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Legislative proposals for additional learning needs Responses 41-60

ALN041: **Pippa Sillitoe**
 Ysgol Cedewain

Dear Sir

The White Paper - Legislative Proposals for additional learning needs has been long awaited.

Statements of SEN have needed reform for some time and it is with eager anticipation that we await the emergence of IDPs.

As a special school head, we have strong working partnerships with colleagues in both health and social care but these can only be strengthened further by statutory processes rather than reliance on good will.

The formal extension of provision out 25 is also eagerly anticipated. As a school, we have been disappointed by the offer available in FE colleges for our most complex learners and would be very keen to see satellite college facilities open as an extension to the special school environment for our most challenged pupils.

Close partnerships with parents are the norm for a school such as mine. However, the aim of reducing bureaucracy and making ALN processes more transparent for all stakeholders is also to be celebrated.

I look forward to being involved in ongoing process development as more meat is added to the bones of this exciting legislation.

Yours sincerely

Pippa Sillitoe

ALN042: **Vikki Butler**
 Barnardo's 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

We welcome the term 'additional learning need'. We agree that it will reduce the negative connotations that have become associated with the term 'special

needs' and that it is also appropriate terminology for describing the support needed with the current systems of school action, school action plus and SEN statements. Whilst we welcome the sentiment of changing the term and combining the different current types of support we are unclear how this will contribute to better continuity across local authorities. We have concerns that, in practice, LEA's will continue to operate within their current thresholds. We are hopeful that the code of practice will be robust and clear to achieve the national consistency that is sought.

We agree that the new system will be fairer in terms of provision regardless of level of need because the proposals bring the current three levels of support into one process and system. However, we are not clear regarding any accompanying legal entitlements- the current statementing process has accompanying legal entitlements and we feel that legal entitlements should not be lost under the new proposals and should be equalised so that legal entitlement is not dependent upon level of need.

The 2012 consultation document 'Forward in partnership for children and young people with additional needs: Proposals for reform of the legislative framework for special educational needs' included a list of groups that might be considered to have additional learning needs because of the evidence of educational disadvantage associated with their circumstances or status. We agree with the narrower application of the new term as presented in the White Paper because it secures clear legislation for disabled children and young people. However, the educational disadvantage experienced by other groups of children and young people, such as those included in the 2012 consultation, also requires a more robust response. We would suggest that Welsh Government Inclusion and Pupil Support Guidance issued in 2006 should be reviewed and updated to address this.

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

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

We welcome the extension of the age range to be from 0 to 25 and believe this legislation is an opportunity for enabling children and young people with additional learning needs to receive seamless education support throughout their school life. We would suggest that the following issues are taken into consideration:

1. Transition stages- between nursery and primary, primary to secondary and secondary to tertiary need focus to ensure IDP and support continuity. There must be an acknowledgement of the IDP from the previous institution and

continuity of level and type of support. The research we undertook commissioned by Welsh Government 'Experiences of illegal school exclusions in Wales: a qualitative study' (2011) found that often transition between institutions results in support being withdrawn or reassessed causing discontinuity and problems for the child.

2. IDP's should be transferrable across local authority borders. Families may move between local authority borders in the course of an education lifetime (i.e. over a 25 year period). If the new system enables continuity between authorities it is logical for the IDP to be transferrable.

3. Training needs- We envisage that there will be staff training needs at all levels with regards to the participation of children and young people of different ages to enable them to be meaningfully involved within the new processes- from assessment, through IDP creation and during review.

4. Further education- It is likely that staff (mainstream and specialist) in F.E. institutions may need training in young people and family involvement in the IDP since the proposals are significantly different to the current system within this sector. We would also advocate for better access to mainstream F.E. courses within this legislation, although there may then be accompanying training needs with regards to inclusive classroom practice. Lastly, the F.E. sector may not be accustomed to the joint agency working that exists in secondary, primary and nursery education. We would suggest that the considerable successes from the Real Opportunities project, particularly with regards to joint agency working, are examined and best practice within holistic support at F.E. level are incorporated into the code of practice of this legislation.

Question 2 – Individual development plans (IDP)

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

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

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

We welcome the unifying approach that will bring learning support together that currently lies under school action, school action plus and SEN statement. We have concerns regarding the code of practice outlining the minimum

requirements for information that must be included in an IDP. It would be more beneficial for the code of practice to specify the standard required and level of details, and include the clear expectation that the generic information required will be added to in order to facilitate detailed individualised planning. The proposals do not explain how a child or young person will be referred for an ALN assessment or the initial IDP process. We are hopeful that timeliness will be considered in conjunction with joint agency working and other assessments such as for care and support or within health. We would strongly urge for timescales to be stated in the code of practice that are aligned with a child's experience of school rather than professionals meeting plans. For example, 3 months may seem like a quick response to a professional, but to a child it is a whole school term, one third of the school year. Given the child's perspective the process for learning support needs to be met must be as swift as possible in order to ensure the child's learning is not impeded.

- 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 the local authority should be ultimately responsible for the creation, delivery and review of an IDP. We are not clear on the assessment process or the systems that will lead to creating an IDP, but feel that the IDP must be flexible and reflect the changing circumstances of child development and learning need. It should not be diagnosis dependent so that it is not delayed by clinical assessments and follows the social model of disability rather than a medical model.

We would urge for the content of the IDP to include learning goals and clearly document learning achievements as well as outline support needs.

We are not clear what the differences will be between the current SENCO role and the proposed ALNCO. We would urge for the code of practice to make the ALNCO role clear, and suggest accompanying training to ensure that the current system and work roles are not just transferred to the new proposed system.

Whilst the proposals mention a person centred approach we feel that there needs to be strong duties regarding the involvement of parents, carers, children and young people in order for the person centred approach to be implemented. We would hope that clarification is given to what is meant by 'involving children and young people and parents' because, in our experience, involvement can be interpreted as seeking approval rather involved in drawing up the plan.

We feel that the review process for the IDP needs to be clearer. The proposals suggest that a request for a review can be rejected and that review should happen at least once per year. If the IDP is to be a living document and

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meaningful to the child's learning and development, the review process needs to be flexible and responsive and not just become the subject of an annual appraisal. We would suggest that the code of practice includes an outline of example possible key triggers for reviews. This would ensure that refusals for review requests are kept to a minimum and that reviews occur as the most opportune times rather than as procedure; although there should be a stated expectation that reviews occur at least once per year.

Question 3 – A new code of practice

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

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

We feel that there needs to be clear mandatory requirements to ensure consistency of application of the new legislation and that this should be applied to third sector organisations and other providers of education and training where appropriate, as well as local authorities, schools, FEI's, local health boards and the tribunal.

- 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

We feel strongly that FE institutions should be included in meeting the needs outlined in the IDP. We also feel that work based learning programmes which are often affiliated with colleges should be included in this piece of legislation, particularly as apprenticeships and vocational, potentially work based, study can offer a viable route of further learning for pupils with additional learning needs. We feel that this is important because:

1. There is a high percentage of disabled young people who are also NEET.
2. Vocational work based learning may help to address the learning needs of this group of young people.
3. Disabled young people's access to formal qualifications is lower than their non disabled peers. Vocational and work based learning would enable disabled young people to access new skills.
4. The principles of the legislation stress independent living, and work based learning is a route to independence and participation in economic activity.
5. The proposed legislation should dovetail with the curriculum review.
6. Equality- Young people with additional learning needs should be able to access the same range of learning options as non disabled peers, and options should not be determined by the level or need for additional learning support.

We have concerns regarding the term 'best endeavours'. We feel that this phrase does not adequately reflect the need for robust response. 'Best endeavours' allows for gaps and suggests that as long as effort is made the outcome is not important.

We have concerns that non maintained settings will not have 'best endeavours' duties in relation to the delivery of provision of an IDP. We believe that a child who has learning support needs should have those needs met, regardless of whether they attend provision in a voluntary or private early year agency, an independent school or a maintained setting. The receipt of additional learning need support should be centred on the child, not upon the maintained or non maintained setting within which they access provision.

Question 5 – Securing specialist provision for young people

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

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

We feel it is important that FE provision must meet the individuals needs and learning goals and that specialist provision should enable learning.

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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

Whilst we agree to this proposal, we feel it may pose a problem for securing cross border provision in instances where there is limited specialist provision available in Wales. For example, Wales does not have specialist sensory impairment provision, so English (or Northern Irish or Scottish) based providers will need to be able to register in order for welsh children to access highly specialist education facilities.

We would stress that it is important that children and young people have the opportunity to learn and have their needs met rather than access a provision that will keep them safe whilst there is no other relevant educational placement.

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

Within this proposal there would need to be clear advice regarding data protection duties. Within various qualitative research projects that have focused upon provision for disabled children and their families, we have anecdotally heard about information sharing that should be taking place but is not because of data protection concerns.

We would also suggest that there would be a need to share information with and between the voluntary sector and other agencies.

This legislation provides an opportunity for close joint agency working. We would advocate for assessments for ALN to link to other assessments such as care and support or health assessments and for IDP reviews to also link to the

support a pupil maybe receiving from other agencies.
We feel that joint agency input into the creation, implementation and review of IDP's is critical but the process for this will need to be specfied within the code of practice.
We would urge for stronger reference to working in partnership with the child or young person and their parents or carers in relation to joint agency working. This legislation offers the opportunity for the child and their family to be considered a partner with agencies in the IDP processes.

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

Supporting comments

It could be beneficial for the provision of cross agency training to accompany these proposals pparticularly in relation to conflict resolution, PCP, and the participation of children, young people and parents in the IDP.
We would welcome some training for school staff in enabling learning in mainstream settings. The research we undertook 'experiences of illegal school exclusions in Wales: a qualitative study' (2011) found that often mainstream school staff were not aware of techniques used by other agencies (social care and health) to enable inclusive environments. This legislation could enable better joint agency working through enabling shared practice across sectors and settings.

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 feel that it is a logical progression to use the IDP for other children and young people within the education setting, but would wish to ensure the legislation behind the IDP and code of practice for implementing it are relevant to the educational needs and life circumstances of looked after children. The process for review must be flexible to ensure that sudden changes in home life can lead to a prompt review and the IDP must be transferrable between

institutions and authority borders for this group of children and young people. We also feel that the IDP should be available for use in F.E. institutions and work based learning for care leavers. We also question whether the IDP could be used for other groups of pupils who do not have additional learning needs, such as those who may have language needs, young carers or able and talented pupils. This would enable a child centred mechanism to be commonly used throughout the education system, regardless of additional learning need status.

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 feel it is logical for disagreement resolution to be put into place before appeals to tribunals are made. However, we would advocate for this process to be undertaken by staff or agencies who have the skills to undertake resolution work and that appropriate information is made available to parents, young people and professionals regarding the process. We feel that resolution and complaints procedures need to capture the nature of the problem. This would allow for central considerations of the different problems that arise, which may potentially be linked or have key common elements.

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

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

We are unsure regarding this proposal because we do not feel that the local complaints processes are accessible to parents and straightforward. If the local complaints process was sensitive, responsive and based upon mediation and conflict resolution (and undertaken by skilled staff) we would agree that it should be used prior to appeal to tribunal. However, if the local complaints

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processes are bureaucratic, wordy, time consuming and distant from parents and young people's experience we would not advocate that they are used because they will be experienced as a hurdle to overcome in order to access tribunal, thus serving no practical purpose.

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 are strongly supportive of the right to appeal on the grounds specified in summary point 19 regarding an IDP and summary points 20 and 21, but are not clear on the assessment process or grounds for referral for an assessment of additional learning needs in the first instance. In order to avoid the current problem many parents face in gaining a statement for their child, we feel the new system for ALN assessment must be accessible to parents and an IDP an automatic outcome of a positive assessment for ALN.

We acknowledge the current system gives no grounds for appeals for those with lower levels of education support needs and welcome the proposals that aim to change this.

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.

Generally we welcome these proposals and most of our concerns surround the detail for the suggested processes.

We feel that in addition to reference to the UNCRC there should also be recourse to the UNCRDP since the proposed legislation covers young people between 18- 25 and is of relevance in terms of life long learning, employment and independent living.

We feel the proposals lack a focus upon the outcomes of the IDP and ALN assessment process. Whilst this may not be relevant for the legislation, issues surrounding disability related bullying, school exclusion, access to formal qualification and inclusive classroom practice should not be ignored. We would hope that the proposed ALN system will enable more timely and focused support, with joint agency involvement where applicable that will enable better education outcomes for pupils with additional learning needs.

We would welcome a fourth aim to the legislation that explicitly references achieving learning potential and meets pupil well being. This fourth aim would ensure that education needs are acknowledged alongside support needs within the heart of the bill.

Provision of independent advocacy could have a stronger role and be referred to within this legislation. With regards to the Advocacy Standards 2003 both disabled children and children in care have recourse to independent advocacy services and this should be available during the assessment of ALN and the creation and review of an IDP rather than as currently stands within the proposals, solely in relation to information, advice, concerns and appeals.

We believe that this legislation will require a strong, mandatory code of practice to ensure that the aims of the legislation, particularly those regarding resolving disputes, clear entitlements and national consistency, are achieved.

Although there is reference to the Social Services and Well-being (Wales) Act in the White paper there is no real clarity on how procedures and processes under the Social Services and Well-being (Wales) Act and the legislative proposals for ALN will interface, or how this interface will be experienced by the child or young person. Greater clarity is needed on how assessment, care planning and local authority and LHB duties in relation to supporting well-being outcomes (including education outcomes) under the Social Services and Well-being (Wales) Act will dovetail with ALN and IDP processes so that children and young people can benefit from integrated, holistic and child-centred provision to meet their needs and secure their rights.

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: ☐

ALN043: Heather Reid
Neath Port Talbot 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

In principle the new terminology is welcomed as a positive measure to embrace a more inclusive approach to a wider range of learners. However it is not possible to comment on any implications for learners, parents, schools or LAs

without sight of the new definition of ALN. We note the Bill will set out a precise definition of ALN and it would be useful to have the opportunity to comment upon this question once this definition has been confirmed. The term needs to be clearly and succinctly defined much as the term SEN was set out in the 1981 Act. It is important the definition applies across the age range of 0 - 25 and is used consistently and is understood by all service providers. For instance, adult services particularly in the NHS and social care, use the term Learning Disability and there would need to be clarity on any distinction or cross over between LD and ALN.

- 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

Whilst we would agree with the principle of covering the age range 0 - 25, we hold considerable reservations regarding the capacity of LAs to deliver this new system without significant additional financial investment, (as has been provided in England), and the consequent staffing levels needed to meet the inevitable increased workloads detailed below.

On one hand extending the new system from birth to the age of 25 should, theoretically, allow for a new consistency of approach based around person centred planning from early years to young adulthood. On the other hand, the fiscal and human resource capacity issues for LAs are huge and appear to have been underestimated. LAs have faced significant budget cuts for several years and there is no prospect of that position changing before 2018. Extending the LA's statutory responsibility for monitoring IDPs from birth to 25 for almost 20% of the learner population (including the current school action, school action plus and statements of SEN) presents significant staffing and financial challenges at a time of increased delegation to schools, severe financial constraint and slimmer staffing structures within LAs.

Clarification on how this will apply to pre school children, who may have previously been identified as Early Years Action and Early Years Action Plus or are below compulsory school age and have not yet entered education, would be helpful to enable us to make a fuller comment on how the proposed changes in legislation will apply to this age group.

Tertiary Authorities, such as NPT, have very little experience of assessing, identifying needs, supporting and providing for learners with ALN over the age

of 16. Staff would need to be trained to work with vulnerable young adults and EP and specialist teaching services would need to purchase new assessment materials appropriate for working with adults with learning disability.

Transition between children's social care and adult services in LAs, and between paediatric services and adult services in the NHS can often be difficult because of delays, poor communication, different pathways, different criteria for support, and budgetary disagreements. Education would need to develop excellent working relations with adult social care and adult services within the NHS in a very short space of time to facilitate improved transition. This is a challenge when even within the NHS there can be poorly developed continuity between paediatric and adult services.

The biggest challenge arises from a potential statutory responsibility to ensure suitable provision is made available within FE without any powers of direction over choice of placement or support provided therein. FE colleges should be accountable to Tribunal for all IDP decisions, but particularly those for learners with lower level needs, in the same way as LAs

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

(a) Extending statutory entitlement to all IDPs is one apparently straightforward solution to the thorny issue of deciding where the cut off would lie between IDPs with and without statutory entitlement. From a parental perspective such an extension of statutory entitlement would be welcomed as it provides the same sense of security currently afforded by a statement of SEN to many more families. At a stroke, however, it significantly increases the statutory responsibilities of LAs to draw up, co-ordinate, ensure implementation, review and monitor provision for many more individual pupils without the fiscal and human resources and capacity necessary to discharge these new and significantly expanded responsibilities effectively. Schools and other appropriate education providers, such as FEIs, should be given statutory

responsibility, as the responsible body, for pupils with lower level needs. Whilst this consultation document envisages that C&YP at the equivalent of SA and SA+ would need minimal involvement of the LA, and schools, nurseries and PRUs would utilise their best endeavours to ensure the learners' needs were met, conferring statutory responsibility would guarantee this would happen. This would also provide the opportunity and mandate for LA services that support schools, including Challenge Advisors, and those in a similar role for FEIs, to monitor and evaluate the implementation and effectiveness of the IDPs and challenge and hold to account those where this responsibility is not being met.

(b) It isn't clear how an IDP can replace a statutory assessment - one is an assessment and one is a plan. Nor is it clear how an IDP, with a requirement only for annual review, can replace an IEP which is, or should be, frequently updated (at least termly) as targets are set and achieved. It makes sense for the IDP to replace PEPs and statements of SEN. The consultation document mentions, in Recommendation 15, the IDP process although no detail is then provided. This Authority has no experiences of post 16 assessments for learners so can not comment other than to query again how a plan can replace an assessment. Surely a plan is only produced after an assessment?

The new Code of Practice on ALN will need to be robust in determining mandatory requirements, not just guidance, for LAs, schools, FEIs and other relevant education provisions.

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

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

C) There are effectively two parts to this question. We would disagree with the statement that LAs should ultimately be responsible for preparing an IDP for C&YP aged 0 - 25 with ALN. It would make more sense for the new framework to give schools and FE colleges mandatory responsibility for preparing, delivering and reviewing IDPs for learners with lower level needs allowing the plan to be drawn up and reviewed by the person with most involvement and interaction with the learner and his or her family.

We would agree that it is appropriate to ensure that agreed provision set out in the IDP is delivered and reviewed.

Under the current arrangements pupils with statements of SEN are given

priority for school places, for instance at secondary transfer, over pupils without a statement. If this arrangement continues for pupils with IDPs, a far greater percentage of pupils will access schools outside the normal admission arrangements and they and their parents will have access to the Tribunal for placement appeals rather than the local admission appeals route as at present. This will not present a particular problem for NPT but in some LAs it will have a significant impact.

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

Unless the new Code of Practice has mandatory requirements, with real strength and meaning - a duty to co-operate is too vague and wishy washy with no real powers of enforcement - it will not be an improvement on the current Code. The tension between the "prime" and "ultimate" responsibility to make certain provision, such as speech and language therapy (SALT), available to learners will not be resolved through the new framework. Paediatric budgets for SALT will continue to be held by the NHS to allow them to fulfill their "prime" responsibility for making SALT available to children. As NHS resources come under ever increasing pressure, their ability to provide SALT is diminishing and LAs are required, at substantial cost, to make alternative arrangements in line with their "ultimate" responsibility to deliver the services. In NPT 2 specialist SAL teaching posts have needed to be reconfigured into SALT posts to compensate for the shortfall in therapy provision left by the NHS and 2 further SALT posts are directly commissioned from the NHS. Extending statutory entitlement to SALT, via an IDP, to learners until the age of 25 without any statutory duty on the NHS to make provision available simply compounds the problem for LAs and does nothing to ensure that young people's needs are met in a timely fashion or to increase parental trust in the concept of a single, unified, seamless system of support.

Unless there is a mandatory requirement for LHBs, social care, schools and FE colleges to secure provision for relevant learners the new Code of Practice will fall at the first hurdle. Mandatory requirements will enable challenge to be made to the appropriate institution/service provider at the appropriate level

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

"best endeavours" is a term without real teeth; this should be strengthened to become a mandatory responsibility; "must" would be a more appropriate term to extend to all partners. Loopholes, if they exist, will be exploited to allow partners to walk away from funding and provision responsibilities. For instance, if CAMHS recommend home education for a pupil because of severe mental health needs, they may well discharge that pupil as soon as home ed. is put in place leaving the LA to manage reintegration back to school without specialist CAMHS support and guidance.

There is a need, within the legislation, to provide those best placed to make the challenge, (regarding meeting the needs of learners with ALN, production of IDPs and and ALN provision to meet identified needs), appropriate to the type of education institution attended (e.g. School, Nursery, FEI) and the type of provision (e.g. SaLT), with the mandate to make that challenge and hold to account those where this responsibility is not being met.

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

It is accepted that the LA is in a better position than WG to work with stakeholders to secure specialist provision for post 16 learners but it is also to be expected that in the absence of a mandatory requirement for FE colleges to make places and suitable support available locally, there will inevitably be more appeals to Tribunals as parents seek more specialist provision, particularly for young people with ASD. It is argued that those appeals should be against FE college decisions, as the "responsible body" rather than against the LA

Question 6 – Placement at independent schools

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

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

This is a useful safeguard when LAs are not familiar with independent provision that may be some distance away from the CYP's home and monitoring arrangements are, of necessity, more time consuming because of travelling time.

This would also help ensure a quality control system is in place, through the registration process, for Independent schools. It would also be helpful to apply this to independent specialist colleges.

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

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

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

LAs, LHBs and FE colleges should be required to do more than co-operate and share information - LHBs and FE colleges should have the same duty to make and maintain suitable provision as LAs. The WG statutory duty of cooperation,

as detailed in the Children and Families (Wales) Measure, 2010, needs to be reinforced.

There should be robust information sharing protocols and an electronic system to facilitate this in practice.

- 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 CoP could provide case studies as examples of good practice. Robust Information sharing protocols agreed by all agencies would assist as would common approaches, such as person centred planning, to inform multi agency planning meetings and multi agency panels attended by senior representatives with budgetary responsibility.

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 is sensible, although clarification is required regarding the proposal for LAs to be required to assess all looked after C&YP, especially given the comments above regarding the fiscal and human resource capacity.

The consultation document also states the LAs would initiate the IDP process for all looked after children, but no detail is provided regarding this process.

Question 9 – Resolving disputes at an early stage

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 41-60

Supporting comments

Local Authorities already offer independent disagreement resolution arrangements to all parents considering appealing to the Tribunal. Despite considerable encouragement, parents do not wish to access those arrangements.

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

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

We would clearly agree with the principle of resolving any disagreements through working in partnership with parents and families without recourse to an Appeal to Tribunal, however, there is a significant difference between a complaint and an appeal. The first suggests some wrongdoing and individual culpability, the second suggests a difference of opinion about how best to meet identified needs and make appropriate provision. For this reason the processes are quite different, with LA complaints procedures having several stages before they are exhausted; this would lengthen the time it might take before an appeal was lodged with the Tribunal. By their very nature, complaints are not based in partnership - they are a formal investigation of actions to see if those actions are reasonable, and often to see whether individual employees have acted reasonably. Investigation of complaints by corporate complaints officers, who unlike the independent Tribunal, are not familiar with the intricacies and complexities of ALN legislation may inflame relations, rather than, focus on solutions and parents may not regard the mechanism as impartial or independent. Schools, the NHS and FE colleges have their own complaints mechanisms which will also differ to those of the LA.

Whilst we agree it is appropriate to have a requirement that a local process is gone through prior to making an appeal, it would not be appropriate to use the term 'complaints procedure/process' and it is essential to keep any system regarding this requirement separate from the LA complaints process. Mandatory guidance to be included in the Code of Practice on ALN would be helpful

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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Legislative proposals for additional learning needs Responses 41-60

Supporting comments

Agree with extending the right of appeal but disagree that all appeals should be against the LA. Appeals for learners with lower level needs should be against the "responsible bodies" of their places of 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.

The consultation document puts more flesh on the bone than Forward in partnership but still does not provide sufficient detail on how it would work in practice. A national funding mechanism for ALN, with agreed expectations on LAs and schools, as in England, would be helpful with some local discretion and flexibility. There needs to be a clearer understanding of cross border relations with England on the transportability of EHCPs and IDPs. There needs to be more information on transition arrangements.

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: ☐

ALN044: Claire Protheroe

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

PACEY Cymru welcomes the clear definitions of ALN in the proposals. We recommend that the Welsh Government ensures the overlap and distinction between ALN and disabilities, as well as the emphasis on the anticipatory nature of duties under the Equality Act 2010, are clearly communicated in all subsequent documents.

Legislative proposals for additional learning needs Responses 41-60

- 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

PACEY Cymru agrees with the comments within the consultation document that in accordance with the use of the terms in the Rights of Children and Young Persons (Wales) Measure 2011 the system should apply to 0-25-year-olds.

However PACEY also recommends a stronger and more consistent approach to supporting children with additional needs in the early years. Although a large proportion of the early years sector is private, voluntary or independent, this in no way lessens the importance of the early years as a point of early identification and support for additional needs; introducing measures at the earliest possible stage is the best method of avoiding unnecessary disadvantage, and expense.

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

PACEY Cymru agree that inconsistencies and unfairness which arise from the existing statutory and non-statutory categories of SEN, and the different systems for learners in schools need to be removed. PACEY Cymru believes it is

Legislative proposals for additional learning needs Responses 41-60

of great importance to ensure appropriate training and guidance on the use of IDP's to alleviate inconsistencies and ensure each child with ALN receives the same statutory plan which recognises their learning needs as equally important, irrespective of how complex they are.

- 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

PACEY Cymru agrees with this statement in principle however believes it is extremely important to ensure consistency across Wales to support the needs of children and young people and if LA's are ultimately responsible Welsh Government guidance in relation to this should be prescriptive enough to alleviate inconsistencies whilst also ensuring the system is flexible enough to meet the needs of children and young people in Wales

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

PACEY Cymru beleieves that this is important in line with our response to quesiton 2 above to ensure consistency across Wales.

- 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 41-60

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

PACEY Cymru believes that others are better placed to respond to this question due to our experience and relevant sector being early years provision and KS2.

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

PACEY Cymru believes that others are better placed to respond to this question due to our experience and relevant sector being early years provision and KS2

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

PACEY Cymru believes that others are better placed to respond to this question due to the expertise and experience required to make an informed judgement.

Legislative proposals for additional learning needs Responses 41-60

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

PACEY Cymru welcomes the proposals within this document in relation to a multi-agency approach and believe that by highlighting and sharing good practice and suggestions around this being taken forward, that support and outcomes for children and young people with ALN can only improve across Wales. PACEY Cymru also recommends that training for those putting together IDP's is carried out on a cross LA basis where appropriate. PACEY Cymru believes that this will support the removal of inconsistencies. The transition in support for a child or young person with ALN would be supported by greater multi-agency working and the use of shared systems.

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

Supporting comments

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Question 8 – Supporting looked after children

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

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

PACEY Cymru believes that if IDP's are being use as the single form of assessment/statements/plan and are to replace the current statutory requirements in this area that looked after children should be supported through the same system and should not be diffentiated from children who are not in the care system. Differentiation would almost certainly lead to further inconsistencies (see response to quesiton 2b)

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

PACEY Cymru believes that this is necessary to ensure quality systems of support howver feels that prescriptive guidance should be given to LA's to ensure consistency in this area across Wales.

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

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

PACEY Cymru believes that there should be a requirement to use the appropriate local complaints processes as long as this is not a long drawn out process which impacts on the support available to a child or young person while a complaint is being investigated.

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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Legislative proposals for additional learning needs Responses 41-60

Supporting comments

PACEY Cymru is in agreement with these proposals and also believe it is of paramount importance that children, young people and their parents/guardians are aware of the rights that they have in relation to these.

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: ☐

ALN045: **Fiona Gordon**
Carmarthenshire 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

Legislative proposals for additional learning needs Responses 41-60

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

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

There are significant resource and responsibility implications, possibly particularly regarding the less severe and complex. Who will be the Lead person? This is key, and not clear.

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

However, the management and administration of IDPs, especially for less severe and complex, will be a huge burden on schools/LAs. Who gets an IDP is not clear.

- 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

Not preparing, no. How could they, when in some schools, 60% of pupils have ALN? Schools should be responsible, plus early years settings / social services for younger, FE for up to 25.
LAs should be responsible for ensuring these settings have correct systems in place and are meeting their requirements, having an oversight, but not for preparing. Health is also a key player in some young people's needs.

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

- 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

'Secure' seems to imply getting it from elsewhere, and this is not necessarily the case. Surely most needs should be met within the school.

Legislative proposals for additional learning needs Responses 41-60

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'm unsure that sufficient resource is available, therefore legal challenge could ensue, with huge resource implications.

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

Who is the Lead, the Coordinator? Data protection concerns.

Legislative proposals for additional learning needs Responses 41-60

- 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

Better communication and clarity of roles are needed.

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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Supporting comments

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Legislative proposals for additional learning needs Responses 41-60

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

However, could cause huge expense for LAs, with parents disagreeing with specialist advice and recommendations.

Question 11

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

It is not clear who gets an IDP, nor who has ALN. These are fundamental concerns.

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: ☐

ALN046: ANONYMOUS

Question 1 – New terminology

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

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

It's a better label

Legislative proposals for additional learning needs Responses 41-60

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

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

This is a huge group, no one professional would be able to support an individual across the whole spectrum. There are too many 'professionals' offering a form of support in FE and Training providers, focused on attaining qualifications which in many instances are meaningless and do not result in genuine success and 'change' for the individual.

It is critical that any change should focus funding support on the learner, not on the 'process'. We need professionals who understand how to remove barriers and motivate and engage learners, but once they have done that they must be able to teach the learner - not superficially, we need deep learning that will change and improve lives.

I'm an 'old' mainstream teacher with post grad quals from Bangor University taught by Prof Tim Miles. Over the years I have supported children and adults with ALN and moderated and inspected adult learning. I have on occasions been dismayed by the lack of understanding of individual needs, teaching capability and literacy of teachers, tutors and trainers.

This change is really important - so also make changes to the 'vehicle' to deliver it. Maybe we need to focus on the way success is identified - in terms of outcomes - qualifications are unreliable, perhaps we should be listening more to the qualitative intelligence provided by the learner.

As in social care, maybe the starting point should be listening to the child/ YP, then the parent and hearing what support they believe they need?

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

I think all learners should have an IDP but it has to be meaningful - a working document, monitored and amended as the individual's needs change - NOT purely a funding trigger!

I don't particularly like labels but sometimes they are necessary - How are we going to deal with the issues of sharing out the cake? I have worked with children who have been told they were just too lazy or not 'dyslexic enough' to get any support. I have seen literacy support that consists of issuing coloured overlays to young people who have been failed by mainstream only to be failed again in FE.

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

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

How will this work? I envisage children waiting for years for an IDP!

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

I would like to be involved in developing it!

Legislative proposals for additional learning needs Responses 41-60

- 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

Essential - it's often the last chance to capture these learners - but we have to get better at drilling down to find out whether the support is good enough!

Failure in FE too, can cause immense damage to an individual's life chances

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 - Are the issues in Wales because in the past the best teachers didn't stay in the classroom and rarely moved into additional learning support?

I remember teachers who couldn't manage a class or couldn't relate well with the children being moved to work with small groups of children who needed additional support.

These learners need the best teachers with a passion for learning and exceptional communication skills.

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

Absolutely

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 only problem with this is the seemingly solid 'silo mentality' and maybe the basic barrier that they are funded differently. Has it been considered that the funding should sit firmly with the child and be managed by them or where necessary an advocate to enable them to select their best learning option? I may be out of date perhaps we do have a Direct Payments model facility to ALN support now?

- 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

Person centred approaches must mean we have a parity of esteem - 'equal relationships. We have some way to go in health, social care and education before we relinquish the power balance and 'we know best' mentality. I didn't realise that until I started to listen to the children I supported and their so

called 'pushy parents' I supported.

Legislative proposals for additional learning needs Responses 41-60

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

I would need to know more about these - I'm out of date. This would not be helpful if it resulted in sensitive information being withheld or disseminated inappropriately. We must do more to support 'children looked after' to have good learning experiences as well as better life chances.

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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Supporting comments

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Legislative proposals for additional learning needs Responses 41-60

Question 10 – Extending the right of appeal

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

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

Question 11

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

I am a semi-retired 'education' professional, parent and grandparent. One of my three children had a pretty traumatic mainstream experience and had I not known how to support him I doubt he would have gained his graduate and post graduate professional qualifications and been the useful citizen he is now.

I am only 'semi-retired' because my experience of mainstream education in Wales in the 1980s meant I stopped teaching, giving up pensions and holidays to be there to support my children's learning, finally working again to pay schools fees - something absolutely against my philosophy that we should have a good state education system - but I was tired of fighting.

With three well educated, well-balanced caring citizens I think we did a good job. However, I am monitoring four very young grandchildren's development as I know the statistics suggest one at least may have difficulty surviving our education system. At least one does not appear to be provided with the foundation tools necessary for a good start in literacy at the moment - Having said that I am probably old, grumpy and out of date!

I do hope you are able to reduce the superficiality of so many of the processes in place at present and really make a difference for the children who have the right to a good education but who do not have the voice to help them receive one.

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: ☒

ALN047: Judith Rees
Fitzalan High 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

However, by narrowing this term much of the recent work on inclusion may be jeopardised. Pupils with EAL, MAT, LAC, Young Carers et al. all have needs in addition to the main which impact on their learning. By removing them from the definition there may be the danger that such pupils are marginalised. This must be avoided.

Where are the needs of the children mentioned in the "pebbles document" now going to be met as they have barriers to learning requiring specific (additional) provision not necessarily SEN?

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

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

Surely there needs to be a balance of cost & resources available and impact? If all children and young people who currently are considered to have an SEN at, for example, school action who remain in education or training until 25 need an IDP then what impact will this have on available resources?
Starting at birth makes sense but there must be robust transition so that children are identified as soon as possible and not just "managed" in their current educational setting. The demands of the next educational phase must be taken into account.

Legislative proposals for additional learning needs Responses 41-60

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

In principle there is broad agreement with this. However, the time implications of IDPs for all pupils currently having IEPs and PSPS are significant and could have a detrimental impact in large schools or those with a range of

pupils with ALN. The same system in all educational authorities in Wales would be an excellent way forward, the paperwork has to be common for all and manageable ie can be linked to SIMS.

Concerns are "what is the paperwork going to look like and entail " Is it going to be computer based?

There is a danger that by including SA and SA+ pupils in the IDP we will waste more time filling in paperwork than carrying out interventions and meeting 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 type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

There needs to be a clearly communicated and defined body responsible. Whether this is the LA or the regional consortium is moot- as long as there are clear links and mechanisms for ensuring that agreed provision is delivered and reviewed.

Does this mean the Local authority will be involved in the actual IDP process or just be responsible for the monitoring of the process? As case work officers manage the statements and annual reviews.

It is also important that there is consistency across LAs to ensure that this improves the situation.

Legislative proposals for additional learning needs Responses 41-60

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

GOOD

However it is vital that schools are allowed to focus on meeting need rather than bureaucracy.

- 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. this is particularly important as it is FE colleges that often are the destination of choice for pupils with, particularly, complex ALN. Also important is the need to communicate with the secondary setting - as is the case now in transition for Annual reviews for statemented pupils.

Question 5 – Securing specialist provision for young people

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

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

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Question 6 – Placement at independent schools

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

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

The needs of the whole child must be paramount.

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

Where LA is included, does this mean delegated to the relevant school? Multi-agency working is essential, Ideally children's services would also be involved where this would be appropriate.

- 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

Cluster based working to facilitate better continuity of provision and a shared vision for the achievement of the pupil.

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 is only going to work if there is effective multi agency working

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

These should be predicated on a Restorative Approaches model.

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

If all school do their best to meet the needs of all their learners then the negative tone of these proposals sets us up for something that is expensive, time consuming and unnecessary. There are other mechanisms set up to monitor and quality assure all provision eg Estyn, school governors, Consortium

school challenge officers.

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.

While we understand the need for a distinctly Welsh educational provision, schools with very mobile populations often need a commonality with other British systems.
When is the proposed New Code of Practice going to be published for consultation and is it likely that the proposals in the white paper will become law before this is consulted upon?

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: ☐

ALN049: Sarah Payne National Offender Management Service (NOMS)

Thank you for the opportunity to comment on the Welsh Government's legislative proposals for additional learning needs. The National Offender Management Service's work in Wales includes the commissioning and delivery of services to reduce reoffending and protect communities and we work close collaboration with the Welsh Government and local partners to deliver a wide range of positive outcomes to Welsh offenders, their families and the areas in which they are living.

Evidence shows that strong family relationships and positive support networks are crucial in assisting offenders to turn away from crime. Their children and families often require particular assistance to withstand the disruption caused by offending behaviour especially when a partner/parent is in prison. I am therefore taking this opportunity to highlight the issues frequently faced by the children of offenders so that their needs can be considered as policy is developed.

In England and Wales about 200,000 children were affected over the course of 2009 by a parent being in, or going into, prison. Children with parents in prison are more vulnerable than other children (having three times the risk of anti-social

or delinquent behaviour compared to their peers) and are more likely to become offenders themselves. Research indicates that 65% of boys with a convicted parent go on to offend, compared to 22% of boys whose parents are not offenders. They have twice the risk of developing behavioural problems and poor psychological health than children who have not had a parent in prison. Children may also lose contact with their imprisoned mother or father, and are often subject to unstable arrangements for their care.

In 2007 a joint Department for Children, Schools and Families and Ministry of Justice review reported that parental imprisonment can lead children to experience stigma, bullying and teasing. In addition children's carers often experience considerable distress during parental imprisonment, which leads to unstable care arrangements and they also experience higher levels of social disadvantage than their peers. Imprisonment has a negative financial impact on families, leaving families vulnerable to financial instability, poverty and debt and potential housing disruption

As parents, offenders are often subject to pre-existing disadvantages. For example most would have a history of social exclusion and are more likely than the general population to be unemployed, of low social class, to have low educational attainment and work skills, multiple mental health problems, other criminal convictions, relationship difficulties, and to have experience of abuse and/or neglect.

Children of offenders (and prisoners in particular) are therefore, for multiple reasons, at higher risk than the wider child population, and are likely to require extensive support. Parental imprisonment does present an opportunity to identify children at risk of poor outcomes and for Local Authorities and other agencies to offer support to mitigate the effects and to improve outcomes for those children.

I thought it might be helpful if I drew to your attention some good practice and joint working that is being developed to address these issues:

- the Invisible Walls Accord, which is part of the BIG Lottery Funded project Invisible Walls Wales being delivered at HMP Parc. The aim is to work intensively, and in partnership across sectors, with prisoners, their families and children, all together, during custody and after release, to reduce reoffending, reduce intergenerational offending, and promote better outcomes for children and community inclusion. The Invisible Walls Accord has the specific aim for each school to actively participate in the process of offering support and guidance to pupils who have a parent or close relative in prison.
- The Invisible Walls project itself was set up in October 2012 and works with up to 20 families a year to create continuity for the prisoner's rehabilitation and transition from prison back to the community, involving a whole family

Legislative proposals for additional learning needs Responses 41-60

approach. The project has already received considerable national coverage and initial indications from research are positive.

- Barnardo's Cymru published in February this year an informative handbook for schools entitled "Children affected by the imprisonment of a family member" aimed at helping them support these particular children. It also references the Invisible Walls Accord.
- There has been excellent collaboration between the Criminal Justice Agencies in Wales and the Integrated Family Support Services. The current proposals lend themselves to further developments in this area.

Given the range and complexity of issues facing this group of children and young people I hope that the Welsh Government will consider the specific inclusion of offenders' children in the scope of those with additional learning needs and therefore meriting additional support.

ALN050: Cerys Owens HOOSUP

I write as a Mother of 2 boys (*****) one of whom has special needs and attends a unit for 50% every day in (*****). As a P.T.A member of this school and also as Head of communications and PR for "HOOSUP" (Hands Off Our Specialist Units Powys)

As a background to my response I was heavily involved in the campaign in Powys to keep all the ALN units open in primary schools, and indeed was the delegate for my Son's school. We were successful not just in keeping them open but revolutionising the whole way consultations will take place across Powys. As a result of this we have hopefully safeguarded the future of ALN across Powys and created a legacy to be proud of. I refer you to this as I will be basing a lot of my response based on the work I learnt around this campaign.

Response:

I welcome any moves that will increase a right to equitable and fair provision of education to all regardless of skill and ability.

I also welcome all moves that will take pressure of parents and families, and is willing to engage with these groups to ensure every child is valued.

I strongly believe that every step should be taken so that all parties school, pupil, families and all bodies that need to be involved in any decisions should work

Legislative proposals for additional learning needs Responses 41-60

together and all be informed. There needs to be very strong and clear guidelines as to how communication should work. There also needs to be enhanced provision put in place for those parents that either don't have English as their first language or who have additional needs e.g. dyslexia themselves. Whether this be through parental stakeholder groups or the 3rd sector who are able to work with that family and keep vital paths of communication open.

In doing this the information pertaining to each and every child needs to be clear and transparent, available to all from the start. Not just those that need it, and not whilst any processes are underway. It should be available in hard copy in all schools and education establishments and also on line. It should be set in a variety of formats adult version, young persons guide, in Welsh and any other languages needed.

Not everybody knows their rights or how to express their needs indeed it even goes against some peoples norms and cultures to be able to express themselves in these situations. If we could empower more people and I realise this doesn't just apply to ALN or indeed education but if it is addressed at school level we can empower a future generation.

I welcome any move that make the process of statementing easier and more recognised, however I worry that it could get tied up in red tape causing delays, or reluctance to undergo IDP in the first place.

Whilst you state a diagnosis is not needed and I welcome this I believe that by tying bodies closer into each other that a diagnosis could become easier to obtain. A closer relationship needs to be encapsulated whereby information is both shared and believed. I recently attended a paediatrics appointment armed with evidence from school hoping to get on the start of a diagnosis for autism for my son. This evidence was entirely dismissed. This undermines the parent and the school. And will as previously mentioned add reluctance to parents and indeed school to undergo IDP.

I must ask how information to be shared by parties when working between health board/teaching or education staff and any outside bodies will be safeguarded. Not all information will be relevant to everybody indeed some may need to be protected for the child's safety.

I am grateful that provision will be extended from birth to 25 and that transition will be put in place to protect the child and ensure that is a fluid movement throughout. I hope that all bodies will work together to ensure this truly is the case.

I am also grateful that independent schools will be brought into the same clarification, I do not know what the previous position was, but every child should have the same right and no one should be disadvantaged according to what school they need. All schools need to be accountable and every child has an equitable right to an education that is right for them and values them.

Legislative proposals for additional learning needs Responses 41-60

Whilst I do not necessarily feel that language needs to be changed from SEN to ALN, I feel anything that reduces stigma has to be welcomed. However language needs to be clear and consistent throughout and all bodies Government, schools, health professionals etc need to adopt the same language and strategies in order for it to work and be adopted. However what costs will be involved in this? Eg changing paperwork etc and how will this be absorbed and into what budget?

I look forward to seeing early intervention put into place hopefully this will have significant results especially as it will be one consistent approach adopted by all agencies.

As my Children attend a Welsh school I particularly welcome any move that will enhance Welsh provision. As it stands there are no Welsh SALT or Ed psychologists etc all resources must be translated into Welsh this is at the cost of time and expense of the individual teacher. Perhaps Outreach between Welsh medium/bilingual schools could be key to some of this and avoid duplication. More needs to be done to train and employ welsh speakers across education and other bodies involved in ALN.

I am glad that each child will be recognised as an individual and that a PCP will be adopted and I hope that this works across all schools and education establishments. And that this will be reviewed as the child changes. A flexible approach needs to be adapted in this. A process of achievement not attainment and focusing clearly on the value of the child and what their future outcome will be.

What will be done with all the data obtained on the child and processes involved, and how will this be safeguarded and also shared. Data protection aside it is important that information is shared updated and analysed. Not just across the schools and bodies needed but in the public domain as well. Proof that the system is working.

At the start of my response I mentioned my role within HOOSUP, within this campaign we worked alongside the Cabinet of Powys CC alongside several AM's. A lot of work and research was carried out. Indeed 719 responses and 135 childrens voices were received. I hope you could look to this work and adopt and adapt some of the strategies now put into place to work alongside this white paper. I would strongly urge you to work alongside parents at all levels of this consultation and to listen to their needs and stories. The bad stories need to be listened to make sure lessons are learnt and processes changed. And the truly good quality teaching and practices that are in place need to be rewarded and duplicated where possible. There is a lot of truly good out there and let's not loose what works and is good.

I look forward to seeing the results of this paper and seeing what and how will be implemented.

If you require any further information or would like to discuss any of my points please do not hesitate to contact me on my above details.

Legislative proposals for additional learning needs Responses 41-60

I would like help forge a relationship together in which we can safeguard ALN and education.

ALN051: ANONYMOUS

Question 1 – New terminology

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

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

We think that the term ALN is less clear than the current statutory definition of SEN and could be 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 issues and physical support. The new terminology will not change practice; the document does not persuade us that this is an improvement for

learners who are vulnerable to underachievement. It is not the terminology that needs changing but the practice across Wales. We seem to keep changing the terminology but not the practice.

- 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

By increasing the age range there are significant implications for the LA workforce in a climate of significant budgetary restraints and staff losses.

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. The limited access to SaLT will continue to be of GREAT concern to the majority of parents.

Some parents/carers are seeing this age range as their child being able to stay in school until they are 25! This said this would be a much better option for some of our pupils (those who leave us in the July after their 19th birthday) with the most significant and complex 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 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 type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

We recognise that current statutory paperwork requires a refresh using PCP approaches and more "user friendly" language. We think this appears to be a 'sledge hammer to crack a nut' approach. Where is the graduated response in this process? This measured response to a child or young person's additional needs is critical and needs to be retained in any new legislation.

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 being proposed would seem to open up the floodgates, raise expectations and make quality assurance very difficult.

We agree that IDPs could replace statutory assessments and statements of SEN and that via a graduated response they could apply to pupils currently at school action and school action plus. Although it is confusing to use the terms school action and school action plus if they are not being used as part of the new framework.

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.

- 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

If you 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 Headteachers and governing bodies working in partnership with local authorities, school improvement consortia and other agencies. A 'cluster' approach could then 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.

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 the new ALN Code of Practice should include mandatory requirements particularly for local health boards. In our annual survey with parents concerns are ALWAYS expressed regarding the amount of therapy provision their child has access to- particularly speech and language therapy.

If guidance for third sector organisations are included in the Code of Practice what are the financial /funding implications ?

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

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

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

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

The term 'best endeavours' is not acceptable - what does it mean? One organisation's 'best endeavours' could be very different to another. Such "woolly phrases" have no place in new legislation.

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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Legislative proposals for additional learning needs Responses 41-60

Supporting 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 budget and personnel cuts.

Question 6 – Placement at independent schools

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

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

This is current practice.

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 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.

Legislative proposals for additional learning needs Responses 41-60

- 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 know from the current code of practice that guidance has no impact. Unless there is statutory 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	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting 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.

Question 9 – Resolving disputes at an early stage

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

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

This is already in place within our LA under the SLA with SNAP Cymru.

- 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

Yes - although this will need to be resourced.

Legislative proposals for additional learning needs Responses 41-60

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 as long as there is strict criteria that a local complaints procedure has to be followed first.

Question 11

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

It appears that 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 Headteachers/governors.

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 of work.

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. There is a lack of consistency.

It seems that the White Paper encourages a model where those who "shout the

loudest" will get the most.

It is disappointing that 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. In terms of the SENCo role. It would be useful to separate the admin role from strategic lead.

Trying to achieve change without any additional resources is likely to make the most vulnerable more vulnerable.

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: ☒

ALN052: Sue Hurrell

Question 1 – New terminology

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

Agree		Disagree		Neither agree nor disagree	X
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Supporting comments

I think this is a bit of a red herring to be honest. Since the last consultation the ALN has narrowed to become largely the same as what we know as SEN. It will be costly to change the name on documents, organisations, job descriptions etc. The other concern is that disability, and the rights of children with defined disabilities, seems to be hardly touched in the document, which is worrying. See my comments at Section 11 for more.

Legislative proposals for additional learning needs Responses 41-60

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

Agree	X	Disagree		Neither agree nor disagree	
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Supporting comments

This makes sense in principle. But in devolving the funds to local authorities how will the Welsh Government ensure that, as LAs see their budgets shrinking dramatically, they allocate sufficient resources to supporting young people. This is a major concern. In the proposed budget cuts in Cardiff last year, disabled people and disabled children took a huge hit - it is easy to do this, because they are a quiet minority.

Question 2 – Individual development plans (IDP)

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

Agree	X	Disagree		Neither agree nor disagree	
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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		Disagree		Neither agree nor disagree	X
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Supporting comments

I agree that all children with ALN and disabilities should be entitled to agreed provision. What I am not sure about is whether the IDPs will be adequate. This is because the Code of Practice, which will govern how IDPs are administered, has not yet been published. So it is too early to comment, and Assembly Members should not be asked to pass a Bill until the Code has been released in draft.

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

Agree	X	Disagree		Neither agree nor disagree	
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Supporting comments

Yes - and this should be statutory in the same way as it is now. NOT "best endeavours". The tribunal is already a poor last resort, in that there is no organisation responsible for enforcing its orders, so there needs to be a clear and strong legal entitlement to the services set out in an IDP. No wriggle room. Unfortunately many families have to fight their schools and LEAs to ensure that their child is receiving the support outlined on a statement. Without legal entitlement this will become even more difficult battle. "Best Endeavours" is not good enough.

Question 3 – A new code of practice

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

Agree	X	Disagree		Neither agree nor disagree	
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Supporting comments

Of course - but what is more important is what these mandatory requirements will be!

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

Agree		Disagree		Neither agree nor disagree	X
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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		Disagree		Neither agree nor disagree	X
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Supporting comments

Yes, FE institutions should also be bound by an IDP, but this should provide legal certainty as at present, and NOT be simply "best endeavours"

Legislative proposals for additional learning needs Responses 41-60

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	X	Disagree		Neither agree nor disagree	
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Supporting comments

But ONLY if sufficient resources are provided for local authorities to be able to afford this, and not cut corners elsewhere.

Question 6 – Placement at independent schools

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

Agree		Disagree		Neither agree nor disagree	X
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Supporting comments

not sure what is behind this question.

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

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

Agree	X	Disagree		Neither agree nor disagree	
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Supporting comments

Of course - but how will this be done practically, and enforced and monitored?

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

Supporting comments

Shared budgets. Single responsible overall ownership - it's far too easy for each party to blame the other when things are not provided. It is the parent who is then left stuck in the middle attempting to make things happen.

Question 8 – Supporting looked after children

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

Agree	X	Disagree		Neither agree nor disagree	
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Supporting comments

Sounds 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	X	Disagree		Neither agree nor disagree	
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Supporting comments

The outcomes have to be enforced, and not just be filed away.

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

Agree	X	Disagree		Neither agree nor disagree	
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Supporting comments

Yes, it is good practice to try informal resolution first, but, as above, the outcomes must be enforceable.

Legislative proposals for additional learning needs Responses 41-60

Question 10 – Extending the right of appeal

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

Agree	X	Disagree		Neither agree nor disagree	
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Supporting comments

BUT - more importantly there needs to be some means of enforcing the tribunal's findings. This is not the case at present, and this causes weaknesses throughout the system. There is no "last resort" and schools know it.

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.

see below

To me, these are the three headline issues:

1. All of the changes are dependent on the detail in the Code of Practice that is referred to, but unfortunately the Assembly Members will be asked to bring the new proposals into law BEFORE seeing a draft of this document. At the moment it says the Code "may" include this and that... and that there will be further consultation on it - but we really need to see a draft now.
2. At the moment if a child has a Statement they have a legal entitlement to the provisions listed, but these proposals are to change this to "Best Endeavours". On page 5 it says the proposals will "require maintained schools, FE institutions, and PRUs to use their best endeavours to secure that the additional learning provision set out in a child or young person's IDP is provided." Most of the time this will probably be sufficient, but when money is tight and corners are cut we need some legal certainty to fall back on. When this process started we were promised that children's rights would not be watered down - this does not seem to be the case.
3. There was a pilot that looked at the **COST** of change. It left a lot of questions unanswered but still concluded that all of this could be done without spending any additional money. One issue is that the Welsh Government is planning to transfer post-16 provision to Local Authority control. This makes sense in theory, but LAs are suffering massive budget cuts, and we saw in Cardiff last year that an outrageously large proportion of the budget cuts fell on services for children and adults with disabilities.

These are my positives:

- There's no doubt the system needs to change, become less bureaucratic and kick in more quickly - and this does sound in theory like it could be more flexible, amend-able, and able to take account of the views of children and their parents (of course this depends on the detail in the as-yet-unpublished Code).
- It is good that the expectation is that the needs of all children and young people with Additional Learning Needs will be met, and there will not be such high stress resting on whether your child gets a Statement.
- It is good that the scope of what falls within ALN has been reduced since the previous consultation - there's still a big question over affordability, but it certainly looks less impossible than in the previous consultation.
- The importance of the ALNCO (SENCO) role, and the need for adequate training, is emphasised (it's not in the document, but I gather there are plans to suggest that this role is held by someone on the senior management team in a school).
- Extending provisions and smoothing the transition into adulthood is a very good thing. I can't comment from experience on the workability of these proposals, but an important factor is likely to be affordability, and ring-fencing the money, if handed to Local Authority control.

This (in my view!) is an expensive "red herring"!

- A lot of space is taken up talking about changing "Special Educational Needs" to "Additional Learning Needs" so SENCOs and the Tribunal's name will have to change, along with all the documentation etc etc. Name changes always cost money - twice when everything is also translated into Welsh. If there's any semantic change of meaning between the two it's minor, and it does create a worry for those people with children with health, physical or sensory needs but no additional "learning" needs.. will they be catered for?

These are my negatives

1. Things are missing:

- The document makes little reference to the fact that a large proportion of the children that will be covered by its provisions have a recognised disability. This gives them rights under equalities legislation - rights to non-discrimination.
- Children with disabilities are covered by the Equality Act, as well as a special section in the UN Charter for the rights of the child. And yet little mention is made, in the consultation, of the RIGHTS that children with disabilities have to not be discriminated against. For many years, INCLUSION has been the key fundamental principle behind the education system in Wales, and yet its application is patchy and there is evidence that we are closing units attached to mainstream schools and teaching more children in Special Schools. And now, the word 'inclusion' only appears once in this context in the document on page 29. Similarly, there's no use of the word "equality".
- These are worrying omissions, and say to me that whilst the authors believe that disabled adults should have equal rights and access to everyone else in society, this does not apply to disabled children.
- There's little in this document about **parental choices** on school placements, and, for example, the process that a parent goes through in deciding whether a child should attend a mainstream or special school (apart from oblique references to "the educational provision" in relation to the Tribunal)

2. "Best endeavours" - is this weaker?

- It is important to realise that there is often a reason for the anxiety parents face as to whether their child receives a statement or not - and it is the experience of many parents that a statutory REQUIREMENT to make specific provisions is necessary to ensure that support is put in place. And often, even with a statement in place, it is still a fight to make sure that everything on it actually happens. This is because resources are scarce and are often rationed through delay. **"Best endeavours" is a worrying change and it would be easy to wriggle out of a provision based on availability of resources.** On page 16 it states that "in the overwhelming majority of cases we believe that the current levels of support do meet children's needs". It would be very interesting to see the evidence for this assertion. But even if it is true, there are too many examples of families being forced to fight.

3. What happens if the provisions listed on the statement are not made:

- Obviously it's a good thing to encourage people to exhaust dispute resolution processes before going to Tribunal. The problem is that currently in cases of discrimination the Tribunal has NO TEETH. There have been a number of cases where Tribunal orders have not been carried out by a school, and neither Estyn nor the Tribunal or anyone else can do anything about it. You can change the name to the ALN Tribunal, but this will not solve the problem. The fact that the Tribunal has no teeth and Estyn is not informed of Tribunal findings makes the whole process rather an expensive waste of time in these cases. This needs to be resolved - the obvious solution is that in these small number of cases Estyn checks on the implementation of Tribunal findings at the subsequent inspection (as it does on its own recommendations from previous inspections).

4. Where is the funding coming from?

- Given that the lion's share of ALN services is staff costs it's hard to see how these proposals can be cost-neutral, unless we take as correct the assertion that the vast majority of needs are met (no evidence is presented, but if that were the case there'd be little need for reform). Parents generally feel that provisions are put in place too late, and after too much of a delay and battle. If this is to change that means MORE provision is needed to meet the same level of need. I can't see how this can be cost-neutral (and nor can any other parent I've spoken to) without either raising thresholds of intervention - so only children with more need are supported, or reducing the amount of support across the board.

5. What about provisions by Health and Social Services etc?

- It is still quite unclear how the requirements on other bodies (Health, Social Services etc etc) will be enforced with the new IDP. This is because the Code has not been published.

To conclude, I feel that there's a lot that is missing from these proposals.

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: YES my response can be made public.

ALN053: Victoria Cox-Wall
Hawthorn High 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

This is more inclusive than the old terms which suggested a deficit of some kind.

- 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 children and young people with difficulties may not return to their schools after 16 and can drift a bit as they are not quite ready for the independence of a college situation, extending to 25 years would ensure the most vulnerable young people had a level of support and protection to establish themselves as adults.

Question 2 – Individual development plans (IDP)

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

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 41-60

Supporting comments

One document will make all processes much easier to manage and be clearer to parents/carers.

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

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

LEAs should be the consistent, managing and quality assuring body for all IDPs but they need to be created by the place of learning.

Question 3 – A new code of practice

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

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

Mandatory legislation is essential. Guidance can be implemented or not.

- 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

Who could not agree with this? Our most vulnerable pupils are in PRU provision and they should provide and be accountable to the same standard.

Question 5 – Securing specialist provision for young people

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

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

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Question 6 – Placement at independent schools

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

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

The Independent School must be able to evidence their provision can meet the identified needs of the young person.

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

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

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

We often have to work with inadequate or no information or second hand information re medical needs (including diagnoses of ASD, ADHD etc). The health information is not routinely copied to schools/education settings. Permission should be sought from parents at the appointment and shared asap.

- 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

Better protocols re sharing health information - there should always be a multi agency planning meeting after a diagnosis, an attempted suicide, a serious incident perhaps Police related etc

Legislative proposals for additional learning needs Responses 41-60

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 IEPs and IBPs duplicated the PEPs.

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

Better communication would solve many problems before they reached tribunal or serious complaint to the governing body.

- 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

Legislative proposals for additional learning needs Responses 41-60

Question 10 – Extending the right of appeal

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

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

Question 11

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

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: ☐

ALN054: ANONYMOUS**Question 1 – New terminology**

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

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

- Difficult to fully comment with having access to new Code of Practice
- In the WAG 'Inclusion and Pupil Support' (pebbles) document, the term 'Additional Learning Needs' is used as an umbrella term for a wide range on learning needs e.g. SEN, MAT, young carers, school refusers. Although White Paper suggests that ALN will refer only to SEN, this needs to be clarified as it

could lead to complications.

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

Not possible to implement from birth and likely to be difficult after the individual has left formal 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 type="checkbox"/>	Disagree	x	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	x	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

- Difficult to fully comment without having access to Code of Practice
 - Successful implementation of IDPs for **all** students on school's SEN register unattainable. White Paper suggests meetings with parents and professionals in order to write IDP. This could mean that a school with a large cohort of students on the SEN register could be potentially required to carry out IDP meetings on a daily basis.
 - Statementing process provides a clear structure, to which professionals and parents need to conform.
 - Query if IDPs are to replace a Statement. If so, who has overall responsibility for 'ownership', implementation and coordination of professionals involved?
 - In case of appeal or tribunal, what support could school expect from LEA?
 - What will happen to existing Statements?
- How will funding be determined?

- 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

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

- 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 41-60

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

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

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Legislative proposals for additional learning needs Responses 41-60

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

- 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

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

- New PEP form may be more effective
- If it was agreed for LAC students to have an IDP, who in school would be responsible for maintaining this, as SENCo is not LAC Coordinator?

Question 9 – Resolving disputes at an early stage

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 41-60

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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Question 10 – Extending the right of appeal

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

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

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Question 11

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

<ul style="list-style-type: none">- Will school SENCo's role automatically change to ALNCo?- Many interventions in school are overseen by the literacy and numeracy coordinators, but these students are not listed on the school's SEN register. Would these students need IDPs?
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Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

<input type="checkbox"/>

ALN055: SEN TEAM
Ceredigion 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 type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The parameters regarding what the term ALN will include are not clear enough for us to agree at this stage.

The following questions outline our concerns.

- will the term ALN simply replace the term SEN without any additional groups being included ?
- will ALN also include the 13 vulnerable groups that are listed in the Estyn document "Supplementary guidance: additional learning needs" (September 2013) ?
- will More Able and Talented also be included within ALN ?

If ALN does include these groups then we are of the opinion that the support available for current SEN pupils will be diluted.

We also envisage that the workload for SENCOs, if they become ALNCOs responsible for these additional groups of children and young people, will be unmanageable.

- 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 checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 41-60

Supporting comments

Although we see this as a worthy principle, we do not feel it would be in the interests of young people age 19 - 25.

We are aware that the funding for 14 -19 is uncertain and may affect elements of the curriculum.

There is a lack of clarity about what will be involved in this change.

which section of Learning Services, SEN or YEPF, would receive the funding at present being paid directly from Welsh Government to F.E. settings ?

will there be sufficient additional and long term funding devolved to L.As to enable the authorities to fund the additional staff and time required to meet the needs of all vulnerable young people who may come under the ALN definition for an additional six years ?

what would the role of the Careers Wales specialist SEN advisors be if these changes went ahead ?

▪ will F.E institutions be required to appoint a SENCo / ALNCo to oversee the needs of these young people e.g. write and review any IDPs, co-ordinate provision within the F.E. setting ?

Question 2 – Individual development plans (IDP)

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

Agree		Disagree	✓	Neither agree nor disagree	
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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		Disagree	✓	Neither agree nor disagree	
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Supporting comments

There is a lack of information regarding the nature of IDPs.

- what level of information would an IDP be expected to contain ?

We are also concerned about the number of pupils who would be required to have an IDP under the wider definition of ALN.

We believe that an IDP may be suitable to replace Statements for those children and young people with the most complex needs but not for those at School Action and School Action Plus.

If the system becomes too cumbersome it will be inefficient and will dilute the effectiveness of the documentation and provision for pupils with SEN.

The bureaucratic burden for SENCo s /ALNCo s in writing and reviewing IDPs for all pupils with ALN would be unmanageable.

Ceredigion Learning Services SEN have already begun to replace Statements

(0 – 19) with an alternative namely: School Action Plus Resourced Agreement document. (SAPRA).

In addition to describing the child's needs these documents outline the requirements that all stakeholders involved with the CYP are expected to deliver.

This process ensures provision, if necessary, is agreed through the SEN Panel and implemented swiftly as opposed to the 26 week wait and, drastically reduces the workload associated with a Statement. We maintain the parents right to question / oppose the provision and maintain their right to request a statutory assessment and right to appeal.

Estyn inspectors and our SENCo s view SAPRAs as good practice that should be shared with other L.As.

We would welcome the opportunity to discuss with Welsh Government officers our good practice before any further decisions regarding changes to Statements and IEPs are made.

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

Agree		Disagree	✓	Neither agree nor disagree	
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Legislative proposals for additional learning needs Responses 41-60

Supporting comments

We feel there is a lack of clarity here.

- does the use of the term Local Authorities refer to Learning Services (Education) only or does it also refer to Social Services ?
- will the preparation of IDPs be the responsibility of the SENCo / ALNCo ?
- who would write the IDPs for pupils in settings other than schools ?

Question 3 – A new code of practice

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

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

We agree that this would ensure consistency across all authorities.

However, it would need to be worded very precisely and be sufficiently funded to enable its implementation.

This funding would need to be long term and not simply for the transition period.

It would also need to have the children and young peoples' needs uppermost rather than those of their parents.

- 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 41-60

Question 4 – Securing provision

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

Agree		Disagree	✓	Neither agree nor disagree	
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Supporting comments

We disagree that this should be referred to as “use their best endeavours” and that they should take note of the Ministerial letter which urged closer working with authorities.

We are of the opinion that this should be mandatory for F.Es also if the needs of young people post-16 are to be met effectively.

Schools may already be reducing their courses due to the fact that they are now only required to provide 25 Level 2 courses at K.S. 4.

Question 5 – Securing specialist provision for young people

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

Agree		Disagree	✓	Neither agree nor disagree	
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Supporting comments

- what are Welsh Government's plans for the Careers Wales specialist SEN advisors ?

These are the professionals who currently have the specialist knowledge and experience in selecting and securing this provision.

- will their services be maintained or will L.A. officers be expected to carry out this role ?

We feel that the partnership with Careers Wales specialist SEN advisors is highly effective. Adding this responsibility to L.A. officers' workload would add another layer of bureaucracy and deprive L.A.s of the skills and expertise that already exists in Careers Wales.

- does the Welsh Government believe this would increase efficiency and be in the best interests of the vulnerable children / young people ?

Legislative proposals for additional learning needs Responses 41-60

Question 6 – Placement at independent schools

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

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

We agree with this for reasons of the safeguarding of vulnerable young people as well as for educational reasons.

We strongly feel that SENTW / ALNTW should be required to abide by this also.

- has that point been considered ?

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

IDPs will require a greater sharing of information.

However, there are issues of confidentiality that would need to be considered and addressed.

- how will the Welsh government ensure that only relevant information will be shared and that children / young people maintain their right to confidentiality, particularly with certain sensitive health issues, while simultaneously ensuring that there is greater sharing of information between agencies ?
- at present the inconsistencies in the I.T. systems between Health, Social Services and Learning Services are a barrier to exchanging information. Will the Welsh government address this issue ?

Legislative proposals for additional learning needs Responses 41-60

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

Supporting comments

By making the contribution of all agencies mandatory.

Ensuring that where Health Services make recommendations for resources, where health difficulties are the main barrier to learning, that they are also required to contribute to the costs.

The current medical model, used by the Speech and Language Therapy Service, of discharging the children / young people if they miss appointments, is not in keeping with the educational model of ensuring continuing provision for need.

All agencies should be equally accountable to the Tribunal System.

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

Where a looked after child (LAC) has educational needs then we agree that the PEP and IEP could be combined to create one document.

However, we do not agree that all LAC should have an IDP if there are no associated special educational needs.

The bureaucratic burden for the SENCo / ALNCo in writing and reviewing IDPs for all LAC pupils would be unmanageable and inefficient.

Legislative proposals for additional learning needs Responses 41-60

Question 9 – Resolving disputes at an early stage

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

Ceredigion already has good practice in this area.

Monthly Parent Drop-in sessions are held centrally offering parents an opportunity to discuss their queries and concerns with Learning Services SEN officers.

These sessions have been effective in reducing the number of formal complaints made to the L.A.

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

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

We strongly feel that this should be mandatory.

Parents should not be able to go straight to SENTW / ALNTW without first informing the L.A of their concerns or complaints.

We also feel that providing IDPs for a wider range of needs will open the complaints and tribunal systems up to an unmanageable degree.

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"/>	Strongly Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 41-60

Supporting comments

We strongly disagree with this as we feel it will be open to abuse by some parents.

This is especially likely to be the case if all ALN categories of vulnerable children / young people are expected to have IDPs.

Neither L.As nor tribunals would cope with the demand.

Furthermore we feel very strongly that tribunal decisions should place the child's needs above the parents' wishes as in our experience this is not always the case.

Widening the rights of appeal and favouring parents' decisions can at times undermine professional judgement.

- will the SENTW appeals process be monitored by the Welsh Government ?

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.

Ceredigion is a totally inclusive authority with no special schools.

SEN officers and Strategic Leaders work very closely together as one team.

"The authority is highly successful in meeting pupils' additional learning needs.

This is because of the outstanding cohesive working across additional learning needs services, inclusion, school improvement and other support services. This is sector leading"

Key Question 2 Estyn 2013

We feel that separating the SEN bill from the Education Bill undermines this practice and is likely to result in education in Wales being even less inclusive where SEN and mainstream education is not seamless.

We believe this will be a backwards step.

We note your concern that the current Code of Practice is not implemented consistently.

Ceredigion's 2013 SEN strategy gives very precise 'entry and exit' criteria at every stage of the Graduated Response and for all areas of need:

"Access to and exit from, any additional support area is through clear criteria, agreed with schools. As a result, and in line with Welsh Government policy, the authority has significantly

Legislative proposals for additional learning needs Responses 41-60

reduced the number of statements of special educational needs”

Where Estyn judge educational practice as excellent, surely the Welsh government should make the best use of that practice to drive improvements forward across Wales.

If we, as the only L.A to be judged as having such a breadth of excellent practice, disagree with so many of the proposals contained in the White Paper for ALN, should this not instigate a more detailed consultation before it is too late?

We would like to invite Welsh Government officers to visit Ceredigion to discuss our sector leading practice before any further decisions regarding changes in the area of SEN are made.

Ceredigion's Learning Services SEN appreciate the opportunity to respond to the consultation and request a copy of the final outcomes.

One further concern we would like to record, regarding proposed changes in education and their impact on the field of SEN/ALN, relates to the new matrix for categorising schools across Wales. Because we are a fully inclusive authority with no special schools, the data for pupils in our specialist resource centres will be included with the data of their host schools. This will impact on these schools' ability to achieve a good or excellent grading. This will, in effect, penalise these schools and reduce their positive attitude towards being so inclusive.

- Is this message, that inclusive practice cannot be recorded as a good or excellent feature in education, one the Welsh government would wish to present?
- How does this practice fit in with the proposed increase in inclusion that the ALN white paper is proposing?

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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ALN056: Primary School SENCOs (North)
Ceredigion 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

- We feel that parents will prefer this term as there are no negative connotations associated with it.
- Is the intention that the term ALN will simply replace the term SEN or will it broaden the remit to include additional groups of vulnerable pupils as well?
- We would not be happy if ALN will also include the 13 vulnerable groups that are listed on the Estyn "Supplementary guidance: additional learning needs" (September 2013) document.
- What are the intentions regarding what the term ALN will cover?
- If the term ALN is intended to just cover the current remit of the term SEN what term would be used to cover the other vulnerable groups that are currently referred to as ALN?
- We are very concerned that the workload for SENCOs, if they become ALNCOs and are also responsible for these additional groups of children and young people, will be unmanageable.

- c) 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?

d)

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

- We agree in principle as we believe this will safeguard the needs of young people but this will be dependent upon sufficient funding.
- Will there be sufficient additional and long term funding to be able to meet the needs of all vulnerable people who may come under the ALN definition for an additional six years?
- If not, it will have a knock-on effect on the whole of the school population.
- We cannot do more with the same amount of money without a negative impact on the pupils who are currently covered by the SEN Code of practice for SEN.

Legislative proposals for additional learning needs Responses 41-60

Question 2 – Individual development plans (IDP)

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

Agree		Disagree	✓	Neither agree nor disagree	
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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 for replacing statements	✓	Disagree for replacing IEPs at SA/SAP	✓
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Supporting comments

- We already recognise children's needs effectively with a graduated response in Ceredigion.
- We don't have enough information about what an IDP will consist of or which categories of need would be entitled to one.
- The implications of the time it would take to create and review an IDP for 20% of the population will need to be considered.
- With the number of pupils with ALN, if all of them have an IDP, the dilution effect will make them less effective and less likely to be written carefully or even read.
- Children with more complex needs are likely to lose out if there is no clear gradation with clear criteria.

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

Agree		Disagree		Neither agree nor disagree	✓
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Supporting comments

- Who does the term "local authorities" refer to – education only or social services as well?
- We are also concerned about the number of pupils who would be required to have an IDP under the uncertain definition of ALN.
- We believe that an IDP may be suitable to replace statements for those children and young people with the most complex needs but not for those at School Action and School Action Plus.
- The bureaucratic burden for SENCO/ALNCOs in writing and reviewing IDPs for all pupils with ALN would be unmanageable.
- How can post-19 provision be monitored and reviewed if young people attend

Legislative proposals for additional learning needs Responses 41-60

settings that are outside the funding LA?

Question 3 – A new code of practice

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

Agree	✓	Disagree		Neither agree nor disagree	
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Supporting comments

- We feel that this would increase consistency and therefore be a clear improvement. However, it would need to be worded precisely and would need to be sufficiently funded to enable it to be efficient.

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

Agree	✓	Disagree		Neither agree nor disagree	
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- **N.B.** We would prefer this to be mandatory rather than simply guidance.

Question 4 – Securing provision

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

Agree	✓	Disagree		Neither agree nor disagree	
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Supporting comments

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Legislative proposals for additional learning needs Responses 41-60

Question 5 – Securing specialist provision for young people

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

Agree	✓	Disagree		Neither agree nor disagree	
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Supporting comments

- Providing that there is enough money to achieve this.

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?

Strongly Agree	✓	Disagree		Neither agree nor disagree	
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Supporting comments

- We feel that the child/young person's needs should always be placed first rather than those of their parents.
- We feel that one of SENTW's recent decisions to place a Ceredigion pupil in a school that had been judged to be inadequate on important measures was wrong and not in the child's best interests.
- Parents' wishes are not always the wisest or best informed. SENTW/ALNTW should have to abide by the above as well.

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

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

Agree	✓	Disagree		Neither agree nor disagree	
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Legislative proposals for additional learning needs Responses 41-60

Supporting comments

- There will need to be safeguards and sufficient funding in place to ensure that this is effective and doesn't mean that staff spend more time in meetings than they do meeting the needs of children.

- 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?

c)

Supporting comments

- Making the contribution of all agencies mandatory.

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

- Where a looked after child (LAC) has educational needs then we agree that the PEP and IEP could be combined to create one document rather than two separate documents.
- However, if a LAC has no educational needs why would they need an IDP?
- Who would be responsible for writing the IDP –education or social services?

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		Neither agree nor disagree	
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Supporting comments

- We already have good practice in place in Ceredigion in this area - monthly parent drop-in sessions with Education services officers where concerns can be discussed. We see the value in these.

Legislative proposals for additional learning needs Responses 41-60

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

- Parents should not be able to go straight to SENTW/ALNTW without talking to school and/or LA staff about their concerns or complaints first.

Question 10 – Extending the right of appeal

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

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

- We strongly disagree with this as we feel that it is open to abuse by some parents.
- This is especially likely to be the case if all ALN categories of vulnerable children/young people are expected to have IDPs.
- This would be too wide ranging, too time consuming and too bureaucratic in our blame and litigation culture.
- The number of man hours that are spent in preparing for tribunals is already high.
- Tribunal decisions should be more child centred than parent centred.

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 need to ensure that we maintain a whole school provision with inclusion at its core.
- We are concerned that the definitions of the term ALN are unclear.
- We have concerns about the workload of the SEN governor if the remit of ALN is much wider than the current SEN remit as this is a voluntary role.
- We are concerned that the SENCO/ALNCO will have more responsibility and more paperwork with less money to fund this.
- We want the right to have a thorough consultation on the draft Code of practice for SEN and proposals while it is still in its draft form.
- Parents' rights seem to outweigh the needs of the child and opinion of education professionals. We disagree that this should be strengthened.
- We feel that professionals' judgements should carry more weight where parents'

Legislative proposals for additional learning needs Responses 41-60

wishes/decisions are not in the child's best interests.

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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ALN057: Secondary SENCOs Ceredigion 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

- We are in agreement if the intention is it that the term ALN will simply replace the term SEN without any additional groups being included under this umbrella term.
- We would not be happy if ALN will also include the 13 vulnerable groups that are listed on the Estyn "Supplementary guidance: additional learning needs" (September 2013) document.
- What are the intentions regarding what the term ALN will cover?
- Will the EAL and MAT pupils also be included within ALN?
- We are very concerned that the workload for SENCOs, if they become ALNCOs and are also responsible for these additional groups of children and young people, will be unmanageable and will mean that the needs of the most vulnerable children will be less safeguarded under these proposals.

Legislative proposals for additional learning needs Responses 41-60

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

Agree	✓	Disagree		Neither agree nor disagree	
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Supporting comments

- While we agree in principle we do also have strong reservations regarding the funding implications.
- Will there be sufficient additional and long term funding devolved to LAs to be able to fund the additional staff that would be required in order to meet the needs of all vulnerable people who may come under the ALN definition for an additional six years?
- Will the necessary changes be made to finances in the primary health care centres to make this work?
- At the moment these centres charge for writing letters of support as evidence of medical needs – who will pay for these under the proposed changes?
- Who will co-ordinate the system? A lead professional will be required to make it workable – who will this be?
- There may also be safeguarding implications if there are young adults (18-25) in the same settings as younger pupils.

Question 2 – Individual development plans (IDP)

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

Agree		Disagree	✓	Neither agree nor disagree	
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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		Disagree		Neither agree nor disagree	✓
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Legislative proposals for additional learning needs Responses 41-60

Supporting comments

- We have no information about what an IDP will look like or how much information it would be expected to contain.
- We need more information before we can agree or disagree.
- If it is likely to be a similar system to that in use in England then we disagree.
- If it is likely to be similar to the system of IEPs and SAPRAs that is already in use in Ceredigion, then we agree.
- If IDPs are likely to include financial responsibilities for funding provision/resources it would be too much accountability for schools.

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

Agree		Disagree		Neither agree nor disagree	✓
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Supporting comments

- We are concerned about the number of pupils who would be required to have an IDP under the definition of ALN.
- Will the same document be used to cover transient needs as well as long term needs?
- We believe that an IDP may be suitable to replace statements for those children and young people with the most complex needs but not for those at School Action and School Action Plus.
- Who will write the IDPs if they are the responsibility of the LA?
- School staff know the pupils better than LA officers.
- Will the preparation of IDPs be the responsibility of SENCOs/ALNCOs?
- The bureaucratic burden for SENCO/ALNCOs in writing and reviewing IDPs for all pupils with ALN would be unmanageable.
- How can post-19 provision be monitored and reviewed if young people attend settings that are outside the funding LA?

Question 3 – A new code of practice

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

Agree	✓	Disagree		Neither agree nor disagree	
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Legislative proposals for additional learning needs Responses 41-60

Supporting comments

- We feel that this would increase consistency. However, it would need to be worded precisely and would need to be sufficiently funded to enable it to be efficient.
- This funding would need to be long term funding and not simply for the transition period.
- It would also need to put the children and young peoples' needs first rather than those of their parents.

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

Agree	✓	Disagree		Neither agree nor disagree	
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- **N.B.** We would prefer this to be mandatory rather than simply guidance.

Question 4 – Securing provision

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

Agree		Disagree	✓	Neither agree nor disagree	
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Supporting comments

- We believe that this should be mandatory.

Question 5 – Securing specialist provision for young people

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

Agree		Disagree	✓	Neither agree nor disagree	
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Supporting comments

- What are the plans for the Careers Wales specialist SEN advisors?
- They are the people who currently have the specialist knowledge and experience in selecting and securing this provision rather than education officers.
- This expertise should be retained to secure post-16 provision in conjunction with social services.

Legislative proposals for additional learning needs Responses 41-60

Question 6 – Placement at independent schools

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

Agree	✓	Disagree		Neither agree nor disagree	
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Supporting comments

- We feel that the child/young person's needs should always be placed first rather than those of their parents.
- We feel that one of SENTW's recent decisions to place a Ceredigion pupil in a school that had been judged to be inadequate on important measures was wrong and not in the child's best interests.
- Parents' wishes are not always the wisest or best informed. SENTW/ALNTW should have to abide by the above as well.

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

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

Agree		Disagree	✓	Neither agree nor disagree	
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Supporting comments

- How will the Welsh government ensure that only relevant information will be shared and that children/young people still have a right to confidentiality with certain health issues?
- We feel that the practicalities outweigh the benefits for this plan.
- Meetings to share information between professionals would take educators out of the classroom and doctors out of the surgery too often to be beneficial.

- 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

- Maintaining services to meet the needs of children/young people.
- Making the contribution of all agencies mandatory.
- Business managers should be the ones who are required to attend meetings where budgets are discussed rather than the SENCO/ALNCO.

Legislative proposals for additional learning needs Responses 41-60

Question 8 – Supporting looked after children

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

Agree		Disagree	✓	Neither agree nor disagree	
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Supporting comments

- Where a looked after child (LAC) has educational needs then we agree that the PEP and IEP could be combined to create one document rather than two separate documents.
- However, if a LAC has no educational needs why would they need an IDP?
- What about LAC from different home LAs – who would be responsible for writing the IDP then, the funding LA or the hosting LA?
- This is linked to our previous comments on what an IDP is and who writes them.
- The bureaucratic burden for SENCOs/ALNCOs in writing and reviewing IDPs for all LAC pupils would be unmanageable and inefficient.

Question 9 – Resolving disputes at an early stage

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

Agree	✓	Disagree		Neither agree nor disagree	
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Supporting comments

- We already have good practice in place in Ceredigion in this area - monthly parent drop-in sessions with Education services officers where concerns can be discussed. These work well.

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

Agree	✓	Disagree		Neither agree nor disagree	
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Supporting comments

- Parents should not be able to go straight to SENTW/ALNTW without letting the LA know of their concerns or complaints first.
- We also feel that providing IDPs for a wider range of needs would open the complaints and tribunal systems up to an unmanageable degree.

Legislative proposals for additional learning needs Responses 41-60

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

- We strongly disagree with this as we feel that it is open to abuse by some parents.
- This is especially likely to be the case if all ALN categories of vulnerable children/young people are expected to have IDPs.
- This would be too wide ranging, too time consuming and too bureaucratic in our blame and litigation culture.
- We feel very strongly that tribunal decisions should place the child's needs above the parents' wishes as this is not always the case.
- Widening the rights of appeal and favouring parents' decisions undermines professional judgements.

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.

- If education is the main contributor to this plan, what will the arrangements for continuing care during the school holidays? This can be a concern currently.
- The new Code of practice for SEN should be mandatory for voluntary organisations as well.
- We want to see exemplar IDPs and have the opportunity to comment on them before the format is decided.
- We want the right to have a thorough consultation on the draft Code of practice for SEN and proposals while it is still in its draft form.
- Parents' rights seem to outweigh the needs of the child and opinion of education professionals. We disagree that this should be strengthened.
- We feel that professionals' judgements should carry more weight where parents' wishes/decisions are not in the child's best interests.

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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**ALN058: Primary School SENCOs (Mid)
Ceredigion County council**

Question 1 – New terminology

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

Agree	✓	Disagree		Neither agree nor disagree	
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Supporting comments

- While we agree to the change of terms we only agree if it will still only refer to children/young people with learning needs.
- We would not agree to the change of terms if it will also include additional groups of vulnerable pupils such as those in Estyn’s guidelines.
- Is the intention that the term ALN will simply replace the term SEN or will it have a wider definition?
- We are very concerned that the workload for SENCOs, if they become ALNCOs and are also responsible for these additional groups of children and young people, will be unmanageable.
- We do not feel that the ALNCO role should include responsibility for the additional groups of vulnerable pupils.

- 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?
- c)

Agree	✓	Disagree		Neither agree nor disagree	
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Supporting comments

- While we see the positives for the young people, we are concerned about the additional work for the LA.
- How will the additional funding that will be necessary be devolved to them?
- Will LHBs and social services be equally accountable?
- It will be essential that the early years assessments provide a continuum where each ties in with the next – which is not the case at the moment with SOGS, EYDAF, PADS and the National Curriculum.

Legislative proposals for additional learning needs Responses 41-60

Question 2 – Individual development plans (IDP)

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

Agree	✓	Disagree		Neither agree nor disagree	
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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 for replacing statements	✓	Disagree for replacing IEPs at SA/SAP	✓
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Supporting comments

- We already recognise children's needs effectively with a graduated response in Ceredigion.
- We feel that using the same document all the way through a young person's education is a positive.
- The criteria need to be specific and relate to learning needs only and not the 12 categories that currently form ALN's definition, or the system would be unmanageable.
- How would this be funded?

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

Agree		Disagree		Neither agree nor disagree	✓
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Supporting comments

- Who does the term "local authorities" refer to – education only or social services as well?
- Would writing the IDPs be the responsibility of school staff or central LA officers?
- Where does the buck stop in terms of this responsibility?
- What happens when professionals recognise a need for provision but parents disagree?
- We believe that an IDP may be suitable to replace statements for those children and young people with the most complex needs but not for those at School Action and School Action Plus.
- However, we already have good practice in place in Ceredigion where SAPRAs (school action plus resourced agreements) are replacing statements.

Legislative proposals for additional learning needs Responses 41-60

Question 3 – A new code of practice

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

Agree	✓	Disagree		Neither agree nor disagree	
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Supporting comments

- Will health services still be able to discharge children/young people from their provision/services?
- Responsibilities will need to be very clear across all the services.
- Criteria will need to be clear to prevent variation across LAs.
- There would also need to be sufficient funding to enable it to be efficient.
- Tribunal decisions need to be seen to be more equitable and to put the child's needs first rather than the parents'.

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

Agree	✓	Disagree		Neither agree nor disagree	
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- **N.B.** We would prefer this to be mandatory rather than simply guidance.

Question 4 – Securing provision

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

Agree	✓	Disagree		Neither agree nor disagree	
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Supporting comments

- This is vital so should be mandatory rather than just use their 'best endeavours.'

Legislative proposals for additional learning needs Responses 41-60

Question 5 – Securing specialist provision for young people

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

Agree		Disagree	✓	Neither agree nor disagree	
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Supporting comments

- The expertise in this area currently lies with Careers wales specialist advisors and social services departments, not with education.
- Who would write these IDPs – social services or education?

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?

Strongly Agree	✓	Disagree		Neither agree nor disagree	
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Supporting comments

- Tribunals shouldn't be allowed to recommend such placements either.
- We feel that one of SENTW's recent decisions to place a Ceredigion pupil in a school that had been judged to be inadequate on important measures was wrong and not in the child's best interests.
- Parents' wishes are not always the wisest or best informed. SENTW/ALNTW should have to abide by the above as well.

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

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

Agree	✓	Disagree		Neither agree nor disagree	
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Legislative proposals for additional learning needs Responses 41-60

Supporting comments

- Ceredigion's SAPRAs (school action plus resourced agreements) include a box where the contributions/responsibilities of outside agencies is written.
- The sharing would need to be two-way between all the agencies.
- Confidentiality would also need to be defined.

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

- Responsibilities would need to be laid out very clearly.
- What would the criteria for stepping in and stepping out be? This needs to be clear and specific.
- All stakeholders need to be clear about their roles and responsibilities and to contribute equally - ensuring that all stakeholders have the resources to cope with this.
- There needs to be sufficient additional funding to allow it to happen.
- Should it to be made mandatory rather than 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		Disagree	✓	Neither agree nor disagree	
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Supporting comments

- Would the guidance for IDPs include specific criteria?
- Currently, an IEP is for learning difficulties and a PEP is for social/emotional vulnerability and includes the young person's life outside of the school setting.
- Where a looked after child (LAC) has educational needs then we agree that the PEP and IEP could be combined to create one document rather than two separate documents.
- However, if a LAC has no educational needs why would they need an IDP?

Legislative proposals for additional learning needs Responses 41-60

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 already have good practice in place in Ceredigion in this area - monthly parent drop-in sessions with Education services officers where concerns can be discussed. This is better for all stakeholders.

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

- A graduated response is required. Parents should not be able to go straight to SENTW/ALNTW without talking to school and/or LA staff about their concerns or complaints first.

Question 10 – Extending the right of appeal

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

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

- We strongly disagree with this as we feel that it is open to abuse by some parents because it covers pupils with less complex needs as well as complex needs.
- If all pupils currently on SA/SAP who feel they should have an IDP are able to take this to tribunal it would be too wide ranging and bureaucratic.

Legislative proposals for additional learning needs Responses 41-60

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.

- Our main concern is that the definition of ALN is not specified. What will it cover?
- We are concerned that the SENCO/ALNCO will have more responsibility and more paperwork with less money to fund this.
- Will there be additional long term funding?
- We want the right to have a thorough consultation on the draft Code of practice for SEN and proposals while it is still in its draft form.
- Parents' rights seem to outweigh the needs of the child and opinion of education professionals. We don't feel that this should be the default option.

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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ALN059: Primary Schools SENCOs (South) Ceredigion 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

- We have concerns that the term will be used to broaden the remit to include additional groups of vulnerable pupils as well those with learning difficulties and physical/medical needs.
- Is the intention that the term ALN will simply replace the term SEN or will it have a wider definition?
- We feel that clear entry and exit criteria would be needed.
- We are very concerned that the workload for SENCOs, if they become ALNCOs and are also responsible for these additional groups of children and young people, will be unmanageable.

Legislative proposals for additional learning needs Responses 41-60

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

Agree		Disagree	✓	Neither agree nor disagree	
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Supporting comments

<ul style="list-style-type: none"> Why 25 rather than 21? We don't feel that we have the capacity to deal with six additional years of provision. Will there be sufficient additional and long term funding devolved to LAs to be able to meet the needs of all children and young people who may come under the ALN definition adequately? If not, it will mean that there is less funding available to meet the needs of those in primary and secondary schools. We cannot do more with the same amount of money without a negative impact. We need assurances that there will be sufficient provision for those post-19 in settings other than schools.
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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		Disagree	✓	Neither agree nor disagree	
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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 for replacing statements	✓	Disagree for replacing IEPs at SA/SAP	✓
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Supporting comments

<ul style="list-style-type: none"> We already recognise children's needs effectively with a graduated response in Ceredigion. We don't have enough information about what an IDP will consist of. Children with more complex needs are likely to lose out if there is no clear gradation with clear criteria. How would this be funded? Creating IDPs and monitoring and evaluating them would be very time consuming and could become a bureaucratic burden. Which department of the LA would have the responsibility for writing them – only education?
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Legislative proposals for additional learning needs Responses 41-60

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

Agree		Disagree		Neither agree nor disagree	✓
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Supporting comments

- Who does the term “local authorities” refer to – education only or social services as well?
- Will there be new posts created to cope with the increased demand? How will this be funded?
- What happens when professionals recognise a need for provision but parents disagree – where does the child stand then?
- We believe that an IDP may be suitable to replace statements for those children and young people with the most complex needs but not for those at School Action and School Action Plus.
- We already have good practice in place in Ceredigion where SAPRAs (school action plus resourced agreements) are replacing statements.

Question 3 – A new code of practice

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

Agree	✓	Disagree		Neither agree nor disagree	
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Supporting comments

- This must have clear guidance and specific criteria.
- There would also need to be sufficient funding to enable it to be efficient.
- What would happen when a child lives in one LA but is educated in another? The responsibilities would need to be clear here.
- Would “local authorities” refer to education only or social services as well?
- Will LHB services be able to discharge children/young people from the provision/services while education would be taken to tribunal? There needs to be equity.

Legislative proposals for additional learning needs Responses 41-60

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

Agree		Disagree	✓	Neither agree nor disagree	
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N.B. We would prefer this to be mandatory rather than simply guidance.

Question 4 – Securing provision

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

Agree	✓	Disagree		Neither agree nor disagree	
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Supporting comments

- This is vital so should be mandatory rather than just use their 'best endeavours.'

Question 5 – Securing specialist provision for young people

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

Agree		Disagree	✓	Neither agree nor disagree	
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Supporting comments

- While we agree that post-16 specialist provision needs to be secured and funded we are concerned about how costly this would be and where the necessary additional funding would come from.
- Private settings provide very costly provision but there needs to be quality assurance as well.
- If a diagnosis of need is not necessary the uptake for this type of provision is likely to increase significantly.
- What would the criteria be for securing access to this specialist provision?

Legislative proposals for additional learning needs Responses 41-60

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?

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

- Tribunals shouldn't be allowed to recommend such placements either.
- We feel that one of SENTW's recent decisions to place a Ceredigion pupil in a school that had been judged to be inadequate on important measures was wrong and not in the child's best interests.
- Parents' wishes are not always the wisest or best informed. SENTW/ALNTW should have to abide by the above as well.

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 will need to be sufficient funding in place to ensure that this is effective.
- There would need to be clear safeguards in place where any written information refers to individual pupils only, not lists with more than one name on.
- The information would have to be based on first-hand experience/evidence and knowledge of the individual child/young person and not second hand information where parents might have reported something to the professional.

- 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

- That there is sufficient additional funding to allow it to happen.
- Ensuring that all stakeholders contribute equally and ensuring that all stakeholders have the resources to cope with this.
- Guidance isn't likely to be effective enough – it would need to be made mandatory.

Legislative proposals for additional learning needs Responses 41-60

Question 8 – Supporting looked after children

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

Agree		Disagree	✓	Neither agree nor disagree	
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Supporting comments

- Where a looked after child (LAC) has educational needs then we agree that the PEP and IEP could be combined to create one document rather than two separate documents.
- However, if a LAC has no educational needs why would they need an IDP?

Question 9 – Resolving disputes at an early stage

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

Agree	✓	Disagree		Neither agree nor disagree	
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Supporting comments

- We already have good practice in place in Ceredigion in this area - monthly parent drop-in sessions with Education services officers where concerns can be discussed.

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

Agree	✓	Disagree		Neither agree nor disagree	
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Supporting comments

- A graduated response is required. Parents should not be able to go straight to SENTW/ALNTW without talking to school and/or LA staff about their concerns or complaints first.

Legislative proposals for additional learning needs Responses 41-60

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		Strongly Disagree	✓	Neither agree nor disagree	
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Supporting comments

- We strongly disagree with this as we feel that it is open to abuse by some parents.
- If all pupils currently on SA/SAP who feel they should have an IDP are able to take this to tribunal it would be too wide ranging and bureaucratic.
- The criteria for ALN need to be non-negotiable and highly specific with the child at the centre, not the parents' wishes.

Question 11

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

- Will there be sufficient funding to put all these proposed changes in place effectively?
- Will there be sufficient time to put all these proposed changes in place effectively?
- Where does behaviour lie within these proposals?
- We are concerned that the SENCO/ALNCO will have more responsibility and more paperwork with less money to fund this.
- We want the right to have a thorough consultation on the draft Code of practice for SEN and proposals while it is still in its draft form.
- Parents' rights seem to outweigh the needs of the child and opinion of education professionals.
- If there is no parental consent to provision to meet the needs of a child/young person, does the discussion end there or will the child's needs according to trained and experienced professionals override the parents' wishes?

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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