legal definition of ALN.

By capturing the existing tiers of support including statements, school action plus and school action in one system there is a positive opportunity to overcome the existing threshold barriers to support which can impede children's access to early, appropriate help. The code of practice which accompanies the Act will need to ensure existing thresholds do not simply translate to the new framework.

We spoke to different groups of parents who use Action for Children - Gweithredu dros Blant services for disabled children about the provisions in this white paper. Broadly all parents we spoke to were positive about this new term, though they were clear terminology is not as important as the function and the difference it makes to children's lives.

Similarly, young people we spoke to did not feel a new name was important. The most important features of a new system for them was that they were listened to, had choices and that their opinion counted amongst professional opinion.

We have attached to our submission a picture of the list of priorities which young people from one of our services for disabled children in West Wales felt it is important for a new law to deliver. The list includes: right to speak; right to be listened to; no last minute changes; give people more time to get to class. It is important that the Act and accompanying code of practice drives a child-centred, improved and flexible response to children and young people's diverse 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

We are very supportive of extending the age range from 0-25. We consider this change will help ensure children and young people access high quality education throughout their nursery, school and college life without suffering on

account of the administrative hurdles that occur during transition between education settings.

It is important that children and young people are supported throughout the age range. Starting from birth recognises the importance of early identification and early intervention. Health professionals, particularly health visitors and GPs, play a key role in the early years and beyond. Consequently we recommend that legislation mandates a shared responsibility from 0 - 25 yrs.

Using the same terminology and methodology across the age ranges will make progress, or lack of it, clearer to see. It should enable planning, intervening and reviewing to follow seamlessly despite transition between educational establishments. It is important this is robustly reflected in the new Act and accompanying code of practice.

There are a number of important considerations for professionals in assessing and providing support:

Sharing information across transitions.

Transitions occur between settings including nursery, primary, secondary and tertiary education. Transitions also occur when an education setting is no longer found to be appropriate for a child or when children move across local authority boundaries. Staff in our services across Wales painted a mixed picture of how effectively information about children is shared across different settings to facilitate a smooth transition for the child.

In some areas our early years services have developed strong links with local primary schools. They have embedded the practice of primary school teachers visiting the early years setting to learn from staff who know the child well. This is a really positive example of practice which is child-focused: by seeing the child in a familiar, comfortable environment that are thriving in the staff from the next setting are able to learn how they can recreate that environment and practice so a child is able to thrive. It is important that the code of practice drives effective information sharing that is focused on the needs and capabilities of individual children.

Training

Staff in all educational settings captured by that 0-25 system will require training in the new framework. It will be particularly important to make a child-focused approach a core component of the new training scheme to promote movement away from the previous tiered system of entitlement. Special consideration needs to be given to staff skill development in engaging children, young people and parents so that they are able to play a meaningful role in developing, implementing and reviewing IDPs.

ALNCO

Staff, families and young people we spoke to painted a mixed picture of the effectiveness of the current SENCO role, largely due to issues relating to time, resource and expertise. Staff in particular recognised that the current SENCO role is critical and when performed well can make all the difference to a child's educational outcomes. Some managers reported that schools in their areas do not allow SENCOs time for their additional duties outside their existing teaching responsibilities. This means they have no time for implementation or meaningful ongoing review outside of the formal review arrangements. One manager gave an example of attending a review meeting in which the SENCO hadn't met the child concerned. This example raises significant questions about how meaningfully they could implement and monitor specific arrangements for that child to ensure they are being given the right resources and opportunities to reach their potential. ALNCOs should have dedicated time in the school day to undertake their additional duties and focus on the most vulnerable learners, and this should be a core feature of the accompanying code of practice.

One parent reported "I've had very little to do with the SENCO in his school, and have subsequently found out about things the SENCO could have done such as arrange the review meeting I requested". Another parent explained "I have never really understood the relationship between the SENCO and me". One parent in particular we spoke to had not had a positive experience with the SENCO and despite her son's statement stating that his needs could be met in a mainstream school was told "maybe you should look around at other schools" rather than planning her son's entry to his local school collaboratively.

Alongside implications for professionals in fulfilling the new ALNCO role, special consideration will need to be given to the implications of this role for parents and children and what information they will require about the role to ensure they are able to access support as early and effectively as possible.

Children's wellbeing

Parents we spoke to during this process felt statements and other academic plans focused strongly on the child's educational experience and outcomes, but did not consider their broader wellbeing enough. This was a point echoed by staff and evident from conversations with young people about their school experiences. It is important that the new framework is driven by a focus on children's wellbeing as well as academic achievement to ensure that children and young people do not face additional barriers to learning. The new assessment framework should consider issues such as emotional wellbeing, breaktimes, bullying, spending time with peers and extra curricular opportunities.

Welsh language provision

Staff, parents and children we spoke to across Wales were concerned at the lack of opportunities to learn in Welsh for children and young people with additional learning needs. Children and young people with additional learning needs should be able to access education in their language of choice equitable with their 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 agree there are clear advantages to bringing together the existing assessments, statements and Individual Education Plans (IEPs). The primary advantage should be to access the right support as early as possible and remove the threshold which exists at the point of accessing a statement. We have a number of concerns that will need to be overcome when constructing the Act, accompanying code of practice and training:

Statutory entitlement

Staff, parents and young people we spoke to were extremely concerned about losing the statutory entitlement to support that accompanies a statement. There is no indication in the white paper that Individual Development Plans will have a statutory function which guarantees access to assessed learning support needs. We feel strongly that this statutory entitlement must be a core feature of IDPs. Parents described the statement process as "a difficult battle", but felt strongly that the final product was rigorous and an in-depth account of their child's needs and the support required in response. One parent explained "It has given me more power and weight to get the things I need"; another said "It's a legal document so teachers and SENCOs listen more to statements than IEPs in my experience". To facilitate the desired shift to early intervention and ensuring more children are able to access the support they need it will be important to ensure that the new IDPs come with the statutory weight required to drive action.

There is no indication in the white paper whether there will be one common template for an IDP. We believe there should be a common assessment framework and that IDPs should be passportable across local authority boundaries so that children who move have continuity of support. This is particularly important for looked after children.

Assessment, reviews and monitoring

Parents and staff we spoke to felt that while the current statement process can be difficult to navigate, the resulting assessment was thorough and gave a good picture of children and young people's learning needs by drawing on multi-disciplinary expertise. One parent we spoke to explained it as "I could see him in the final document, and that was really important". The IDP will need to be developed so that a single assessment framework is suitable and proportionate for a diverse group of children's needs. In some cases this will equate to lighter assessment, in others it will require intensive multi-agency collaboration.

The white paper does not explain how children and young people will be able to access an assessment for support. We would like to see this process, including timescales and points of entry for assessment, clarified in the code of practice. We also feel parents and young people should be able to request an assessment where they have concerns.

Statements of special educational needs are traditionally reviewed annually; Individual Education plans termly or twice a year. The consultation paper suggests once a year. This will not be sufficient monitoring for many children where small changes will need to be analysed so that this progress can be built upon. Similarly where an intervention is not fully successful, it would clearly not be appropriate for this to be only discussed at the end of an academic year. This would be an opportunity lost. While we recognise that schools can choose to review more frequently, we have heard much evidence that suggests they do not. The Act and code of practice should reflect what can act as a trigger for a review. We welcome clarity in the white paper that children and parents will be able to request reviews and believe this should be clearly stated in the Act.

The white paper does not provide any detail on how IDPs and children's progress will be monitored outside of the formal review process. Parents and staff felt this is an area of weakness in the current system that could be improved by regular monitoring of inputs and outcomes which parents and children have timely access to.

Involving children, young people and families

Children, young people and families should be actively and meaningfully involved in establishing their needs and designing the support they receive. Attached to our submission is a diagram drawn by young people in West Wales stating what people who work with them should do to help engage them. One parent reported that their now 16 year old daughter had never played an active part in the review of their statements. He said "She isn't given any choices and is brought into some meetings but not allowed her say. If you understand her she has a hell of a lot of ideas, but you have to know how her mind works".

We have heard much evidence that the current system is not accessible and can be combative between schools and parents. We also heard some really good examples of child and parent friendly processes for engagement. Examples within our services included using the PECs communication system; preparing clear information in advance for parents and children; using drawing or colouring with children to review support; featuring photos of children doing activities they enjoy; keeping a scrapbook through the term; and doing video interviews with children in comfortable, familiar environments to feed into the review process. The code of practice should be clear that local authorities are obliged to involve children and parents in the IDP development and review, and accompanying training should develop skills to do this effectively.

Good quality, accessible information and advice should also be a core component of the new framework. Many parents described the current arrangements as "impenetrable" and one parent described it as "almost kafkaesque, trying to find out what was going to happen". Parents also reflected that while many of them had "fought the system" and were able to articulate their views, other parents may not be as able and the system should be transparent and open to ensure equal access to support. Local authorities should ensure children and parents are involved in and understand the process at all stages. A web portal with clear information for children and parents would be an effective means of providing high quality and consistent information.

Existing statements

The white paper does not clarify what will happen to existing statements under the new system. It is important that we do not continue to operate a tiered system of entitlement but equally that children with existing entitlements do not lose them in the new proposal. The new system should build on existing entitlements with a focus on providing personalised, flexible support.

It is important to note that statements can currently act as a passport to other entitlements such as Disability Living Allowance, grant applications and housing. The legal status of the IDP will need to ensure that children do not lose their existing associated entitlements under a statement.

We heard from staff and parents that many local authorities have been reluctant to, or have not been, carrying out statement assessments for the past few years while they are waiting for this new system to be implemented. One manager explained "Parents who shout the loudest and kick up the most fuss are still obtaining them, others aren't". This issue requires a clear communication from the Welsh Government to local education authorities on what the expectations are in this interim period and what will happen to existing statements under the new framework to ensure that children do not continue to go without the educational support they need. A similar communication needs to be directed to parents who have existing statements and IEPs as there is a lot of anxiety and concern what will happen under the new system.

- 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 local authorities should be ultimately responsible for preparing, implementing and reviewing IDPs. An important part of that responsibility will be an obligation to work with others to ensure the IDP is geared towards meeting the child or young person's academic and wellbeing needs. This process should include multi-disciplinary professionals involved in the child's care. It should also include a responsibility to work in partnership with parents and the child or young person to ensure the eventual plan is child-focused.

The processes supporting this obligation should be designed to be inclusive of others, particularly multi-agency staff, parents and young people. There is a strong case for examining how shared decision making fits with this responsibility to ensure that the process is fair and open. For example, in looked after children reviews the process is chaired by an independent person who has no organisational motives or personal benefit to outcomes and young people are supported by advocates to ensure their voices are heard in the decision making process. Open, transparent decision making should be a core feature of the new system so that differences of opinion can be resolved as quickly as possible and the best outcomes for children secured. This can be addressed by robust and clear direction within the code of practice.

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

It is important that services work together to support children with additional learning needs, and this expands beyond the above mentioned agencies to include third sector and private providers. This will support good multi-agency working and ensure standards are maintained across all settings. It is important that all professionals covered by the new framework have access to training to support effective implementation.

There should be a clear duty on the above bodies to work with children, young people and parents in developing, implementing and reviewing the IDPs.

- 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 161-180

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, we agree strongly the above settings should be included to ensure that the system overcomes administrative barriers to children and young people receiving the help they need early and consistently. This is particularly important to ensure children and young people with additional learning needs have equal opportunities to their peers to achieve their potential. We believe the above list should include work-based learning providers, apprenticeship schemes and vocational learning settings.

Managers told us that information sharing and shared planning between settings can be poor. If there is group ownership and responsibility for IDPs among education settings it will improve standards of person-centered planning and provision. It can also support education settings with longer-term planning and forecasting.

The phrase "best endeavours" is concerning and indicates that the IDP would not be a statutory document which gives the child or young person entitlements to support. We have outlined the reasons why we believe this is essential in our response to question 2b. "Best endeavours" focuses on effort and process rather than outcomes for children and young people which is not in line with the positive vision set out in the white paper.

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, young people with additional learning needs should have equal opportunities to their peers. There is a broader issue with regards to expectations of the further education sector under the new framework and it is important that the system ensures young people have flexible and where necessary specialist opportunities to learn in FE settings.

We heard from staff in some areas that options for young people post 18 are very limited and the capacity of alternative learning environments has been critically reduced. It is essential that the needs of young people drive service provision and commissioning, rather than young people's options being limited to what is currently provided. The new framework provides a positive opportunity to improve this by driving more effective data sharing and joint forward planning.

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. If a setting can't provide the type of support identified in a child or young person's IDP it is not a suitable learning environment and it will not provide the opportunities needed for the child or young person to reach their potential.

There are limited specialist provisions in Wales and some children need to access education in other parts of the UK. The new Act and accompanying code of practice will need to ensure that arrangements are in place so that Welsh children with IDPs fully benefit from the new assessment and monitoring frameworks.

There are potential implications for children's wellbeing if they are placed a long way from their parents and community. There are existing models of support which the education system could look towards and examine how resources can be reinvested into local authority schools. For example, the Action for Children - Gweithredu dros Blant MIST project for looked after

children in Torfaen is jointly commissioned by the local authority and health board. MIST repatriates young people from out-of-county placements and invests the money in a multi-systemic wrap-around service including therapeutic foster carers and support workers. While this is a model for looked after young people, the principles could offer a model of reinvestment of finances, training and skills that enables young people to access education near their families and communities.

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 new legislative framework provides a clear opportunity to strengthen multi-agency working to achieve the best outcomes for children. This will need to include third sector providers and other education settings. These bodies should also be required to cooperate and share information with children and families as partners in the process. This should be clarified in the code of practice.

It is positive to note the intention that the code of practice will explain how IDPs relate to other plans for vulnerable children and young people such as Care and Treatment Plans, Children's Services Care plans and looked after children plans. This allows for assessments to feed into each other as a coherent response to a child's needs. From children and families perspective it will limit the risk of undergoing "perpetual assessments".

- 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 Welsh Neglect Project, a partnership between Action for Children - Gweithredu dros Blant and NSPCC Cymru / Wales commissioned by the Welsh Government, has found strong evidence from practitioners across Wales that multi-agency training is a particularly effective means of sharing good practice. In particular, it allows for a common understanding of language and practice to

be developed which increases the chances of early, effective action being agreed between agencies. Shared IT systems and common paperwork also facilitate good communication between professionals and a shared approach to assessment.

A web portal for multi-agency staff, parents and children which shares illustrations of good practice, clarifies expectations, entitlements and processes would also be an effective way of ensuring all partners are clear about their responsibilities and expectations.

Legislative proposals for additional learning needs Responses 161-180

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

In principle we agree with this proposal, however it will be important to ensure the IDP process takes account of, and is relevant to, the lives of looked after children. Changes in living arrangements, attachment issues which impact on relationships with peers, staff and family, as well as overcoming past trauma are all important characteristics that must be recognised when devising a plan for looked after children. Without a template document this is difficult to assess.

The IDP will need to be transferable across local authority boundaries to ensure continuity for looked after children. The review process should be triggered by life-changes for looked after children that will impact on their ability to learn.

The IDP needs to speak to, and be informed by, the young person's pathway plan, which is developed as they prepare to move towards independence. This relationship and expectations of both children's services and the local education authority will need to be clarified in the Act and code of 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	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Yes. It is important the dispute process is clearly defined, transparent and open. Many parents and staff we spoke to felt the current dispute process was biased and "not independent of local education authorities as it's their pot of money". One parent we spoke to reported "I had to threaten the LEA with a tribunal to get the place she was assessed as needing at a special school". Clearly it is not in the best interests of children to rely on tribunals as the only means of accessing the support required.

Full consideration of how this process will be independent and fair is required to ensure that disputes can be resolved as early as possible within defined timescales so children receive the support they need. We are supportive of the intention to examine the case for independent chairs.

Legislative proposals for additional learning needs Responses 161-180

- 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

For the reasons outlined in our response to 9a, we are not able to support this proposal because it is not clear how the local complaints procedure will operate so that it is open and accessible to children and parents. It is important that the local complaints procedure is not a stalling tactic or as one parent described "another hoop to jump through" before parents can obtain a fair and balanced judgement of how their child's needs should be met. Consideration should be given as to how to make this process independent of local authority resource decisions and focused on the individual needs of children.

we agree the proposal would be effective if the complaints system were fair, transparent, and accessible to parents, children and young people.

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

Yes, we are strongly supportive of this intention.

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.

Toilet training

Staff and parents we spoke to across Wales felt that toilet training was a significant issue that often prevents children with additional learning needs from accessing education at the same age as their peers. In practice this means that gains made with individual children are lost because of this barrier between early years support and school. For example if children are using the Picture Exchange Communications System (PECS) in an early years setting this development can be lost if they are not able to access school straight away. The code of practice needs to address this barrier and be clear about the expectations on schools and early support providers to overcome this gap in provision.

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: ☐

ALN178: British Psychological Society

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 Society believes that the term Special Educational Needs can carry negative connotations. However, Additional Learning Needs can be associated with those pupils for whom English is an additional language who do not have Special Educational Needs according to the current definition. It would be important therefore that a new term is clearly described and understood.

- 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 Society welcomes this development as it is likely to offer a more consistent and coherent approach to meeting student needs and in particular, supporting successful transitions and robust early identification and intervention. A single system up to 25 years of age offers continuity for young people when they leave school.

The Society believes that this will require workforce development particularly in post 16 institutions who have a new duty to use their 'best endeavours'. EPs are well placed to offer professional support in relation to successfully addressing ALN.

Also, as young people from 18 years will be making the transition to adult health and social care services, it will be important for those working in the educational system to understand how these services work, in order to offer accurate information to young people and their families and to engage with these services to support transition.

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

The Society welcomes a single plan for across the age group up to 25. However we have concerns about the capacity of LAs to conduct high quality assessments for up to 20% of this population. The Society believes that it may not be the case that a detailed individual plan is necessary for all those with less complex needs.

The Society believes that Educational Psychologists have a crucial role to play in the assessment of those with the most complex needs but would not necessarily be needed in assessing those with more straightforward difficulties; indeed the existing workforce would not have the capacity to undertake the latter. Therefore, we suggest that the Code of Practice should include clear guidance about the different levels of assessment required when developing and reviewing IDPs and the Society recommends that this needs to be proportionate to the complexity of need. Educational Psychologists however, could be used by schools to develop their in-house assessment expertise.

- 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 Society believes that the responsibilities for preparing an IDP should be delegated to schools where the resources required to support children and young people with ALN are ordinarily available in school. It is important that schools regard the 20% of children and young people with ALN as part of the school community and included in their general responsibility to appropriately educate.

For those with more complex needs where additional resources may be required the LA is likely to need to have a more active involvement.

The Society recommends that there needs to be careful consideration of how this is implemented for pre-school age children, as they may not be within educational systems, which may make implementation difficult.

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 Society welcomes the proposal to include mandatory requirements for all those necessary to provide effective support for those with ALN.

- b) The Society welcomes clear guidance for all those involved to promote consistent and effective practice.

We recommend that the Code of Practice includes a developmental perspective, which recognises that education provision needs to be viewed broadly in terms of preparing children and young people for a life within their community. It should therefore include independence and social skills and activities, community participation and physical and emotional wellbeing. The range of needs of children with ALN is broad and the current document says does not currently address this range of needs and their implications regarding the resources and provision which need to be available.

The current document does not appear to be underpinned by explicit principles or a philosophy which might inform delivery of services to children and young people with additional needs and it is proposed that this would be a useful addition.

The Code of Practice should make clear how some of the proposals will be achieved, particularly where additional systems may need to be put in place. For example, health services currently identify children from birth onwards but the systems to link this with educational intervention and support need to be clarified and developed.

- 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

The Society welcomes this in the interests of consistency and improved support across the age range.

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 Society welcomes the development of a wide range of relevant and appropriate opportunities for post-16 year olds, including supported working and work-based learning which may require provision to be wider than the further education sector.

The Society believes that the provision for children after 16 years with ALNs is currently very uneven across Wales and in some areas there is very little. The Society considers it essential that, where additional provision is secured, the offer needs to be coherent with a smooth transition from school to any post 16 provision.

The sustainability of any provision must also be ensured, subject to quality control, to avoid disruption to young people and to the coherence and transparency of the post-16 offer across geographical areas. This may require a review of funding streams, particularly to third sector organisations.

The Society believes that where it is not possible to identify a facility or resource which can deliver what has been identified in the IDP, there needs to be a clear process to enable LEAs to deal with this.

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

The Society welcomes any measures to promote close working across agencies.

- 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 Society recommends that there needs to be consideration of how improved information sharing may be achieved, given that currently there are complex guidelines and governance arrangements which prevent sharing of information. We recommend that the current governance around information sharing between agencies would need to be reviewed and revised to enable information sharing.

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 161-180

Supporting comments

The Society believes streamlining support for LACs, especially for reviews, is likely to enable a wider representation of participants and would be a more efficient and effective use of professionals', young peoples' and families' time as well as contributing to more positive outcomes for the young person.

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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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 161-180

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.

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: ☐

ALN179: **Alistair Barker**
Cardiff City council 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 ☐ Disagree ☐ Neither agree or disagree ☒

Supporting Comments

The term ‘additional learning needs’ is more specific than ‘additional needs’ but it will need to be well defined and allow differentiation between those with lower level needs and those with more severe and complex difficulties. Those with the most severe and complex needs should receive the most specialised levels of provision which will necessitate more detailed planning. It will be helpful if the definitions used relate to the processes that support identification, assessment and provision.

- 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?

Legislative proposals for additional learning needs Responses 161-180

Agree ☐ Disagree ☒ Neither agree or disagree ☐

Supporting Comments

Local Authorities do not have the capacity or resources to meet the requirements of the proposed age range 0-25. To be viable, responsibility for the implementation of a system to support 0-25 should rest with the providers at each level and not solely with Local Authorities.

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 or disagree ☒

- b) Do you agree that IDPs should replace statutory assessment and Statement of Special Educational Needs, assessments for 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 or disagree ☒

Supporting Comments

More detail is required about the proposed Individual Development Plans. The identification, assessment and planning processes should differentiate the approach used for different levels of need.

For the high number of children and young people with mild or moderate ALN, an IEP or equivalent could be more appropriate than a full and administratively burdensome IDP. A full multi-disciplinary assessment should still be needed for children and young people with more severe and complex needs. A new Code of

Legislative proposals for additional learning needs Responses 161-180

Practice should give expectations for the assessment that should be a foundation for an IDP or plan. The role of the Educational Psychologist in contributing to assessments, plans and proposed provision, is essential for a high proportion of children and young people with ALN.

The format of an IDP may need to be modified to reflect the age of the child, young person or adult. It would need to be age appropriate in presentation. The degree to which the child, young person or adult is involved in the process would be expected to increase with age.

- 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 or disagree

☐

Supporting Comments

The responsibility and accountability should rest with the organisation that holds the legal responsibility and the funding. It is inappropriate for an organisation to be responsible for issues for which it holds no legal responsibility, resources or influence. Responsibility and accountability for IDPs 0 – 25 should not therefore rest solely with Local Authorities.

Resourcing will be a major difficulty with the increased number of children, young people and adults captured in the 0-25 age range.

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 Institutes, Local Health Boards and the Tribunal must act?

Agree

☒

Disagree

☐

Neither agree or disagree

☐

Supporting Comments

Any new Code of Practice must be specific and clear in terms of both processes and responsibilities. The role of the Educational Psychologist should be included in the guidance, given the important contribution that Educational Psychology makes to the identification, assessment and provision planning for children and young people with SEN/ALN.

Legislation must underpin the Code of Practice to resolve the issue of responsibility for the delivery of medical therapies including speech and language therapy.

- 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 or 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 or disagree ☐

Supporting Comments

There should be clarity about the legal status of the requirement to secure additional learning provision. This needs to be set out in the legislation that underpins the new Code of Practice.

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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

☐

Disagree

☒

Neither agree or disagree

☐

Supporting Comments

There is no clarity that the Local Authority will be given the funding or the legal responsibility to deliver these provisions. The proposal would involve not only securing provision but also responsibilities of assessment, administration, monitoring and review.

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 or disagree

☐

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 co-operate and share information in accessing, planning and delivering support to meet ALN?

Agree

☐

Disagree

☐

Neither agree or disagree

☒

Supporting Comments

A legal basis is necessary and should be made clear to organisations, including Health. This should relate to shared processes in assessment and provision/support for ALN.

- 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

Strengthened partnerships would be achieved through:

- Legislation that makes clear the roles and responsibilities of partner organisations
- A Code of Practice that is sufficiently detailed to provide explicit guidance
- Sufficient resourcing, particularly financial, for organisations, including Local Authorities, to engage efficiently and effectively in partnership 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

☐

Disagree

☐

Neither agree or disagree

☒ x

Supporting Comments

This could minimise duplication. However, Local Authorities have developed PEP formats to specifically address the needs of LAC children and there may be a risk that a more generalised IDP would lose some of the specificity.

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 or disagree

☐
☐

Supporting Comments

A requirement for parents to participate in the preliminary stages of discussion and negotiation would be useful as this does not always occur before parental recourse to Tribunal.

If recourse to Tribunal is extended to the full range of ALN that covers what is currently School Action, School Action Plus and those with Statements, this would be a massive increase in preliminary disagreement resolution and potential tribunals. With the extension to the 0-25 age range, the impact on resources is even more significant.

- 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 or disagree

☒

Supporting Comments

The first requirement should be direct contact and communication between parents and the Local Authority. There should be a requirement for parents to engage in disagreement resolution before proceeding to Tribunal.

Local complaints procedures, which are available to parents where they have a

Legislative proposals for additional learning needs Responses 161-180

complaint against the Local Authority, are not a good route for the resolution of complex issues relating to assessment, provision and placement for pupils with ALN/SEN.

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 or disagree

☐

Supporting Comments

There could be a massive increase in the number of Tribunals because of the extension of the age range and the breadth of ALN. The current system largely focuses on the small number of cases involving severe and complex special educational needs.

Extending the right of appeal could mean that Local Authorities would find themselves in the position of defending Tribunals over matters over which they have little or no control.

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.

Better multi-agency working to develop a partnership approach to assessment and planning is desirable. There will be a huge increase in the capacity and resources required to meet both the increased range of responsibilities and the potential increased demand from children, young people and parents/carers.

The role of the Educational Psychologist is fundamental to these processes.

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Educational Psychologists provide a unique and distinct contribution with regard to ALN, especially in supporting the identification, assessment and provision for ALN. Their input should be embedded in the new Code of Practice and the legislation that underpins it.

The legislation and Code of Practice need to be clear about those who will contribute and their roles and responsibilities in the process.

Full multi-disciplinary assessment should continue to be required for children and young people with severe and complex ALN to ensure their needs are properly understood and met. At levels currently categorised as School Action or School Action Plus, schools are best placed to continue to lead these processes with input from external agencies, including Educational Psychology, as appropriate. A graduated response is still required.

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.

☐

ALN180: **Jacquelyn Elias**
 Caerphilly County Borough 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 or disagree
Comments The term ALN is less clear than the current statutory definition of SEN and is open to interpretation. The emphasis on learning does not take into account, for example, children or young people with physical difficulties, who may have to deal with barriers other than learning, such as access & physical support. Changing the		

Legislative proposals for additional learning needs Responses 161-180

terminology will not necessarily change practice, however the term ' Additional Needs' would be preferable.

- 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 or disagree
<p>Comments</p> <p>By increasing the age range there are significant implications for the LA workforce in a climate of significant fiscal restraints. There would need to be clarity on how LAs would be funded in order to meet the increased demand on resources generated by extending the system from birth to 25.</p> <p>WG should look at the Real Opportunities project as a model for effective engagement of post 16 providers and young people.</p> <p>It is unclear how engaged or prepared Adult Services (who already have new legislation) and health are. There is nothing in this document which will improve services provided by health e.g SaLT, Nursing, CAMHS, Physiotherapy, OT. These services are under significant pressure to meet waiting list deadlines and do not have the resources /infrastructure to respond to this proposed legislation.</p>		

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 or disagree
<p>Comments</p> <p>We recognise that current statutory paperwork requires a refresh using PCP approaches and language. However, where is the graduated response in this process? A measured response to a child or young person's additional needs is critical and needs to be retained in any new legislation.</p> <p>Under original Welsh Government working groups it was implied that IDPs would be applied to the most complex learners and that PCP approaches would be used to inform plans for other groups. What is proposed would seem to open up the floodgates, raise expectations and make quality assurance impossible. The new Code of Practice will need to have very clear guidance on the roles and responsibilities of schools/FE settings in relation to providing pupils with IDPs. It is almost inevitable that without any national guidance that local criteria will be developed thus perpetuating the current post code lottery that parents find so confusing.</p>		

- 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 Skills Act 2000) and non-statutory plans including individual plans under school action and school action plus?

Legislative proposals for additional learning needs Responses 161-180

Agree	Disagree	Neither agree or disagree
<p>Comments</p> <p>IDPs could replace statutory assessments and statements of SEN and via a graduated response they could apply to pupils currently at school action and school action plus. There is no mention whether schools / FE setting would have to keep an ALN register and whether the current SEN PLASC data would continue to be collected.</p> <p>It is not clear who in the local authority would be responsible for coordinating /reviewing IDPs.</p> <p>In relation to post 16 pupils significant amount of work would need to be undertaken between Local Authorities and FE settings to clarify roles and responsibilities in relation to IDP work.</p> <p>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.</p>		

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

Agree	Disagree	Neither agree or disagree
<p>Comments</p> <p>If WG want to change culture and practice the responsibility for providing an appropriate education for children and young people with ALN should be the responsibility of Head teachers and governing bodies / responsible bodies in other settings working in partnership with local authorities, school improvement consortia and other agencies. A 'cluster' approach could be adopted to manage ALN issues and to ensure equity and transparency. The LA could provide a service to coordinate the IDPs for children with the most complex needs.</p>		

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, school, further education institutions, local health boards and the tribunal must act?

Agree	Disagree	Neither agree or disagree
<p>Comments</p> <p>Yes the new ALN Code of Practice should include mandatory requirements particularly for health. However this could have significant financial / workforce implications for those organisations, who are generally working to an entirely different set of Performance Indicators (waiting list times)</p>		

Legislative proposals for additional learning needs Responses 161-180

- b) Do you agree that 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 or disagree
Comments If guidance for third sector organisations are included in the Code of Practice what are the financial /funding implications? The system should not depend on third sector involvement to provide support for children / young people with ALN.		

Question 4 – Securing provision

Do you agree that further education institutions should be included alongside school, 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 or disagree
Comments It is recognised that a system which uses a common format will contribute to an improved transition experience for young people. However there remains a concern as how local authorities will provide 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. The term 'best endeavours' would need to be properly defined? One organisations 'best endeavours' could be very different to another.		

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 this is necessary to meet a young person's ALN?

Agree	Disagree	Neither agree or disagree
Comments If a Local Authority is appropriately resourced to undertake this additional work then they would have the capacity to take on this extra responsibility. Without the appropriate resources this would not be possible at time when Local Authorities are subject to significant efficiencies. The Real Opportunities project has been highly successful and uses PCP approaches – all local authorities would benefit from this model being in place		

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?

Legislative proposals for additional learning needs Responses 161-180

Agree	Disagree	Neither agree or disagree
Comments Agree. However the new legislation will need to address the 'belonging regulations' issue with regard to LAC pupils (with and without statements) placed out of county by Social Service colleagues.		

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 or disagree
Comments The current statutory assessment is a multi agency procedure – obviously everyone involved in supporting children, young people and families with ALN should be required to cooperate, however agencies should also be required to share costs and responsibility as part of this.		

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

Agree	Disagree	Neither agree or disagree
Comments We know from the current code of practice that guidance has no impact. Unless there is statutory /mandatory requirement some partners will only pay lip service to multiagency 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	Disagree	Neither agree or disagree
Comments One plan would appear to be a good idea but LAC pupils who do not have ALN could perceive that this is labelling them unnecessarily.		

Legislative proposals for additional learning needs Responses 161-180

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 or disagree
Comments		
This is already in place under the SLA this LA has with SNAP		

- 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 or disagree
Comments		
Yes – although this will need to be resourced. There is a concern that this system will become stretched by broadening the right to appeal. There would need to be explicit guidance relating to this in the revised Code of Practice.		

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, 21)

Agree	Disagree	Neither agree or disagree
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 it's aims prior to tribunal appeal the LA could be drawn into tribunals over 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		

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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.

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.

Agree	Disagree	Neither agree or disagree
Comments <ul style="list-style-type: none">• The White Paper only serves to change terminology without changing practice. If you want practice to improve you have to put statutory responsibility for pupils with ALN with the responsible bodies in schools / settings / FE institutions• The White Paper makes a passing reference to regional school improvement consortia. What role are regional consortia / Challenge Advisers expected to play? Not including ALN as part of their responsibilities marginalises this area (again)• The White Paper makes no reference to the role of specific professions within Local Authorities e.g. Educational Psychologists• In the current financial climate any model that doesn't have a graduated response to managing ALN is in danger of drawing resources away from those with the most need.• The proposals are fundamentally flawed in that changes do not apply to all statutory agencies –there is no shared vision or any shared responsibility. Overall there is a lack of consistency.• It is disappointing the consultation questions make no reference to the role of the SENCo/ALNCO. Unless resources are made available for schools /settings to give time to the SENCo /ALNCo to fulfil their role there will just be a continuation of what is happening now, which is dependent on individual school arrangements.• Trying to achieve change without any additional resources is likely to make the most vulnerable more vulnerable.• It would be helpful for the new Code of Practice to be issued as soon as possible so that the detail around these proposals can be fully examined.		

Local Authority officers from education and social care, head teachers and SENCOs contributed to this consultation response.