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ALN061: 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

The new terminology implies a broader meaning than SEN. The term Additional Learning need clearly describes and defines the difficulty that the child will require support with.

- 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 agree that it should be from birth to 25 however for this to happen additional resources will need to be allocated to services who have not previously covered this age range in order to allow services to be delivered to this age range. The Speech and Language Therapy service is currently responsible for providing services up to the age of 18 (19 for some children) This will be an increase to the service demand and therefore resources will need to be allocated to allow for this to be delivered. Training will need to be provided for staff as a different skill set is required when working with young adults/adults than with children. The code of practice will need to clearly state who is responsible for providing the speech and language therapy input required and to ensure that if this increases demand (which as the age range is increasing it inevitably will) the resources to provide this service are made available to speech and language therapy services.

Question 2 – Individual development plans (IDP)

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

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

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

The specific information provided by the code of practice is required in order to be able to answer this question as without very specific information it is impossible to know what we are agreeing to. It is likely that IDPs replacing all of

the above will increase demand on Speech and Language Therapy services and therefore resources will need to be allocated to the service to provide this increased demand.

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

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

The LA should be ultimately responsible for providing any speech and language therapy input that is written in an IDP.

Legislative proposals for additional learning needs Responses 61-80

Question 3 – A new code of practice

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

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

The new code of practice needs to be very specific .

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

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

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

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

The term "best endeavour" should be clearly defined.

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

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

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

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

The code of practice must specifically state in detail how this will happen. A better infrastructure for joint working is required. Any increases in time demands must be taken into consideration and resourced accordingly.

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

Supporting comments

There needs to be clarity over roles and responsibilities. The new code of practice needs to specify how the multi agency working will occur. The NHS speech and Language Therapy service is currently working at full capacity and although in principle we agree that joint working is incredibly valuable anything that increases the demand on the service will need to be funded as this is a new service development.

Legislative proposals for additional learning needs Responses 61-80

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

Unable to comment on this as it is not part of my expertise.

Question 9 – Resolving disputes at an early stage

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

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

The new code of practice must state that this is required and that the LA are responsible for this. Any complaints should not be allowed to progress through the system e.g. to Tribunal until Parents/Children/Appropriate staff have participated in the local disagreement resolution.

- 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 should always be followed.

Legislative proposals for additional learning needs Responses 61-80

Question 10 – Extending the right of appeal

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

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

There should always be a graduated response to appeal. Tribunal should always be the last resort.

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.

As a speech and Language Therapy service we welcome the new proposals for additional learning needs. We particularly welcome the focus on early identification, better joint working and less beaurocracy.

The speech and language therapy service currently feels that the detail that will be provided by the new code of practice is required before its full response to a number of the questions posed can be answered.
Any changes that result in service delivery that results in an increased demand for speech and language therapy must come with additional funding/staffing/resources/training to allow the service to be effectively delivered.
The speech and language therapy service will require training regarding the writing and updating of IDP'S.

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: ☒

**ALN062: Caerphilly Youth Forum
(Borough-wide meeting)**

Goal 1 questions –

Do you agree that the new term “additional learning needs” (ALN) should be used for children and young people up to the age of 25 who need support when they find learning difficult?

Yes – 47

No -5

Don't know – 4

Comments –

Doesn't make much difference

Changing the name is irrelevant and pointless. Special learning needs and additional learning needs can both be made fun of.

Special means you are special

Additional means you are thick

Same situation, different name, still a bullying situation.

ALN should be up to life not 25 because adults may need help in further education.

Pointless – leave the name as it is

Name doesn't make any sense

Do you think that IDPs should replace statement of SEN and other plans and assessments in schools and colleges?

Yes – 43

No – 4

Don't know – 9

Legislative proposals for additional learning needs Responses 61-80

Comments –

Would the young people be involved with the development of the plan?

Statement sound more official

Changing the name is pointless

Do you think all the other changes we want to make to reach goal 1 are good?

Yes – 50

No- 2

Don't know – 4

Comments –

No – changing names is time and money wasting and achieves nothing as people will still judge and section no matter the name. Suggestion – A guide should be introduced to staff. It should be ultimately up to the school, family and young person how they are taught on a case by case basis.

Help for existing projects should be made by WAG. Why try and make new projects when there are good ones that exist already.

Goal 2 questions

Do you agree that all the people responsible for education, health, and social services should have to work together to support children and young people who need help with learning?

Yes - 52

No-2

Don't know – 1

Comment s-

timescales – every term or when pupil asks

Come children may not want other services to know their business

Legislative proposals for additional learning needs Responses 61-80

Do you think that an IDP should be given to all children and young people who are looked after by a local authority instead of the plans they have now?

Yes – 27

No – 20

Don't know – 8

Comments –

What's in the plan they already have?

Do you think all the other changes we want to make to reach goal 2 are good?

Yes – 33

No – 6

Don't know – 6

Goal 3 questions –

Do you agree that all children and young people up to the age of 25 should be able to appeal to the tribunal when they have an issue with any part of their IDP that can't be worked out with the local authority first?

Yes – 46

No – 0

Don't know – 9

Do you think it's a good idea to have to try to work out problems before they can go to a tribunal for a decision?

Yes – 52

No – 0

Don't know – 3

Legislative proposals for additional learning needs Responses 61-80

Do you think all the other changes we want to make to reach goal 3 are good?

Yes – 48

No – 0

Don't know – 7

General overall comments –

You should have made an easy read version of this consultation for young people with additional needs!

ALN063: 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 is a more appropriate and less stigmatising term that indicates there are potentially a wide range of needs young people may have that may. We would agree the policy should be supported by a set of criteria to promote an equitable understanding of who the ALN thresholds should apply to. This should

result in less variation amongst local authorities in their application of it. Academic evidence suggests there are a high proportion of young people in the justice system that have speech, language and communication needs. This should be assessed as part of identifying and addressing ALN.

Legislative proposals for additional learning needs Responses 61-80

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

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

Yes - consistent with other Welsh Government policies regarding children and young people. It will also incorporate post-16 planning for LAC who are in continuing education and learning and for whom local authorities have responsibilities. The policy should also consider the needs of those transferring from the community youth justice system into custody and vice versa and those who transfer to Probation Service supervision at 18 years of age. The policy should set out the arrangements for the transfer of information between services to assist them to ensure that needs continue to be identified and addressed.

Question 2 – Individual development plans (IDP)

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

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

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

The consultation suggests the policy will unify the sharing of information, which can only be a good thing.

Legislative proposals for additional learning needs Responses 61-80

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

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

The local authority is responsible for the provision of education and learning so it is appropriate they should do this. The local authority is also responsible for multi-agency youth offending teams (YOTs) of which education is a statutory partner. The IDP should reference when a young person is at risk of, or is known to the YOT, as the YOT may be supporting the delivery of some elements of the plan.

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, this is essential if young people are to access their entitlements and be encouraged to fulfill their potential as individuals.

With reference to b) It would be useful to produce guidance on how youth justice professionals can liaise with and link in with the new system, as information needs to be shared with those delivering education provision in custody as well as in the community.

- 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 61-80

Question 4 – Securing provision

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

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

Yes, but as above also with education and learning provision in custody, as part of the 'best endeavours' approach. Consideration could also be given to the approach adopted under the SEN provisions contained in recent England only 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 checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Yes, young people should not cease to receive a service simply because they are above school leaving age. Those who struggle with education may take longer to attain and should be supported to do so. Many young people in the youth justice system become disengaged from education and need help well beyond 16 years of age. This should also extend to young people in custody as part of their sentence plan and resettlement arrangements.

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

No comment

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

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

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

Yes - as it is important that information 'travels' with the young person if they move from one local authority area to another and one service to another. There is also the importance of sharing information between custody and the community so that any work undertaken to assist young people can be consistent and is known about and shared by the relevant agencies. This can help the custodial establishment to meet young people's needs and to ensure that specific requirements are taken account of in sentence planning.

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

Supporting comments

Yes - there should be links to the lead professional role in the Youth Engagement and Progression Framework. As indicated previously YOTs are multi-agency teams of which education is a statutory partner at both an operational level and strategically through the YOT management board. The YJB is also promoting the development of resettlement support panels and encouraging local areas to ensure that statutory and voluntary sector providers are included in these arrangements.

Question 8 – Supporting looked after children

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

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

Yes - so that there are consistent assessment and planning arrangements.

Question 9 – Resolving disputes at an early stage

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

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

Yes - it is essential there are mechanisms for mediating descisions regarding eligibility for ALN support and that resources are appropriately allocated.

- 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 as this helps to clarify processes.

Legislative proposals for additional learning needs Responses 61-80

Question 10 – Extending the right of appeal

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

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

Yes - we would agree with the functions of the Tribunal as set out, to mediate decisions regarding the provision and review of an IDP and providing a right of appeal to children (with or without an IDP) and extending appeal arrangements to those over 16 years of age.

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 long term aim of the youth justice system is to ensure that young people receive appropriate help and support, but are also linked into mainstream service provision, as contact with the youth justice system is limited to the duration of a statutory court order. YOT practitioners often act as advocates for, and broker access to services for young people who have become disengaged, and in order to do this effectively need to be aware of the processes and pathways that are available to support needs.

In addition, YOTs undertake comprehensive assessments of young people's needs and share this information with relevant agencies, but also request information to ensure their assessments are accurate and up to date. These are relevant considerations for the planning of any service.

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: ☒

ALN064: Louise Keevil
Derwen College

Question 1 – New terminology

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

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

A far more inclusive term

- 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

Language used should be progressive throughout so that the move into adulthood is more seamless.

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

One robust person centred plan will be far more coherent and meaningful.

Legislative proposals for additional learning needs Responses 61-80

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

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

The local and personal knowledge should be a great benefit. It is important though that local authority funding does not influence what should be person centred decisions.

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

Such diverse collaboration will benefit from a clear framework

- 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

As long as the provider has the expertise and does not feel pressurised to provide when they are not truly equipped. It is concerning that providers might 'buy in' expertise on an individual basis as it is likely that this will impact quality of 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

I strongly agree as it is vital that provision not only meets needs but also meets aspirations

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

Quality of provision is vital. It will be interesting to consider the criteria

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

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

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

This will be key to successful collaboration

Legislative proposals for additional learning needs Responses 61-80

- 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

By attempting to ensure decisions are not driven by funding - this would support transparency

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

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

Families need to be clear of their options

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 61-80

Supporting comments

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Question 10 – Extending the right of appeal

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

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

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Question 11

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

We are pleased to read that Independent Specialist Colleges have been included from the outset and support the Legislative Proposal for Additional Learning Needs

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

ALN065: Christine Wyatt

We are the parents of a physically disabled child with an existing SEN Statement.

We have been through the process of SEN Tribunal and believe we are in a good position to comment on the proposals and express our concerns.

Most importantly for us is that there is a lack of content in the White Paper detailing what will happen to those children with an existing SEN.

Legislative proposals for additional learning needs Responses 61-80

Will they continue with their existing statements and only the 'new' children be covered by an ALN, or will they switch over to the new system?

If all are to switch, how many are there, what will this involve, what will the timeframe be and will funding be made available to specifically cover the switch?

Will the provision requirements detailed in current SEN Statements be transferred across to the new document?

We and other parents require clarity and assurances on this issue.

Will our child's current placement be put at risk?

He has been attending a SCOPE run Special School for the last eight years, and it is our choice that he can remain there for a further seven years until he reaches 19.

We had to resort to Tribunal because our parental choice was a non-LEA school that could meet our son's needs as apposed to an LEA Special School that could not.

Are there any assurances available for parents like us that these changes will not mean that our children will have to transfer to cheaper Authority schools which cannot fully meet their needs?

Will the LEA schools be handed a new "get out clause" of merely stating they are "using their best endeavours" to provide (but are unable to fully provide due to cuts / budget restrictions / staffing / equipment / training issues etc. etc.).

Our experiences of our education authority are that it is difficult enough to get them to comply with their clear statutory obligations.

Replacing statutory obligations with "best endeavours" will be the equivalent of handing them a licence to fail our children.

This leads on to another major concern – lack of any draft code of practice.

How can Assembly Members be expected to pass legislation if the "instruction book" is missing?

As parents we need to see a draft code of practice to examine what the actual statutory obligations will be and what safeguarding measures will be put in place.

One ongoing issue for us is that despite there being extant legislation, directives and codes of practice covering all aspects of our son's life, there is limited to no enforcement action ever carried out by the WAG where failure to comply is identified.

This includes the current Tribunal process as Local Education Authorities can and do ignore tribunal recommendations with impunity.

This has to be covered in any new legislation and COP, otherwise it will be a costly and worthless exercise.

Legislative proposals for additional learning needs Responses 61-80

In very basic terms, what action will the WAG take against education authorities that fail to meet the needs of ALN children and young people?

Without any idea of what the code of practice will contain, parents will become more concerned and suspicious rather than less, creating the opposite outcome to what the WAG is attempting to achieve.

If the legislation is passed and does work effectively, there will be two costly positive outcomes:

- 1) Children with ALN will be identified and their needs met earlier than at present.
- 2) Children not covered by SEN Statement criteria but with ALN will be identified and properly supported.

Both outcomes will surely lead to increased delivery costs with one set of children receiving assistance earlier than at present, the other set receiving assistance not currently available to them. Will funding be increased to cover these additional costs?

A final concern of ours is specific to “out of county” provision.

Following the tribunal’s directive that our child be placed in a private (SCOPE) special school, our LEA pays the fees for our son to attend ***** School.

As well as covering educational costs, fees paid to the school also cover in-house provision of Physiotherapy, Occupational Therapy, Speech and Language Therapy and Adaptive Technology requirements and the associated technical support.

The ADL Proposals focus purely on learning provision.

In our child’s case, he needs access to the onsite provision listed above in order to be able to access learning. I.e. they all form constituent parts of him being able to access his education.

This additional vital provision is detailed in full on his current SEN Statement.

Will this continue to be the case under ALD?

Will education authorities continue to fully fund such school placements, or will they refuse to fund the therapy element of his school fees?

Will other bodies such as Health be expected to contribute to the therapy provision?

How will such splits be decided and agreed?

What protocols are needed, and will they be in place when any new legislation is passed?

Legislative proposals for additional learning needs Responses 61-80

What impact is this likely to have on non education authority controlled schools?

The answers to these types of queries would usually be found within the codes of practice, illustrating why it is so important to parents such as ourselves that a draft is made available as soon as possible.

To sum up our concerns:

- 1) What will happen to children with an existing Statement of SEN?
- 2) Will the school placements of children with existing Statements be at risk if the new legislation is passed?
- 3) Will there be safeguards preventing the changing of statutory obligation to “best endeavours” being used as a “get out clause” by education authorities?
- 4) The worrying lack of a draft Code of Practice.
- 5) What authority will the WAG have over education authorities, and what powers and tools (if any) will there be to ensure that the authorities will be fully compliant with the new legislation?
- 6) If the new legislation is successful, how will the resultant rising provision costs be funded?
- 7) For those physically disabled children in non-authority schools, will the education authorities continue to fully fund placements, or will other authorities be expected to fund the “therapy” elements of the school fees? If so, will the other authorities, such as health, receive the relevant funding to allow placements to continue?

ALN066: ALL WALES FORUM OF PARENTS AND CARERS OF PEOPLE WITH A LEARNING DISABILITY

The AWF *is unique among Learning Disabilities bodies in Wales* in that it is the only charitable organisation that represents nationally, collectively and solely the views of around 2,500 parents and carers of children and adults with learning disabilities. Funded by the Wales Assembly Government, we are governed by parents and carers, ensuring that our client base has a clear input into the strategic direction and core work of the organisation. Although there are other umbrella bodies working in the field of learning disability, the Forum remains the only organisation that seeks to consistently ensure families are at the heart of planning and consultation, whilst working in partnership to enable greater independence and choice for those living with learning disability.

Formal overview comments from the Chair on behalf of the All Wales Forum of Parents and Carers network.

In relation to the ALN Consultation; I have read the proposal pretty thoroughly and while I agree with much of it in principle, I think it is short on process: We have consistently heard over the years about the need for team collaboration, inter-agency working, the sharing of important information around a child/young person, but systems and culture impede and make life very trying for families who frequently find themselves having to join up the dots! I hope process will be given more focus and greater consideration within the Guidelines.

I am mindful that the 'statementing' process as it stands has not always worked well. It has worked - but only for those lucky enough to be given a statement, and even then families have had sometimes to go to inordinate lengths to take the LA to task to get services outlined in the Statement as a need that should be met and services delivered. It costs time, money and emotional energy that is often exhausting for families. (And LA's have successfully fought actions because they simply don't have the resources! And this has sometimes led to expensive and sometimes poor quality out of county/country placements - but that is another story!) I personally prefer the notion that EARLY identification, that does NOT rely on diagnosis (often a lengthy and inconclusive process) triggering off an IDP for children with special needs is preferable. My only concern is that families need to know where to go to get such an identification, where their concerns will be sympathetically and practically heeded. There are far fewer Health visitors these days, and they have large case loads. GPs are busy, and often pretty ignorant of many of the developmental concerns facing families with small children, and if the new school SENco- or ALNCo, is to be a significant help to families in identifying additional needs, then their training needs to consist of more than the ONE module that is being mooted for the new teaching Master's Degree! Having said all of this, I am conscious of the wider carer networks concern over the change of systems, and I do support some process details that ensure families are well informed and properly supported to enable the children to get the formal support and recognition they need. This is something that will need to be fleshed out following the consultation, and should include families in the process.

I agree with other carer representatives that Special School provision for children and young people with more complex needs should be vigorously maintained - but I also think that these schools should have greater practical links with mainstream schools, so that there is opportunity for crossover - certainly socially, so that there is a level of integration for pupils, and also a sort of bi-lateral learning opportunity, with teachers in both Special units and mainstream schools occasionally working in both, sharing expertise, and encouraging aspiration. As Chair of governors of a Special

Legislative proposals for additional learning needs Responses 61-80

School for over 16 years, I felt that there were times when the 'cosy' protective atmosphere occasionally blunted educational aspiration, while the creative communication expertise, for example, of many of those teachers would have been invaluable in some mainstream schools.

The principles outlined in the proposals are good and based on person-centred values which should be enshrined in all policy and practice, and I applaud the determination to focus on an outcomes based approach to service planning and delivery. As with most proposals of this kind, the devil is in the detail: I believe that there should be a statutory obligation for interagency collaboration and that the forthcoming guidelines should outline the process for achieving that, with the emphasis on the family at the centre.

Finally, I have a query about 'independent advocacy' - especially in the case of disputes with families and the LA provider. The advocate needs to be truly independent - who would they engage to provide this service? For parents to be happy and secure in relinquishing the Statement process (which, of course did give them some power and a final recourse to legislation) they need to be confident that, in the case of dispute, there will be an absolutely independent advocate whose advice they could trust. This again needs to be fleshed out in the detail and should be discussed with families and other relevant stakeholders before being set in stone. Equally, this whole process should have some regard to other larger policies such as the Social Services and Well-being Act, which will have some impact on the children and families we are discussing.

Pauline Young MBE

Additional comments - Specific concerns from carers relating to individual questions asked.

Q1.

I have nothing against the use of 'special educational needs' for children with a learning disability, though I can see that a term is needed for children with other kinds of problems, in need of a different type of support.

'Additional learning needs' implies that the child can manage ordinary education, in a mainstream school, with additional support, but many children with learning disabilities need a different kind of education, some in special schools. My son, who has autism and severe developmental delay, is one of these. Additional help in a mainstream school would have been wholly inappropriate to his needs.

Consideration needs to be made for all children across the spectrum of needs.

Legislative proposals for additional learning needs Responses 61-80

In Ceredigion children come under the care of the county's multi-agency team, Tim Plant Anabl once it is found that they have a disability. The team, comprising professionals in health, education and social work, guide the parents through complexities of diagnosis, identification of support needs and education. I believe that young people remain under the TPA umbrella until they are 25 as long as they are in full-time education. I would not want to change this in any way.

Unfortunately, there is no longer much in the way of educational provision once young people with a learning disability leave school in Ceredigion. We used to have good courses at the colleges of further education but support for students with LD is no longer provided, and as I understand it only courses leading to a qualification are on offer these days, and these do not meet the needs of young people with a learning disability. I believe that this deterioration in service was an unintended consequence of a WG attempt to improve further education for all. I naturally worry that the present proposals could also have unintended and detrimental consequences for our children.

Q2 IDP.

It would have been good to see a template of this document. It needs to be very detailed while remaining very clear to ensure there are no misunderstandings.

It is good that they intend to meet the additional learning needs up to age 25. A quality transition service would go a long way to seeing proper continuity between schools and colleges. This will not only help the individual but help future proof services by identifying future need. The point Non makes about meaningful courses is extremely valued. Learning Disability Wales have already discovered evidence of further education courses being cut for students with a learning disability / students with complex needs. The development of 'Programmes for Learning', means that there is a requirement for all courses offered by further education colleges to provide full time programmes that lead to education progression and/or career progression routes and opportunities. This is not always possible for a person with a LD. There is nothing in this consultation that mentions personal care / travel / independence training, it is all academic. The further education needs of an individual with LD may very well be better met with this type of training. This would hopefully be identified if there is a quality transition service. The WG needs to acknowledge this and make provision for it. (This may best fit into Q5.)

The system of statementing works well for most children with a learning disability, and means that resources are earmarked for these children and young people. At a time of cutbacks I feel we must guard this safety net carefully.

The process of preparing an IDP would be much the same as the statementing process – the same assessments would be needed after all for LD children. All that

Legislative proposals for additional learning needs Responses 61-80

would be different would be that there would not necessarily be a legally binding requirement to provide resources to meet the identified needs.

Children with learning difficulties and those from socially deprived backgrounds also need support, but this should not be at the expense of the LD group. I believe that we need additional provision for them, outside the statementing system.

The local authority should be responsible for preparing IDPs, and ensuring that provision is reviewed and delivered, but it is also essential that the provision is agreed with the parents.

I see no mention of how the process is initiated, and would like to see an arrangement whereby it can come from a health professional, social worker, school, multi-agency team or a parent. One of the few weaknesses in the statementing system has been the need for a parent to initiate the process, a system that leaves many of us at a disadvantage.

When it comes to responsibility for post-school provision, the local authority would need to regain control of further education in the county, and have the funding for this so that students are properly supported. We would also want them to offer meaningful courses and not have their hands tied by a 'results based' culture.

Q.3

If there is a new code of practice on ALN then of course I would want it to include mandatory requirements, but I would also want assurance that WG would provide additional resources to meet the needs of children not currently covered by the SEN set-up but who would come under the ALN umbrella.

This would include training teachers and additional support workers since we are talking about a very different type of support from that required by children with LD.

I really worry that WG is trying to find one simple solution to a large number of different and complex problems in these proposals and that the cost implications will be huge if it is to be done properly.

Q4 Securing Provision.

I am very concerned with the term 'best endeavours' to secure the ALN provision called for in an IDP. I believe some parents have failed to get this when there has been a 'statutory duty' on a LEA. WG need to be much stronger on this if they really do have a commitment to change things for the better. Also there is no indication of consequences if LEA's are found wanting in this regard. (See Q9.)

Legislative proposals for additional learning needs Responses 61-80

I agree, but resources must be forthcoming.

Q5 Securing Specialist Provision.

See Q2 above.

Will WG provide additional resources for this?

Q.6

I agree, but rural counties will still need to may need to use registered placements if specialist provision cannot be provided locally. Provision for children with ASD has improved tremendously in Ceredigion in recent years, but there could still be the need to send a child with challenging behaviour to a residential school.

Q7 Multi-Agency Approach

This should help those with a LD. Joint training and I would suggest shared budgets could help strengthen this approach.

I agree strongly with this and would urge the WG to use our TPA as a model. My family received an excellent service from them as our son was growing up.

Q.8

I don't know enough about children in care to comment except to say that the additional help they need should not come at the expense of the LD group.

Q9 Resolving disputes.

See Q4 above. The problem with the SEN system, I am told, was not the 'code of practise' but the 'current practise'. The difference between theory and practise. Little in this suggests that will change.

LEA complaints processes must be clear and transparent. There must be clear time frames that have severe consequences if broken if parents are to have any faith in the new system. I am told that our LEA's used the complaint process as a delaying tactic in the old system. There has been a massive time span between original complaint to tribunal / ombudsman's ruling. This must be speeded up. LEA's are

Legislative proposals for additional learning needs Responses 61-80

cutting back on the cost of advocacy services, support for parents must be properly resourced.

Yes, but isn't that what happens now? The tribunal is a last resort.

Q10 Extending the Right of Appeal.

I would like to see some clear time frames for this, as above.

It is my understanding that currently there is no appeal open to parents in Wales following an Annual Review when the LEA make no amendments or changes but parents feel there should be. (This fault was recognised and changed in England, I am told, about 3 years ago.) Now is the opportunity to put this right for parents in Wales. I am not clear if this has been covered in proposal 19 or not. It may have been – *'the content of an IDP, including the description of the child or young person's needs or the educational provision required to meet those needs'*. It would appear to do so.

I really worry that a major change of this kind is proposed at a time of cuts in public spending. I cannot believe that LAs will find the resources to train additional staff to support all the young people you plan to bring into this system. The danger is that no child will receive the support it needs and deserves.

ALN067: **Non Jenkins**
Ceredigion Forum for Parents & Carers of People with
Learning Disabilities

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

I have nothing against the use of 'special educational needs' for children with a learning disability, though I can see that a term is needed for children with other kinds of problems, in need of a different type of support.

'Additional learning needs' implies that the child can manage ordinary education, in a mainstream school, with additional support, but many children with learning

disabilities need a different kind of education, some in special schools. My son, who has autism and severe developmental delay, is one of these. Additional help in a mainstream school would have been wholly inappropriate to his needs.

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

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

In Ceredigion children come under the care of the county's multi-agency team, Tim Plant Anabl once it is found that they have a disability. The team, comprising professionals in health, education and social work, guide the parents through complexities of diagnosis, identification of support needs and education. I believe that young people remain under the TPA umbrella until they are 25 as long as they are in full-time education. I would not want to change this in any way.

Unfortunately, there is no longer much in the way of educational provision once young people with a learning disability leave school in Ceredigion. We used to have good courses at the colleges of further education but support for students with LD is no longer provided, and as I understand it only courses leading to a qualification are on offer these days, and these do not meet the needs of young people with a learning disability. I believe that this deterioration in service was an unintended consequence of a WG attempt to improve further education for all. I naturally worry that the present proposals could also have unintended and detrimental consequences for our children.

Question 2 – Individual development plans (IDP)

- α) 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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- β) 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?

Legislative proposals for additional learning needs Responses 61-80

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

The system of statementing works well for children with a learning disability, and means that resources are earmarked for these children and young people. At a time of cutbacks I feel we must guard this safety net carefully.

The process of preparing an IDP would be much the same as the statementing process – the same assessments would be needed after all for LD children. All that would be different would be that there would not necessarily be a legally binding requirement to provide resources to meet the identified needs.

Children with learning difficulties and those from socially deprived backgrounds also need support, but this should not be at the expense of the LD group. I believe that we need additional provision for them, outside the statementing system.

- χ) 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 p	<input type="checkbox"/>
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Supporting comments

The local authority should be responsible for preparing IDPs, and ensuring that provision is reviewed and delivered, but it is also essential that the provision is agreed with the parents.

I see no mention of how the process is initiated, and would like to see an arrangement whereby it can come from a health professional, social worker, school, multi-agency team or a parent. One of the few weaknesses in the statementing system has been the need for a parent to initiate the process, a system that leaves many of us at a disadvantage.

When it comes to responsibility for post-school provision, the local authority would need to regain control of further education in the county, and have the funding for this so that students are properly supported. We would also want them to offer meaningful courses and not have their hands tied by a 'results based' culture.

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

If there is a new code of practice on ALN then of course I would want it to include mandatory requirements, but I would also want assurance that WG would provide additional resources to meet the needs of children not currently covered by the SEN set-up but who would come under the ALN umbrella.

This would include training teachers and additional support workers since we are talking about a very different type of support from that required by children with LD.

I really worry that WG is trying to find one simple solution to a large number of different and complex problems in these proposals and that the cost implications will be huge if it is to be done properly.

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

I agree, but resources must be forthcoming.

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

Will WG provide additional resources for 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?

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

I agree, but rural counties will still need to may need to use registered placements if specialist provision cannot be provided locally. Provision for children with ASD has improved tremendously in Ceredigion in recent years, but there could still be the need to send a child with challenging behaviour to a residential school.

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

- α) 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

I agree strongly with this and would urge the WG to use our TPA as a model. My family received an excellent service from them as our son was growing up.

Legislative proposals for additional learning needs Responses 61-80

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

Supporting comments

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Question 8 – Supporting looked after children

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

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

I don't know enough about children in care to comment except to say that the additional help they need should not come at the expense of the LD group.

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

Yes, but isn't that what happens now? The tribunal is a last resort.

Question 10 – Extending the right of appeal

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

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

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 really worry that a major change of this kind is proposed at a time of cuts in public spending. I cannot believe that LAs will find the resources to train additional staff to support all the young people you plan to bring into this system. The danger is that no child will receive the support it needs and deserves.

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:

☐

ALN068: **Caroline Oakley**
Hywel Dda Health Board

Question 1 – New terminology

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

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

We fully support the change in terminology and the proposal to make clear that the the additional needs are in relation to supporting children and young people to achieve their learning potential.

- 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

Concerned about the implications of responsibilities for young adults as statutory education ends at age 19. From a health board perspective, consideration will need to be given to the availability of, and access to health services for young adults aged 19-25. Responsibilities for the provision of services spans directorates as responsibilities for children's health services cease at age 18.

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 61-80

Supporting comments

How will existing SEN medicals be incorporated into the IDP process?

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

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

It is wholly appropriate for the responsibility to sit with the Local Authority who have the statutory responsibility for delivering education provision to Children and Young People.

Question 3 – A new code of practice

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

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

The code of practice will be essential to describe in greater detail the expectations for the health board and the types of health needs which will be included in IDPs. These need to be specifically related to the ability of children and young people to access learning and reach their learning potential rather than general health issues.

- 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 61-80

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

Support for young people with learning difficulties or physical difficulties in particular.

Legislative proposals for additional learning needs Responses 61-80

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

Appropriate levels of financial resources need to be made available to ensure that provision can be commissioned/secured to meet the needs of post-16 learners.

Question 6 – Placement at independent schools

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

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

It is essential that quality of placement provision can be assured.

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

These are underlying principles of taking a holistic view of the needs of CYP.

Legislative proposals for additional learning needs Responses 61-80

- 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 code of practice should underpin the working arrangements in every authority/partnership. Consideration should be given to auditing the quality and effectiveness of practices.

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 appears to be a very sensible suggestion and would reduce duplication of plans.

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 need to be clearly defined and agreed by all parties.

- 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

However there will need to be clarity about which agencies complaints procedure will be utilised.

Legislative proposals for additional learning needs Responses 61-80

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.

Reassurance is sought that the introduction of the IDP process will be informed by professional assessment and recommendations from the appropriate health professionals.

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: ☐

ALN069: 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

The wider use of this term may help to reduce any stigmatisation around youngsters with SEN and is therefore possibly more appropriate than SEN

Legislative proposals for additional learning needs Responses 61-80

- 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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Supporting comments

We can envisage huge difficulties associated with administering the IDP system until a young person reaches 25 years of age.

How many young people would want their post 16 provision determined by the LA.

Question 2 – Individual development plans (IDP)

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

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

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

The proposed IDP needs to be more educational focussed with academic targeting in line with proposed achievement.

IDPs seem to be a useful and informative 'add on' to IEP/statement review but not wholly instead of.

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

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

The consultation document seems to suggest that IDPs should be in place for ALL youngsters with ALN (including LAC whose PEPs become IDPs instead) and that the support for ALL these children becomes the direct responsibility of the LA for monitoring and annual reviews. All the rights of appeal etc would also cover all of these children. This could have at least 2 implications:

1) The LA may well have to attend many, many more reviews? particularly as the implication is that IDPs are to be reviewed at least twice yearly and include SA, SA+ and statemented equivalents.

2) The LA (not the Headteacher/school) may be responsible for all ALN- yet the LA has no direct control over how the Head spends their ALN funding, but the LA may be responsible if Heads do not do things correctly?

A mandatory role for key professionals would be essential so that relevant skills, expertise and knowledge of the needs of children and young people are used and applied in the best interests of youngsters with ALN. How would we legislate for this? Current resourcing implications for all services, both in and out of the LA are indicative of a reduction in support not an increase.

What is the responsibility for schools in putting together, delivering and monitoring IDPs? Who in the school will be responsible for arranging external input into IDP meetings and coordinating responses.

What value will an IDP meeting have if invitees are unable to attend.

If schools are to administer IDP and its associated support what is the role for the LA in being responsible for 'determining' a child's need.

If schools have responsibility for the IDP etc - why would it be the LA who have to 'defend' their decisions at Tribunal.

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

Increased multi-agency working is always good, but there are likely to be resource and capacity issues for some agencies who notoriously have difficulties participating or engaging with Education.

Any new Code of practice should have mandatory roles for key professionals, for examples, Educational Psychologists.

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

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

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

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

If age ranges are to be extended to 25 then this is appropriate, though 25 may seem somewhat high an age (see other comments). Also, earlier comments on capacity/resource needs to meet any increases in demands for services would need to be dealt with.

Legislative proposals for additional learning needs Responses 61-80

Question 5 – Securing specialist provision for young people

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

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

Post 16 provision has always been the remit of Careers Wales services - they have the knowledge and the expertise to advise on appropriate provision / post 16 needs etc.

Careers Wales have a wealth of experience and knowledge which is not currently within the capacity of the LA to advise and administer accordingly.

If considering 18- 25year olds - would the LA be responsible for administering 'out of county' provision in universities?

If considering 18-25 and ALN(to include EFL) what about non-English speaking students coming in to universities and colleges? Who would be responsible for the administration of their IDP and the multi-agency structure around this?

Does 18-25 provision include Higher education establishments / work based learning / apprenticeships?

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 makes sense

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

Again, there would need to be resources provided to help any stretched agencies to meet the demands that this might bring. There is no mention in the document about resources being allocated to meet this.

Which party would be responsible for administering such a multi-agency contribution? Which party would be responsible for finalising any agreement between parties on contribution and then administering the timetabling of external agency support? Would the staff responsible for attending IDP meetings be in a position to make decisions regarding proposed support and funding of such support? Any re-referral back to decision making staff would necessitate significant delay in the setting up of any IDP support programme.

- 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

additional resources - staff, time, processes etc.

Agreed legislative partnerships with clear outlines of who is responsible for what and when.

Question 8 – Supporting looked after children

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

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

We agree that LAC children should only have one overarching document, however whether that is an IDP / PEP or some other significant document should be the subject for debate based on appropriateness and need and not just on being the same as everyone else. There are for example pupils with LAC status who do not have any significant ALN - why would an IDP be appropriate to meet their needs?

What about the time guidelines for administering PEPs on school / placement transfer? Would multi-agency timelines permit adherence to 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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Supporting comments

Again, making it a requirement that LAs put in place these arrangements will probably have resource implications.

Offering disagreement resolution does not automatically mean that either party is willing to engage in resolution techniques. A proportion of parents would like a 'legal' framework for the decision that are made and not a mutual understanding of the LA/school/parent position.

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

Though this depends on what the "local complaints processes" are and how accessible they are. Again, there are resource implications to meet this.

How could it be appropriately demonstrated that every party was 'required' to take part in disagreement resolution?

If one party is reluctant to take part will their rights of appeal be denied just because they did not take part in the 'process' issue?

Question 10 – Extending the right of appeal

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

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

Whilst having a right to appeal is something we would support, it poses inherent difficulties.

There would be a strong need for independent advocacy.

A pupil's capacity to understand both the process and the decisions need to be taken into account

Question 11

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

How could this whole IDP system be achieved? Current best efforts are not wholly multi-disciplinary or yearly and can lack legal commitment on the part of partners to comply with statement demands? Why could we expect IDP demands be any different?

The expectation would appear to be that IDP administration/attendance etc would be on top of current workload commitments - how would this be financed/ staffed / agreed?

The current draft white paper does not provide sufficient detail for any commitment on its possible effectiveness. There has not been a presentation on the effectiveness / possible difficulties with the 'Trial' IDP system carried out by some authorities. Any such system has not had a prolonged trial for the benefits and pitfalls to be highlighted.

The LA administration of the statutory assessment process looks at the overview of all pupils in the authority and not just the individual needs of a particular pupil in a singular setting.

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: ☒

ALN070: 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

The use of this term may help to reduce any stigmatisation around youngsters with 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

Though there are likely to be resource and capacity issues to make sure that the additional demands this change brings can be met. The extension of LA responsibility to youngsters up to age 25 does look expensive and disingenuous against a backdrop of cuts.

There would be a need for key professionals (EPs) to have a mandatory role in assessing and providing support.

It would probably be better to see responsibility being for those aged upto 18 (or 19 where it's the academic year in school) for most ALN youngsters. Many around the age 18-25 could be parents themselves! It could seem quite patronising to have adults within a "children and young people" framework.

Only where young people are especially vulnerable - eg LAC or with very severe or profound needs (ie lack adult capacity) - should education be required to work with social services to support their needs up to 21 to ensure good transitions into adult care/training etc. Youngsters upto 21 should continue to have access to Foster Families if they wish. CAMHS should also cover youngsters up to 21, not 16 as is currently the case. The teenage years are when many youngsters are vulnerable to things such as substance abuse, suicide, emerging conditions such as schizophrenia and Bipolar disorder. To wash their hands of youngsters at 16 by passing them on to adult Psychiatry seems somewhat disingenuous of CAMHS. It would perhaps be best to have 21 for the most needy and actually do it properly rather than simply passing responsibilities on to LAs to look after everyone with less demanding problems up to 25 without the allocated resources to tackle them.

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 61-80

Supporting comments

There will be a need for these documents to be detailed enough to ensure that the needs of youngsters with more complex needs are fully and appropriately met.

If an IDP is to replace an IEP as a working document then it may need to be reviewed more than annually and schools rather than LAs are best placed to do this.

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

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

The consultation document seems to suggest that IDPs should be in place for ALL youngsters with ALN (including LAC whose PEPs become IDPs instead) and that the support for ALL these children becomes the direct responsibility of the LA for monitoring and annual reviews. All the rights of appeal etc would also cover all of these children. This could have several implications:

- 1) The LA may well have to attend many, many more reviews?
- 2) The LA (not the Headteacher/school) may be responsible for all ALN- yet the LA has no direct control over how the Head spends their ALN funding, but the LA may be responsible if Heads do not do things correctly?
- 3) SENCos might actually need to be LA employees!?

A mandatory role for Educational Psychologists and other key professionals would be essential so that EPs' relevant skills, expertise and knowledge of the needs of children and young people are used and applied in the best interests of youngsters with ALN.

What is the responsibility for schools in putting together, delivering and

monitoring IDPs?

Legislative proposals for additional learning needs Responses 61-80

Question 3 – A new code of practice

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

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

Increased multi-agency working is always good, but there are likely to be resource and capacity issues for some agencies who notoriously have difficulties participating or engaging with Education.

Any new Code of practice should have mandatory roles for key professionals, for examples, Educational Psychologists.

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

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

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

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

If age ranges are to be extended to 25 then this is appropriate, though 25 may seem somewhat high an age (see other comments). Also, earlier comments on capacity/resource needs to meet any increases in demands for services would need to be dealt with.

Legislative proposals for additional learning needs Responses 61-80

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

Again, capacity/resource needs to do this would need to be provided. LAs would need to be supported by or work with other key professionals - Careers Wales etc.

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 makes sense

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

Again, there would need to be resources provided to help any stretched

agencies to meet the demands that this might bring. There is no mention in the document about resources being allocated to meet this.

Legislative proposals for additional learning needs Responses 61-80

- 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

additional resources - staff, time, processes etc.

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

Do PEPs mirror IDPs?

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

Again, making it a requirement that LAs put in place these arrangements will probably have resource implications.

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

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

Though this depends on what the "local complaints processes" are and how accessible they are. Again, there are resource implications to meet this.

Legislative proposals for additional learning needs Responses 61-80

Question 10 – Extending the right of appeal

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

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

Whilst having a right to appeal is something we would support, it could probably be done better than is suggested here.

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.

Key professionals and professions should have a mandatory role in helping to identify and assess the needs to children and young people with additional learning needs. This has been the case in the framework put in place in England where Educational Psychologists (EPs) have a key mandatory role.

Huw Lewis, Minister for Education and Skills stated in February 2014 "The Welsh Government recognises the important role that Educational Psychologists play in tackling the challenges encountered by children and young people in education within Wales. Their work helps to support the wellbeing and enhance learning opportunities for some of our most vulnerable learners."

To NOT have the expertise, knowledge and skills that EPs bring given a mandatory role is a real missed opportunity.

Pupils who are currently on SA and SA plus will have a statutory IDP and the right to appeal to a tribunal. This has quite major resource implications and

there are no indications that any extra resources will be given to meet these needs!

LAs are being directed to be responsible for a wide range of things that they have no control over! This could result in quite serious problems.

Little is said about the role that schools have. There is a great deal of emphasis and responsibility placed on the local authority. Is seems that schools responsibilities are overlooked? How can a local authority review/oversee all IDPs?

The anxiety/mistrust from parents that sometimes leads to tribunals is often based on their lack of understanding of the expertise/support that is provided by schools at SA and SA +. There is a good argument that these proposals collude with a system that continues to focus on LA power and responsibility. It could be argued that parts of the white paper seem somewhat 'nanny state'.

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: ☒

ALN072: 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

I think the term 'ALN' has negative connotations. It implies that these children/young people have learning needs 'in addition to' rather than 'different from' mainstream learners. The word 'additional' also implies a burden to the system. I prefer the term 'Individual Learning Needs'. Some learners need a different pedagogical approach or setting to thrive with their education. I think it would be sensible to develop a more flexible system with alternative pedagogical models and settings rather than trying to make mainstream settings 'all things to all people'.

Legislative proposals for additional learning needs Responses 61-80

- 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

Agree in principle but with a 'get out' clauses if/when children/young people progress. The danger here is 'labelling' and 'stigmatising' too early in a child's life. However, with a greater choice of settings and pedagogical approaches, I think more children/young people will thrive. I would like to see provision matched to needs. For example, children with sensory issues may benefit from an approach that is more sensory-friendly and child-centred - the Montessori approach, for example. I would also consider reducing the amount of assessment in the Early Years/Primary and putting the resources into provision and support (rather than assessment).

Question 2 – Individual development plans (IDP)

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

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

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

There's not enough information in IDPs. Would they be legally binding (I think they should be)? How would you ensure providers delivered what was said in the IDP? I do not believe that relying on the goodwill of providers is enough to ensure success. I think the current system would work better:

(1) if it were simplified (less assessment)

(2) if the money to support learners with SEN/ALN was either (a) in the control of an independent, impartial body/organisation that had no vested interest in the provision of education and was not involved in the statementing/IDP decision-making process (b) any potential finance for a pupil's ALN/SEN should be held back until the targets on the Statement/IDP were met. This could be judged either independently, or by the stakeholders themselves (parent, pupil, provider, medic, etc.)

(3) if there was an independent person, impartial from educational providers - LAs, medics and other professionals - to act as a facilitator/lynch pin. [There is an excellent system, here in Swansea, that works well for pre-school children with SEN. It's administered by SCVS and is called the 1-to-1 referral system. It helps parents access 1-to-1 support at any CSSIW-registered provider. It works very well. Please consider rolling out something like this for primary-aged children].

- 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

No. I think initially (pre-school/foundation phase/primary years), medics, health visitors and parents (with a key worker/facilitator/lynch pin - independent from anyone with funding interests) should ensure agreed needs, provision and its delivery. As I suggested earlier, I would look at ways where funding was only delivered to the providers WHEN the targets on the IDP had been met.

Legislative proposals for additional learning needs Responses 61-80

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 - and I would look at holding back payments - or paying in arrears - for meeting targets set out in the IDP. I also don't think it is always necessary to fully assess a child/learner at the beginning of the (statementing) process. I have found that much of what my child was assessed for was unnecessary (at this stage). I think for pre-school/early years, the focus should be on ease of transition into an educational setting with as much practical support as possible. In my case, I think the health visitor and occupational therapist (and some past medical paperwork, eg the Ruth Griffiths Assessment results) would have provided enough information to get started. I would also like to see more alternative providers (a Welsh equivalent to the Free Schools initiative - pedagogical approaches such as Forest School, Montessori, Steiner, etc.) allowed to provide services for children with SEN/ALN.

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

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

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

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

I don't believe the 'best endeavours' approach will work. What will work is holding back funding to these providers until the targets on an IDP have been 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 checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments**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

I think the Welsh Assembly should look at alternatives to mainstream schooling. It doesn't work for some learners with SEN/ALN. The choice of school/provider should remain with the parent/carer but it would be refreshing to see other types of providers have a chance to thrive. The way to measure whether an independent school can or cannot provide additional learning provision is not through a registration process but by measuring success against targets set out in the IDP. If targets aren't met then do not pay them. Agree how the targets will be assessed - possibly by the parent, provider, learner (if appropriate) and someone else (external to the situation).

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

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

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

No. Sounds great in theory but I don't believe it will work and I think the system needs simplifying (not complicating). First of all, all these systems are running to their own time frames. In my experience, the more people you involve and the more information you gather - the more complicated it gets. I believe that the professionals involved (e.g. medics, teachers) should work within their own area of expertise. What might be needed is some sort of mediator/facilitator. Please let's simplify the system and put any extra resources into direct provision for children/young people with SEN/ALN. Please see my comments in 2b and 2c for possible alternative approaches.

- 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

I don't think it's really necessary. I prefer that professionals work within their areas of expertise and that a neutral facilitator/lynch pin is available/accessible to pull things together (if necessary). The new system should be needs led - not agency, LA or schools led (as it is now). To do that you need to consult with those who can really represent the needs (medical, social, emotional, etc...) of children/learners with ALN/SEN. I believe that the persons most qualified to do that are: children/learners, medics, parents/carers and health charities/associations. I would leave educational providers to provide and LAs to administer.

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

Question 9 – Resolving disputes at an early stage

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

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

I would keep any disagreement resolution arrangements away from any organisation that had a vested interest in provision or funding for education. Instead, I would use/try to develop an ombudsman-type service.

Better still, would be to design a simpler system that didn't need to focus on resolution arrangements, but instead focused on excellent mainstream and alternative provision.

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

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

It slows everything down.

Question 10 – Extending the right of appeal

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

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

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 think the Welsh Assembly needs to produce formal guidance and/or reintroduce welfare staff (to help with first aid, toileting, etc.) in every primary school. Toileting has become a 'grey area' in schools. Some schools will not 'clean up' little ones (3 year olds) who have soiled; most nurseries (within schools) will not accept a child in pull-up nappies and some Unions are reinforcing the message that teachers and teaching assistants are there to teach (and not provide care assistance). Other schools are saying they need two members of staff present to clean up after a child. Toileting has been one of the main barriers to my child starting school. The 'free part time childcare for 3 and 4 year olds' has not applied to my child as the LA in which I live only provides free part-time places at mainstream schools - all of which require children to be out of nappies. My child has a medical condition which affects his bowel. We are still seeking a diagnosis and he is 5. Please consider providing formal guidance to schools on this delicate issue.

I would like to see therapies (speech and language; occupational therapy; physiotherapy, etc.) given more priority for pupils with SEN/ALN. For most pupils with SEN/ALN, therapies are more important than any National Curriculum subject. I would like to see this reflected in your new proposals for children/young people with SEN/ALN..

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: ☒

ALN073: Owen Hathaway
NUT 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

Yes. This is a position NUT Cymru supported in our response to the consultation on reform of the legislative framework for special educational needs.

Legislative proposals for additional learning needs Responses 61-80

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

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

Given the fact that children and young people will be potentially under the system until the age of 25 there needs to be a thorough examination of how outside bodies work with schools to provide support. There will need to be a consistency of approach that allows individuals to progress with support from the school environment onwards. It is important that there is a holistic and integrated approach so support is seamless throughout that development rather than a school based structure with a post 16/18 bolt on.

There will need to be an examination of the capacity of social services and local authorities to deliver this support and how they interact with schools to deliver it. Extending the age range as outlined will naturally require additional funding.

Question 2 – Individual development plans (IDP)

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

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

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

This appears a valid way forward in supporting the best opportunities for pupil development amongst individuals with ALN. Individual plans will provide the support deemed most appropriate to those individuals by the teachers and other support structures that are most familiar with the pupil. It is also positive that these plans would be able to be changed as an ongoing issue to ensure that development is taken into account when examining the level and nature of support that is required. However that does bring up a financial concern. Periodical reviews can be costly

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and can be a major workload undertaking, particular if there are a high number of statemented students within a school. The regularity of review of the IDPs does need to be considered against these concerns.

One warning we do make is that while we support this proposal it seems in conflict with what is actually happening with existing provisions and is increasingly becoming an impractical plan. Across Wales, for example in Powys, specialist services are being withdrawn from SEN pupils and they are being treated more and more as group cases. We are seeing SEN services shrunk, if not completely disbanded, with pupils classed as having SEN dropped into regular classes with limited if any specialist support. While this plan proposes making individual plans local authorities in Wales are creating generic services that completely fail to recognise the needs of SEN pupils.

- 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	X
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Supporting comments

Local authorities are best placed to undertake this work. We do believe that the consistency at which IDPs are applied by local authorities should be monitored closely, as well as the funding afforded to the delivery of the plans. The existing support for SEN service by local authorities is patchy at best.

However, given that many local authorities are now delegating SEN funding to schools, does this mean that funding will be re-centralised? If so, this will potentially leave staff appointed by schools post-delegation in a precarious position if funding is withdrawn. The same would apply if funding went to a regional consortia body. We would also ask how the Welsh Government will meet its target for increased delegation in either of the above scenarios.

Furthermore, how will the new system differentiate between needs to be met from the school's budget and those to be financed centrally?

Question 3 – A new code of practice

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

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

This will help ensure a consistency of approach. We would stress, as is reflected in the consultation, the important need to consult on the content of the code of practice. The obligations and expectations of schools should be based on the experience of teachers delivering this support at a classroom level if its objectives are to be realistic.

- 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

Yes. Given that the ALN term will, if accepted through this consultation process, be extended to individuals up to the age of 25 it is appropriate to include further education institutions in this 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

Local authorities would appear to be best placed to take up this responsibility.

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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

Yes. There is little point creating individual development plans if local authorities were then to place a pupil in an independent school that could not cater for the required provisions.

There is a secondary question thrown up by this proposal which is to examine why independent schools would not be able, or prepared, to provide the type of additional learning provision that maintained school could, and would, for pupils with ALN.

It is important that standards of education are maintained across both sectors. There should be a mandatory requirement on independent sector schools to register their ALN provision.

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

SEN support is more than a simple education, health or social services issue. For the best care and support possible a joined up multi-agency approach is needed.

Often one of the problems that schools face in developing and delivering services for individuals with ALN is that they are unaware of the full background of those individuals to appreciate fully the needs and requirements they have. Greater

sharing of information across the above mentioned bodies, as well as with schools, would be a positive step forward in being able to create a more rounded appreciation of the support required to meet ALN. CAMHS and some parts of the NHS are reluctant to share information, citing patient confidentiality. Given data protection and other legislation, such hesitation is understandable but often not in the best interests of the child.

One concern is that past experience has suggested that responsibilities shared across multi-agencies can lead to responsibility abstention. Contingencies, and accountability procedures, will need to be put in place to ensure that each agency is delivering on their own roles in relation to ALN support.

The more requirements for multi-agency working, the more the potential for time to be spent in meetings and increased bureaucracy. Multi-agency working needs to be efficiently managed.

Schools need the records from health visitors, educational psychologists and any other health professionals prior to a child attending. Continuing sharing needs to go on between all departments especially those in the health sector who are often reluctant to share with educational establishments.

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

Question 9 – Resolving disputes at an early stage

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

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

Having a clear disagreement resolution structure will make it easier to know the roles and responsibilities of different stakeholders in responding to complaints and avoiding their escalation.

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

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

Any avoidance of a tribunal, where there can be a resolution to an issue that is supported by all parties, should be welcomed. However, ensuring cases go to dispute resolution before they can be taken to tribunal should be seen as a way to finding consensus and not used as a way of delaying or impeding the right to progress to a tribunal.

Question 10 – Extending the right of appeal

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

Agree	<input 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.

We need to take the bold decision of recognising the pressures on classes and teachers when a child with SEN is brought into the mainstream sector. Whenever a child with SEN (who requires 1:1 support) is placed in class then the number of children should statutorily be reduced as is the case in other nations such as Finland. This ensures not only that the SEN child is given the right level of support but also that any potential disruption to other pupils is minimised.

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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ALN074: **Rhys Jones**
 Treorchy Comprehensive School

Positives

- A reform of the Code of Practice is welcomed as there is currently much confusion and inconsistency of interpretation of the terms.
- Improved terminology of 'Additional Learning needs' and 'Additional Learning provision'.
- Eradication of the current inconsistent approach from different LAs to statementing procedure.
- Reduction in 26 week time frame for production of a statement.
- Earlier diagnosis will lead to better quality information being provided by Primary schools.
- Person centred planning is a positive move forward provided that is not an overly bureaucratic process.
- WG understands the need to strengthen multi agency working. Currently there is a lack of time, communication and clarity. All parties are working in isolation.

Concerns

- The new process of considering whether a child has ALN is far too time-consuming due to the sheer number of pupils involved in large schools but also due to the number of people that it is proposed to be involved in the process.
- The introduction of an appeal process for non-statutory support could lead to many more disputes and problems.
- Due to the number of pupils involved, it will be logistically impossible to involve parents in reviews if the proposals are implemented.

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- Collaboration and agreement between agencies will be logistically difficult particularly relating to funding matters.
- It will be difficult to ensure that a graduated response is evident if there is no differentiation between an IDP for a pupil with complex needs and a pupil with a literacy or numeracy delay.
- The requirement to review each IDP at least once a year could become unmanageable in large schools.
- Who will be responsible for provision for pupils with an IDP if they are educated at home?

Suggestions

1. Ensure that definitions contained within the stages of the Code of Practice are clear and unambiguous.
2. Up-dating the COP is positive. There will be a need for focused training from WAG rather than each individual LA interpreting the definitions and providing their own training.
3. More flexibility relating to fluidity of statements i.e. statements should be reviewed and updated on a needs basis.
4. Schools should be provided with the authority to request a reassessment of a pupils needs without parental consent where there is substantial evidence to support a change in provision e.g. hours contained within the statement.
5. A national programme of high quality support and training for ALNCOs is required.
6. There should be a consistent format for IDPs i.e. can we have 1 format for the whole of Wales to ease transition when children move between schools?
7. Provide clarification on exactly who falls into Basic Skills category and who falls into ALN as Basic Skills can be deemed as an additional learning need.
8. If ALNCOs will be required to possess specific qualifications it is essential that a national programme of appropriate training/ CPD is provided urgently. In some cases, experience should mitigate the need for additional qualification.

ALN075: **Elin Wyn**
 National Deaf Children's Society

Question 1 – New terminology

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

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

The National Deaf Children's Society (NDCS) is the national charity dedicated to creating a world without barriers for deaf children and young people.
We represent the interests and campaign for the rights of deaf children and their

families. In referring to “deaf”, we refer to all levels of hearing loss, including mild, moderate, severe, profound, and temporary hearing loss.

There are around 3,000 deaf children in Wales. 90% of deaf children are born to hearing families with little or no prior experience of deafness.

Deafness is a low incidence SEN / ALN. This means that mainstream schools and local authorities are likely to be less familiar with the needs of deaf children. Around 80% of deaf children attend mainstream schools where, in many cases, they may be the only deaf child in that school. As a result, deaf children are particularly reliant on specialist support services for deaf children, which employ Teachers of the Deaf and other specialist staff, in order to ensure that their families and teachers get the advice and support they need.

Deafness is not a learning disability. However, in 2013, according to Welsh Government figures, just 47% achieved A* - C in English/Welsh, Maths and Science. Over the three year period 2011-2013 the relative gap between deaf and hearing children achieving this level was 27%.

http://www.ndcs.org.uk/about_us/campaign_with_us/wales/close_the_gap/attainment_data_2013.html

We welcome the new term “additional learning needs” as the term is a more accurate reflection of challenges faced by deaf children. We feel that the term is a better fit with the Equality Act’s anticipatory duties. Education providers and local authorities have an anticipatory duty under the Equality Act to take reasonable steps to ensure disabled learners are not placed at a substantial disadvantage when accessing teaching and learning. This means that the providers should not wait until a child is failing to achieve his or her potential before providing support. It is imperative that the proposed Code of Practice reflects the Equality Act anticipatory duties.

We also welcome the change in terminology from that proposed in “Forward in partnership for children and young people with additional needs” in October 2012 which suggested the term “Additional Needs” (AN). Had the term AN been used this would have greatly increased the eligibility for an IDP. We were also concerned that using the term Additional Needs could risk moving the focus away from education and learning. Statements and IEPs contained a great deal of information on a child’s additional learning needs, learning objectives and the provision required to meet those needs. While the new plans add other dimensions it is critical that the focus on education and what is needed to ensure educational support for deaf children and young people is not lost.

We note that there is no definition of Additional Learning Needs in the White Paper. We would welcome discussions with the Welsh Government on creating a definition which would capture all children and young people who would be entitled to an IDP.

We would suggest a slight rewording of the definition in the Children and Families Act to read as follows:

“When a child or young person has additional needs

(1) A child or young person has additional needs if he or she has a learning

difficulty or disability which calls for additional learning provision to be made for him or her.

(2)A child has a learning difficulty or disability if he or she—

(a)has a significantly greater difficulty in learning than the majority of others of the same age, or

(b)has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions."

- 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 inclusion of children and young people from birth to 25 in the new system. However we are concerned that the importance of support and provision in early years settings is not adequately addressed in this White Paper. Around half of deaf children are identified and diagnosed after Newborn Hearing Screening. Local authorities can provide specialist support, through Teachers of the Deaf and other specialist support, immediately after diagnosis and in the pre-school period which is crucial to the deaf child's development of speech and language.

We also welcome the inclusion of older young people in the new system and are encouraged by the commitment to ensure improved transition planning for young people with ALN.

However there is also a need to ensure there is continuing investment in education hearing support services so that they can meet the needs of a much wider age group. There is still an unacceptable attainment gap between deaf and hearing pupils, as outlined above, so existing resources should not be removed or stretched from pre-16 children and young people to support up to the age of 25 years.

Question 2 – Individual development plans (IDP)

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 61-80

- 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 proposal that all children and young people with ALN should be entitled to an IDP and that they should replace statutory assessments and statements of SEN and Individual Education Plans under School Action and School Action Plus.

However, it is important that plans are underpinned by a full and rigorous assessment of need. An effective plan cannot be delivered without a full understanding of the child's needs. In this respect we have some concerns about the capacity of the existing workforce, who work with deaf children and young people, to undertake a full assessment of need. We acknowledge that issues around workforce development and specialist provision are being addressed separately, but it must be emphasised that having a workforce of sufficient size and specialist expertise that is sustainable is intrinsic to the success of this new system of ALN.

We feel that appropriate timescales should be put in place for the assessment of need and that this timescale should be centred around the needs of the child rather than the professionals involved in the assessment. Twelve weeks might not appear to be a long time in the life of a professional, but for a deaf child it is a whole term where he or she is failing to get the support needed to develop essential speech and language skills.

It is also of vital importance that the assessment of need takes into account the language in which support must be delivered, be that in English, Welsh or BSL. Every year the Consortium for Research into Deaf Education (CRIDE - of which NDCS is a member) conducts surveys of local authorities in Wales and across the UK about the number of deaf children and young people they support and the level of service that they provide. The latest CRIDE survey in 2013 demonstrated the paucity of Welsh language support for deaf children. Only 9 of the 16 Hearing Impairment Services in Wales could provide peripatetic support in Welsh from Teachers of the Deaf; only 3 services could provide peripatetic teaching assistant and communication support workers in Welsh.

http://www.ndcs.org.uk/professional_support/national_data/uk_education_.html

We believe that the right to ALN support in the Welsh language should be included on the face of the Bill.

We are also concerned that the IDPs do not appear to apply to apprenticeships, or government funded workplace learning programmes for young people and we would urge the Welsh Government to reconsider. There is a danger that deaf

young people could fall between two stools with regard to the support they receive, with Access to Work support being available in the workplace but no support provided for the learning element of the apprenticeship or programme

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

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

We agree with this point but would wish to ensure that the Bill includes a clear, consistent template for IDPs and a requirement that IDPs are transferable across local authority boundaries. We also have some concerns about the lack of clarity around the steps leading to the creation of an IDP, in particular who is responsible for taking the lead in creating an IDP. This matter needs to be properly addressed in the Code of Practice and we would welcome further discussions on this issue.

We consider that ensuring the IDP contains robust and clear information on a child's support needs will be central to the success of the reforms. We note that key information which must be included in an IDP will be listed on the face of the Bill. We welcome this development and suggest the list should include the following:

- A section to include a clear and succinct description of a child's needs (i.e. the level of a child's deafness and the type of equipment that he or she requires)
- A section outlining the additional provision required to meet those needs and who will deliver these provisions
- A section for agreed outcomes, short term and long term targets, including key information on a child's attainment levels and progress.
- A section on transition planning at key points in the child's IDP.
- A section on which languages the child needs for support
- A section to identify information about a child's named placement and travel arrangements
- A section to provide clear information regarding ongoing support services, as these services may not necessarily fall within a short term action plan.

The responsibility for delivery of an IDP needs to be accompanied by a robust accountability and quality assurance framework that includes:

- a) Collection and publication on key outcomes for children and young people with ALN by main type of additional learning
- b) Collection and publication of data and information on levels of provision for children and young people with ALN that is specific to each type of ALN

c) The development of key standards for the discharge of duties towards children with ALNs and the introduction of a robust inspection framework for schools and for LAs with regard to how well they meet standards and how well children and young people with ALN make educational progress

We would also wish to underline the responsibilities on schools and health services to support the delivery of IDPs.

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 the new Code of Practice (CoP) on ALN should include mandatory requirements. We would also urge the Welsh Government to ensure that the CoP is consistent with the Equality Act and its anticipatory duties with regard to education and learning provision.

We have some concerns that private / voluntary / independent early years providers do not appear to be subject to these mandatory requirements. No mention is made either of the Flying Start programme, which supports the speech and language development of young children in particular areas. Early years support is crucial for deaf children. Around half of all deaf children are identified and diagnosed through the Newborn Hearing Screening Programme. Early intervention and support to families from Teachers of the Deaf and/or Speech and Language Therapists is vital in ensuring that deaf children are able to develop age-appropriate language before they reach school age.

We note that the Welsh Government is considering measures to modernise Disabled Student's Allowance (DSA) and will be consulting on this matter in due course. If there is a possibility that Higher Education Institutions (HEIs) will be required to provide support for disabled students (as in England) there is a strong argument for the mandatory requirements of the CoP to also apply to HEIs.

We note that Welsh Ministers will be able to exercise powers of intervention under the School Standards and Organisation (Wales) Act 2013 where local authorities and maintained schools fail to carry out their mandatory duties under the code. We would urge the Welsh Government to consider requiring Estyn to scrutinise local authority provision and monitor adherence to the CoP.

An essential element of monitoring adherence to the CoP will be accurate and comprehensive data collection on the attainment of pupils with ALN in ALL educational settings.

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

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

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

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

We agree that FEIs should be included alongside schools, maintained nurseries and PRUs as institutions that must secure additional learning provision, but we have concerns that the term "best endeavours" is not sufficiently strong. Under the Equality Act education providers must make reasonable adjustments to ensure that disabled children and young people are not placed at a substantial disadvantage compared to others when accessing teaching and learning and all other aspects of school/college life. They **MUST** make these adjustments. Using best endeavours to make reasonable adjustments is not acceptable under the Equality Act. By using the term "best endeavours" in the ALN Reform Bill (Wales) there is the potential of a conflict with the Equalities Act. We would prefer to see a "duty" on all these bodies to secure additional learning provision.

Question 5 – Securing specialist provision for young people

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

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

In principle we support this approach as it has the potential to improve the transition process for young people with ALN. But we are concerned that LAs will have an incentive to push students with ALN towards mainstream placements. This is because the existing funding of around £17.5 million for specialist provision will be transferred to the LAs through the Revenue Support Grant and will apparently not be ringfenced. At a time of budget restraint LAs will be under pressure to use the monies allocated for specialist provision for ALN students elsewhere. We would strongly recommend that when funding for specialist placements is transferred to LAs that it is ringfenced for that purpose.

The devolution of this funding to LAs should be based on accurate data on the needs of disabled young people in each area. Since the needs of a local population can change over time, particularly in the case of low incidence disabilities such as deafness or other complex needs, it is important that these funding calculations are regularly reviewed. It is worth noting that low incidence needs often require specialist support, which can be expensive.

Robust monitoring mechanisms are also required to ensure that this new funding mechanism does not disadvantage students with ALN. Local Authorities should be required to collate robust data on the number of students in post-16 provision with ALN, the support they receive, and their performance levels. This data should be collated centrally and would help to ensure that the needs of students with ALN are being broadly met on both a local and national basis. It is imperative that, across Wales, there is a clear complaints and appeals system so that students with ALN can seek redress if they are unhappy with decisions on their support or placement.

We recommend that Estyn's core inspection of LAs and FEIs includes an assessment of how effectively support is planned and arranged for students with ALN. We would also urge that DfES and Estyn monitor the number of and reasons for refused requests for specialist support /placements, as well as details of complaints. This will enable any trends to be identified, so that DfES can intervene where appropriate. We would also urge that data be collated on the destinations of students with ALN who have graduated from FE.

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

Whilst we agree in principle with this point we would need to seek assurance that independent schools outside Wales will also be registered to provide ALN provision. There are no specialist schools for the deaf in Wales and deaf children and young people from Wales who need specialist support attend schools in England.

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

We agree in principle that local authorities, health boards and FEIs should have a duty to share information.

NDCS Cymru is aware that many families currently face frustration with the lack of co-ordination between agencies. Therefore, we welcome the concept of greater multi-agency collaboration as a positive step forward.

However, we are conscious that a duty to share information (as described in the consultation document) is not equivalent to a duty to provide. If there is to be full partnership between education, health and social services, there will need to be very clear and explicit duties on all agencies to both share information AND to deliver provision for children with additional needs. We note that the IDP Action Plan will be clear about which agency is responsible for delivering individual elements of the plan, will include a commitment from all parties to provide services and be transparent about funding for the package of support. However, in our view, this does not amount to a DUTY to PROVIDE support.

We note that Early Years settings and providers are not included in the duty to share information. We believe that it is vitally important for Early Years providers to be included for reasons outlined earlier.

NDCS Cymru would recommend that the statutory code of practice is very

specific on:

- a) What are the minimum standards and expectations with regard to cooperation
- b) The information and data to be provided
- c) The need to jointly commission integrated multi-agency care pathways that improve outcomes (for example a pathway that includes screening babies for deafness at birth, refers them on to audiological assessment and diagnosis, audiology support and management and family support and habilitation services such as speech and language therapy, Teachers of the Deaf and social care/family support)

- 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 believe that independent scrutiny of multi-agency partnership working and funding decisions is of paramount importance. NDCS Cymru suggests that there could be a list/panel of specialist scrutineers whose services could be called upon to scrutinise funding decisions by random sampling.

Question 8 – Supporting looked after children

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

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

Question 9 – Resolving disputes at an early stage

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

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

We agree in principle that local authorities should be required to put in place disagreement resolution arrangements. NDCS Cymru acknowledges, in principle, the benefits of being able to resolve issues without a lengthy and possibly stressful tribunal case. But we are fearful that a mandatory requirement to use the local disagreement arrangements will be seen by parents as another bureaucratic hoop and used as a delaying tactic by local authorities who fail to ensure appropriate provision is in place to meet the needs of the child as soon as possible.

We believe that the child / family should be able to submit an appeal to Tribunal at any time during the local complaints procedure to expedite the appeals process and achieve a satisfactory outcome for the child. We believe a mandatory timescale in relation to complaints procedure should be included in the new CoP.

We note that the requirement to establish local disagreement resolution arrangements only refers to disagreements about additional learning provision. We would welcome further information on how a dispute resolution system based within the local authority would be able to deal with disagreements in relation to an aspect of the IDP relating to health services. It is also unclear how a local authority based system would operate in relation to a disagreement regarding provision funded by an FEI or Early Years Provider.

It is also essential that any dispute resolution/complaints mechanism is easily accessible to parents and young people with a disability, communication need, or who do not speak English/Welsh.

NDCS Cymru would recommend that local authorities are required to report to the Welsh Government on an annual basis regarding the details and number of disagreements and complaints to have been referred to the local disagreement resolution mechanisms. This would both provide a quality assurance measure and would enable the Welsh Government to identify whether there are any recurring difficulties following the implementation of the new IDP process.

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

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

We agree in principle that there should be a requirement to use the local

complaints process prior to appeal to Tribunal, with the caveat outlined above that the child / family should have the option to submit an appeal to Tribunal before the conclusion of the local complaints process, if required.

We also have concerns about any complaints procedure with regard to ALN provision in FEIs. A similar process to that of LAs, with an independent person to facilitate the resolution of disagreements, must be put in place for all FEIs in Wales.

We would also add that communication support must be made available for deaf children and young people and deaf parents who are involved in the local complaints process.

Question 10 – Extending the right of appeal

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

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

We very much welcome the extension of the rights of appeal to Tribunal to all those with an IDP aged 0-25.

We would also wish to see in the Bill a provision for SENTW / ALNTW to have means of redress in the event a local authority or other body fails to comply with directions from the Tribunal.

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 wish to add comments on several paragraphs in the White Paper. We will refer to paragraph numbers as in the document.

Para 9: We welcome the intention to ensure children, young people and their parents are involved, consulted and their views taken into account throughout the IDP process. However we would wish to see appropriate support mechanisms in place to empower people to take part in the process. This could include advocacy, accessible information and communication support.

Para 10. We welcome the recognition that IDPs can be reviewed more

frequently than on an annual basis. This is particularly important for younger children in early years settings or at home. It is also particularly important for deaf children who might have glue ear. This condition can change over time, either improving or deteriorating, disappearing or returning. It is vitally important that the needs of deaf children are reviewed on a regular basis.

Para 11. We feel that this paragraph fails to recognise that some children will be identified as having an ALN from birth. In the case of deaf children many are identified and diagnosed at Newborn Hearing Screening and effective support needs to be in place from a very early age, in the home. This support is essential to ensure language and speech development.

Para 14. We welcome the intention to require governing bodies to ensure ALNCOs have certain experience or qualifications or both. We would welcome mandatory training for ALNCOs which would include training on low incidence disabilities such as deafness. The training should also include awareness of the role of specialist support staff such as Teachers of the Deaf, Speech and Language Therapists, Educational Psychologists, Learning Support Assistants, Communication Support Workers, Note-takers and Deaf Instructors. We would also recommend that the ALNCOs are at a senior level in the school/college and are a member of the Senior Management team in order to ensure a whole school/college approach to ALN and CPD in this area.

Para 16. We feel that there should be a set template for local authorities to outline information about the support that is available for children with ALN. This information should be presented in a clear, accessible format, according to the type of ALN. By having a set template it will be easier to compare provision across local authorities and address any inconsistencies.

We believe strongly that specific Provision Pathways for learners with hearing impairments should be introduced because it is a low incidence disability. The vast majority of deaf children and young people are taught in mainstream schools and there might only be one deaf child in that school. We believe a specific provision pathway for deaf children with minimum standards would assist ALNCOs to ensure the appropriate support for deaf children.

A similar level of deafness can affect different children in different ways. As such, a deaf child's level of need cannot be determined by his/her level of hearing loss. There are a range of aspects that should be considered in assessing a deaf child's support requirements and the development of a provision pathway would be a good way of securing a more consistent approach across Wales.

The provision pathway should be used to highlight the types of professionals who should be involved in assessing a deaf child's needs. In order to establish a deaf child's level of need, it is important that the assessment process includes professionals who understand deafness.

A provision pathway that includes this information and minimum standards could still be flexible enough to meet individual needs.

NDCS Cymru was involved in some early discussions with the Welsh Government around a provision pathway for deafness and would welcome the opportunity to develop this further.

Other Comments:

We note and welcome the fact that the ALN proposals have been developed with consideration to the United Nations Convention on the Rights Of the Child. We would also recommend that the United Nations Convention on Rights of People with Disabilities is also considered when further developing the legislation.

We note with some concern that there is no mention in the White Paper of the needs of children and young people Educated Other than at School or College. This group of children may be educated outside a school or college for a variety of reasons, including for health reasons or through parental choice. We feel that the needs of deaf children and young people in this category must be addressed in the legislation.

We have some concerns about the Children and Young People's Consultation exercise on this White Paper. We consulted with a group of deaf pupils on the proposals (the response has been submitted separately). The pupils and teachers found the children and young people's document to be difficult to understand. We also have concerns about the consultation exercise in schools and colleges and whether deaf children and young people were included in the process with their opinions and voice being heard. We would welcome discussions with the Welsh Government about the next phase of consultation on the Code of Practice to ensure that the documents and process are truly child-friendly and that deaf children and young people are properly involved.

This response from the National Deaf Children's Society has been endorsed by the British Deaf Association.

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: ☐

ALN076: Children & Young Peoples Forum National Deaf Children's Society

The National Deaf Children's Society Cymru facilitated a discussion on the Welsh Government's proposals for reform of additional learning needs with a group of 10 pupils at the Hearing Impaired Unit at Llanishen High School, Cardiff. The ages of the pupils ranged from 12 to 16.

The discussion focussed on the three goals outlined in the children and young people's consultation document

Goal 1 – a single law about how to support children and young people aged 0 – 25 who need help with learning

Goal 2 – One system of working together so that all services can step in early with the right support for children and young people who need help with learning.

Goal 3 – Clear information, advice and support which is fair to everyone if things go wrong or they don't like a decision

Summary of discussion

Goal 1:

Much of the discussion focussed on the concept of person centred planning, which is central to the proposed reforms. At present most of the pupils are involved in deciding what kind of support they need, largely through discussions with their parents who then liaise with teachers at school.

There are occasions when pupils decide that the support that is provided in their IEP or statement is not what they want or need. One example cited was the use of radio aids in classrooms. A group of pupils were having problems with their radio aids and didn't want to wear them. One pupil said,

“I stopped wearing them. We were talking to some of the [hearing impaired] unit teachers and said that we didn't want to wear them. One of the reasons was the radio aids were making a crackly sound and it was interfering with us, we couldn't actually hear or understand what the other teacher was saying, so we found that a little bit annoying... What's the point of wearing radio aids when we can hear well without them?”

The pupils didn't stop wearing the radio aids immediately – a diary was kept for a while and several different options were tried. Eventually it was agreed that the pupils could manage well without a radio aid. The pupils felt happy that they were able to change elements of their IEP through negotiation with the teachers.

In another case concerning radio aids a pupil had been using a radio aid in primary school but had found it annoying and had stopped using it. When she moved to secondary school she had not been wearing a radio aid in primary school for some time. But as time progressed the pupil realised that she would benefit from a radio aid and she asked the staff at the Hearing Impaired Unit if she could start using one again. When asked how she felt being able to decide herself she said, "Brilliant, I felt more confident."

Another pupil was studying for GCSE and finding one of the subjects difficult and was keen to drop the subject in order to focus her attention on English. It was a long process of negotiation between the pupil, her parents and teachers but eventually the pupil was allowed to drop the difficult subject so she could have a better chance of getting good grades in English and be able to return to the sixth form. The pupil was very proud that she was able to assert her wishes and be at the centre of planning her education and learning needs.

One pupil had issues with her music exam when she was asked to listen to sounds and music, which she found difficult because of her hearing impairment. The pupil was confident enough to tell the teachers about the difficulty and had a choice to dis-apply if she wanted.

Llanishen High School has found an innovative method of ensuring that deaf pupils' learning needs are widely known across the school. A video was made with one deaf pupil explaining to teachers how his needs could be met.

"In the video I asked them to explain things to me in an easier way and to face me when speaking to me".

The school has also introduced a one page pupil profile document where pupils with learning needs can write about themselves, what they are good at, what they want teachers to know and what support they need. Most of the pupils in the group had completed this form and welcomed the opportunity to write the document.

"It was quite a good idea. Everybody needs to know what they want to make things go better in future"

When asked how they felt about the government wanting to put children and young people at the centre of planning their additional learning needs all the pupils liked the idea, but one pupil said,

"I don't believe it. They don't want to pay more, they haven't enough money."

Goal 2:

The pupils welcomed the idea of all information about their needs being in one document, including health and social care needs.

“Yes it should go on the profile – so they know why they’re on medication”

All the pupils in the group had an opportunity to take part in their annual review, even if it was only for a short time. They felt that it was important for all people involved in providing support for them to be at these meetings

“In primary we had a speech and language therapist who helped us pronounce words. I have problems with s and k. They know what my problem is going to be. Because they record it there I’m happy for them to be there [at the annual review] so you can say what you need”

One pupil in the group was about to leave Llanishen High School for college. When talking about the transition he said,

“I asked the teacher [at the Hearing Impaired Unit] to write a form about me to get the support. I talked to the college about the support I need. I was quite nervous and a bit worried about what will happen in the future. I think a better system is needed for that”

Goal 3:

When talking about what happens when things go wrong, or they are not happy with the support they get, at the moment the pupils depended on speaking to their parents who then come to the school to sort out the issues.

The pupils who had had problems with the radio aids were happy that the issue had been sorted quickly in the school.

The main issue for the deaf pupils at Llanishen High School was the lack of deaf awareness amongst staff and pupils. In May 2014 the deaf pupils created their own morning assembly to coincide with Deaf Awareness Week highlighting what was difficult for them in school and what people could do to make their lives better. A poster competition was held with hearing pupils designing a deaf awareness poster. The winning poster is attached and will be put in each classroom in Llanishen High School.

ADDITIONAL COMMENTS

The teachers and pupils found the children and young people's consultation document very difficult to understand. These pupils do not have a learning disability; they have a hearing impairment which means they need additional support in class. The group would have preferred a document that was easily understood and written in a truly child-friendly way.

NDCS Cymru also has concerns about the consultation exercise with children and young people in schools and colleges and whether deaf children and young people were involved in the process and their views and opinions heard.

NDCS Cymru would welcome the opportunity to work with the Welsh Government on the next phase of the consultation on the Draft Code of Practice to ensure that the documents and process are truly child-friendly and that deaf children and young people are properly involved.

About Us

The National Deaf Children's Society (NDCS) is the national charity dedicated to creating a world without barriers for deaf children and young people.

We represent the interests and campaign for the rights of deaf children and their families. In referring to "deaf", we refer to all levels of hearing loss, including mild, moderate, severe, profound, and temporary hearing loss.

There are around 3,000 deaf children in Wales. 90% of deaf children are born to hearing families with little or no prior experience of deafness.

Deafness is a low incidence SEN / ALN and disability. This means that mainstream schools and local authorities are likely to be less familiar with the needs of deaf children. Around 90% of deaf children attend mainstream schools where, in many cases, they may be the only deaf child in that school. As a result, deaf children are particularly reliant on specialist support services for deaf children, which employ Teachers of the Deaf and other specialist staff, in order to ensure that their families and teachers get the advice and support they need.

ALN079: Ruth Davies
Monmouthshire Specific Learning Difficulty Service

Question 1 – New terminology

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

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

The term ALN includes a broader range than the term SEN and is therefore a more inclusive term

- 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

Professionals involved should be appropriately trained. Universities and colleges need to look at their procedures to ensure that students can cope with the demands of courses.

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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Legislative proposals for additional learning needs Responses 61-80

Supporting comments

It needs to be a legal document but we feel that it is still important to have an IEP with SMART targets

- 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

If it is a statutory document then yes.

Question 3 – A new code of practice

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

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

This needs some clarification as to how it would work across local authorities etc

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 61-80

Question 4 – Securing provision

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

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

It is important for young people to continue to receive the support they need when they leave school

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

Question 6 – Placement at independent schools

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

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

It is important for young people with ALN to have access to suitable and appropriate provision in line with what has been identified on their IDPs

Legislative proposals for additional learning needs Responses 61-80

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

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

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

It is only through effective multi-agency working and information sharing that the needs of young people will be met

- 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 is important for everybody involved to be present at multi-agency meetings. There need to be more opportunities for agencies involved to meet/communicate.

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

As long as it is a legal document

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

Strongly agree as this should result in less tribunals

Legislative proposals for additional learning needs Responses 61-80

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

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

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Question 10 – Extending the right of appeal

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

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

Need clarification on this-could this result in more tribunals?

Question 11

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

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

ALN080: Cliff Warwick

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

ALN is a more appropriate term than SEN for the development of a more inclusive education system. However, the impression given is that it is just a change of name. For this to be a real step forward, the definition needs to encompass all who are significantly short of realising potential achievement in key areas of learning, no matter what the cause. There are dangers of repeating the drawbacks of previous legislation in limiting the definition to

certain types of difficulty.

- 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 proposal is a really positive step forward. However, there would appear to be significant shortfalls in the range of appropriate ALN post-16 provision across Wales. There is a danger that Local Authorities will limit the ALN provision made to what is available rather than plan strategically to develop an appropriate diversity of provision.

The key priorities for post-16 students with ALN is education to develop them for employment and to maximise their capacity for independence. The Regional Employment initiative, 'Real Opportunities' that has been operating for the last 5 years in South Wales has shown the sort of provision that is needed.

Question 2 – Individual development plans (IDP)

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

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

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

IDPs are an innovative and refreshing way forward. In my view the Person Centred Planning (PCP) methodology used for their development facilitates an

inclusive way of personalising learning that is consistent with the approach to teaching and learning advocated through other school improvement initiatives such as the Masters in Education Practice (MEP)

One of the key findings of the 2007 Preliminary Consultation was the 'post-code lottery' phenomena across Wales. The massive inconsistencies in policy and practice was creating an unfair system, which was rarely good. I have already seen examples of schools simply changing the name of their IEPs to IDPs without introducing any person-centred element.

The PCP approach involves a complete change of attitude and practice and it is difficult to see how appropriate and consistent implementation of this change is to be achieved without a centrally driven training programme for local authorities, Estyn and all education providers. Guidance in the new Code alone is very unlikely to achieve this.

Ideally, an electronic system should be adopted for the IDP that enables a shared approach to the development of the IDP and for on-going communication and review. It is highly desirable to ensure a common format and approach across Wales.

Legislative proposals for additional learning needs Responses 61-80

- 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

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Question 3 – A new code of practice

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

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

All available evidence indicates that insufficient 'regard' is paid to the current

SEN Code. The overwhelming consensus emerging from the Preliminary Consultation indicated the need for measures to secure consistent compliance.

- 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

It is difficult to see that without this measure, there will be a consistent application of the new legislation in FE colleges

Legislative proposals for additional learning needs Responses 61-80

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

It is difficult to see that without this measure, there will be a consistent application of the new legislation in other post 16 provision

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 essential to protect children's entitlement

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

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

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

This is an important aspect of the reforms as there is a need for much better systems and protocols than at present.

Legislative proposals for additional learning needs Responses 61-80

- 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

To really 'get it right' for children with severe and complex needs and their families, there needs to be a requirement for a shared approach in making provision. There are too many examples whereby there a lack of inter-agency cohesion adversely affects outcomes for such children.

Evidence indicates that for children and adults with more complex needs, the appointment of a key-worker to act as a link between agencies is a significant determinant of effective inter-agency working. The reforms would be much improved with the stipulation that the agency providing the greatest amount of specialist provision is charged with making such an appointment

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

This is a very welcome change.

Legislative proposals for additional learning needs Responses 61-80

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

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

This is a sensible measure, providing the timescale for the disagreement resolution is short.

Question 10 – Extending the right of appeal

Legislative proposals for additional learning needs Responses 61-80

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.

1. There is reference to Quality Assurance on page 13 of the White Paper and the intention of the Welsh Government to work with Local Authorities to improve the quality of QA processes. Whilst there may not be a need for a change in legislation to ensure an effective QA system is in place, it is disappointing that there is not a greater recognition on the need for this aspect of ALN provision to be improved.

The Preliminary Consultation concluded that this element of the SEN reforms was essential to secure greater accountability and consistency. Encouraging progress was made within the pilot projects in developing a system that could be applied across Wales. It would seem vitally important that this is embedded within the future Code of Practice.

2. The proposal to require Governing Bodies to appoint an ALNCo is appropriate. However, in England there is a requirement that they are qualified teachers and that there is mandatory training for newly appointed ALNCos. These additional measures have done much to underline the importance of these appointments and to secure greater consistent quality. Equivalent measures are equally important for Wales.

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: ☐