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ALN081: **Meg Shepherd**
 Wrexham Maelor Hospital

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

Newborn Hearing Screening Wales is pleased to note that the new terminology

embraces a wider spectrum of needs than the earlier consultation document. This is a crucially important point for children with a hearing loss, particularly those with a 'mild' or 'moderate' loss who are mainstreamed. It is easy to lose sight of the difficulties that the classroom environment poses for these children in terms of listening and learning. Without ongoing specialist support and guidance for these children and their teachers, the advantages procured by early identification of hearing loss and early fitting of hearing aids will be all too easily lost.

- 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

Providing support across this broad age range will require close working between Education and partner agencies. At the early end of this spectrum, this will require close and formally recognised multi-agency working between Education and the specialities in Health who provide the earliest contact and support for families and babies with a hearing loss - this includes Audiology, Speech and Language Therapy, Physiotherapy, Paediatrics, Learning Disability Teams etc, as well as the specialist provision from Cochlear Implant Centres and in-patient and out-patient ongoing care from hospitals such as Alder Hey.

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

Our concerns with the provision outlined in the current document is the implicit assumption that generic, rather than specialist, input would be sufficient to ensure ongoing progress and development in children with ALN. Children with a hearing loss require specialist input from professionals who are trained and have knowledge and experience in the impact of deafness on language, literacy, numeracy and learning. Newborn Hearing Screening Wales was implemented in Wales in 2004 with the aim of identifying babies with a hearing impairment of significant severity to cause or potentially cause a disability without the introduction of habilitation in infancy. The evidence considered by the NSC before the introduction of the programme showed that the earlier support is provided, the better the child's outcomes in terms of communication, social and emotional well being and educational achievement. Indeed, intervention prior to 6 months of age is linked to statistically significant improvements in performance compared to intervention after 6 months of age. NBHSW outcome data from a cohort of children at 30 months of age showed the positive impact of early identification and support on the use of language and the development of early grammar. Maintaining the improvement in outcomes for hearing-impaired children depends on the continuation of specialist input and multi-disciplinary support for baby and family from early in the child's life

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

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

For NBHSW, multi-agency working from 0 years onwards is a prerequisite for all children identified with hearing loss. The emphasis should be on the multi-agency aspect of this and there should be flexibility built in to the process at the earliest stages post-diagnosis to allow the primary responsibility for planning and review to be taken on by the most appropriate agency. In the years 0-2, this is likely to be Health, who are best placed to ensure that input from Education, Medical and Healthcare professionals and specialist agencies is coordinated to maximise the child's development and support for the family.

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 type="checkbox"/>
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Supporting comments

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

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

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

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

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Legislative proposals for additional learning needs Responses 81-100

Question 5 – Securing specialist provision for young people

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

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

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Question 6 – Placement at independent schools

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

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

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

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

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

Newborn Hearing Screening Programmes have been introduced in all the countries of the UK on the advice of the UK National Screening Committee (NSC). Screening programmes should not be offered as apart of NHS care unless they are recommended by the NSC, which applies defined criteria to the available evidence before making its recommendation. These criteria include the requirement to be able to demonstrate that early intervention is beneficial, and also the requirement to be able to provide this intervention at the time a baby is diagnosed.

As a programme, therefore NBHSW promotes multi-agency working and integrated provision for babies and young children identified with a bilateral permanent hearing impairment at a moderate or worse level from the point at which they are identified with a hearing loss (this can be in the first few weeks of life). Evidence shows that, to be effective, this provision needs to be introduced as early as possible. Early identification of hearing loss is of itself insufficient to overcome the delays to communication, social and learning skills which are attendant on the reduced or absent access to speech and other acoustic cues caused by hearing impairment. Specialist, multi-agency input in the first weeks or months of life to support the child and family is crucial to

minimise the impact of hearing loss.

- 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 would benefit from taking into account other sources of guidance and good practice on multi-disciplinary working for children with hearing loss. Paediatric Audiology teams in Wales are regularly audited against the 'Quality Standards for Paediatric Audiology (Wales)' and I would draw attention specifically to Standard 8 'Multi-Agency Working'

Question 8 – Supporting looked after children

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

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

Legislative proposals for additional learning needs Responses 81-100

Question 9 – Resolving disputes at an early stage

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

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

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

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

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.

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

Legislative proposals for additional learning needs Responses 81-100

ALN082: **Teresa Winiarski**
 Merthyr Tydfil County Borough Council

Question 1 – New terminology

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

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

1 This legislation will allow a more flexible approach to how pupil needs can be managed

2 It will include all pupil needs and therefore ensure support is more equitable for the wider group, rather than having a narrow and often imprecise cut-off for support. This however will create resourcing issues if services are not well structured and prepared for the change.

3 The SEN / ALN debate often centres on medical diagnoses or lack of. This move will remove this distinction, and also remove uncertainties and delays caused by slow or no diagnoses that may have arisen for a wide variety of reasons.

HOWEVER:

4 This new terminology will capture a much larger group of pupils that will further strain LA and stakeholder partners budgets

5 LA and stakeholder partners will need to be absolutely clear on criteria for support, and would require significant input from Welsh Government to ensure that there is not wide differences throughout Wales, creating a post-code lottery for support

6 If this legislation is to incorporate the impact of deprivation on educational attainment then the financial strain placed on the LA would be enormous, especially given that the Pupil Deprivation Grant is fully delegated to schools.

7 Guidance needs to ensure that the information given to/produced for parents and carers is clear and transparent

8 There needs to be clarity on the initial assessment and monitoring tool/measure to ensure that all stakeholders work to the same criteria regardless of LA or Health Board, and that parents and carers fully understand the reasons behind decisions

9 Guidance needs to clarify the review process - Statements of SEN were reviewed at minimum once a year but if the definition is to be broadened this will not necessarily be the most useful timeframe as needs change with greater fluidity for some ALN.

Legislative proposals for additional learning needs Responses 81-100

- 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

1 There are pros and cons to this

PROS

a) It would allow a more effective transition for those pupils with ALN who have been educated within a special school or other specialist learning setting and who may need a more supportive scaffolding to be in place in order to move into adulthood

b) It would be in line with PCP planning and the PCP review processes that have

been developed over recent years.

c) it would ensure that those vulnerable learners who leave school and move to FE, training or WBL are not left to cope on their own once they have made their initial transition. A wide variety of factors may lead to initial placements breaking down, so this guidance change is the opportunity to safeguard this transition

CONS

a) Quality assurance would be difficult given the wider range of stakeholders and providers

b) How would this additional support be funded?

c) Who would be responsible for post-16 and post-19 pupils, who would be responsible for data management, how would governance work and who would be held accountable for the statistics? The LA would need to have the support of many stakeholder partners all willing and able to share information before this could be effectively implemented.

d) Definitions and criteria need to be very well defined, and should be used to manage the level of support that is on offer. There is a significant difference in cost of support between "good enough" and "aspirational". It is often difficult to manage expectations of parents due to a lack of clarity about what support they are entitled to

e) Critical stakeholder partners (e.g. housing for post-18s) are rarely involved in the current process - there needs to be clear guidance from Welsh Government as to the necessary stakeholder partners and consequences for not participating.)

f) There is a need for some form of graduated gradient of review, with a matrix for monitoring. This may necessitate a step-up or step-down referral requirement that needs to be clarified.

g) Data management and target setting is key if children and young people are not to carry an IDP for longer than absolutely necessary.

h) There is a need to develop a template so that shared aspirations can be drawn up to alleviate difficulties of stakeholder partners, parents and pupils expecting different things from the IDP process.

Legislative proposals for additional learning needs Responses 81-100

Question 2 – Individual development plans (IDP)

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

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

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

1 Whilst the IDP is in itself a useful tool and would appropriately replace Statements of SEN and non-statutory plans for School Action Plus pupils, it would be unsustainable to use these for reviewing pupils at School Action.

2 The IDP will however allow much more flexibility in defining the support needs of pupils, and will allow for more timely changes in provision as the current Statementing process can often be too slow to adapt. This could be maintained for SA+ and those pupils who would currently meet criteria for a statement, but would not be sustainable for SA level pupils because they often have short bursts of intervention and the IDPs would be too timeconsuming to maintain.

HOWEVER

3 Conflicting organisational and statistical obligations that are demanding of stakeholder partners need to be considered, and Welsh Government and parent organisations need to be encouraged to streamline their demands to ensure that duplication is minimised.

Legislative proposals for additional learning needs Responses 81-100

- 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

1 The local authorities currently do not have the capacity or structure to be able to follow up all pupils 0-25. If this were to be the case the questions that arise are of

- a) funding of human resource to sustain the process
- b) accountability for development of plans
- c) consequences for stakeholder partners in terms of non-engagement with the process
- d) consequences for the individual child/young person and their families of engagement and non-engagement in the process pre-and post-school.
- e) responsibility for producing and maintaining, and consequences of not complying with WASPI arrangements for data sharing between LA and other stakeholder partners dealing with children and young people 0-25, in order for the local authorities to adequately track and manage this process.
- f) It is vital for the success of this new process that education (including pre-school, FE and training provider settings), social services, health and third sector are all seen as equally responsible for supporting pupils and working together to produce these plans.

g) How would LAs manage this, how would data sharing be done - many face to face meetings in addition to the annual reviews would be expensive for all organisations involved, but there is no suitable reliable on-line system that could be used currently to facilitate this. Data sharing with Health is a particular problem currently, so this would need to be overcome before sustainable sharing of data on a more frequent basis for a larger group of children and young people could be effectively implemented.

Legislative proposals for additional learning needs Responses 81-100

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

1 This clarification is important and extremely useful in ensuring that all stakeholder partners are fully conversant with their responsibility and accountability for supporting young people
2 There will be a resourcing issue to be resolved before this could work, as well as clarification of how this would fit alongside the statutory responsibilities of organisations currently. The Welsh Government and parent organisations need to commit to streamlining data requirements to fit the process and reduce duplication
3 It is critical that social services are involved in this - has there been an omission of SSD in the list above?
4 Participation for stakeholder organisations needs to be mandatory, and consequences identified for non-participation.

- 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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Legislative proposals for additional learning needs Responses 81-100

Supporting comments

1 Agreed, but it is important that there is a very clear definition of 'best endeavours' This is a weak statement and will lead to gaps and loopholes that may lead to inconsistent support provision across and between local authorities

2 If this process is to be maintained for all children and young people with ALN from 0-25, there will need to be a huge input from Health. What will this look like, and what are the consequences for non-engagement or lack of involvement of certain agencies through resourcing issues (e.g. CAMHS, clinical psychology).

3 Guidance for this legislation needs to be integrally linked to the Youth Engagement and Progression Framework, and have mandatory and statutory links to the work of Careers Wales.

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

1 This can only be implemented if other stakeholder partners are mandated to be involved in the support process. The enormous number of provision and support opportunities even within a local authority may make this difficult for those post-16 and particularly post-19. If this is extended to provision outside of the home local authority, the resource implications will be very difficult to manage and sustain.

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

1 This issue is already picked up by Local Authority groups such as Multi-Agency Placement Panel (MAPP) or SO31 and so should be no different

2 Sometimes it is necessary to secure emergency placements in residential settings which will not meet this - this can be managed as it is currently as long as the placements within these settings are only short-term, and the child/young person moved to an appropriate setting as soon as possible.

3 This mandate will create and ensure closer links between Social Services, education and health with LAC in the care of these individuals.

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

1 This is a critical factor in ensuring full and consistent support for children and young people with ALN.

2 Have social services been omitted intentionally or in error?

3 Will there be clear guidance on how this will work with parent/carers with learning needs and limited capacity to make and give informed decisions?

4 This process will require the LA to implement and manage a WASPI - will there be guidance on consequences for non-engagement and non-compliance by stakeholder partners?

5 Should parents also be mandated to provide information? Should there be an Opt Out rather than an Opt In for data sharing? How will this be managed, especially in the light of human rights to privacy?

6 The benefits of sharing information in this way is clear, but the issue of confidentiality is critical.

7 How often is the information sharing reviewed, and what are the resource implications for providing it each time? Would all organisations need to update each time?

This process is currently hampered by

a) wide differences in organisational priorities

b) limitations of budget

c) service imperatives and targets, including WG performance targets

d) significant differences between stakeholder partners in definitions, use of

language and triggers and boundaries regarding criteria for support

e) It is vital for the success of this new process that education (including pre-school, FE and training provider settings), social services, health and third sector are all seen as equally responsible for supporting pupils and working together to produce these plans.

f) There needs to be clarification about the process for complaint about data that is shared.

Legislative proposals for additional learning needs Responses 81-100

- 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

1 The legislation needs to ensure that parents and the child/young person are fully involved at all points in the decision-making processes regarding their provision and support, reducing as far as possible the bureaucracy and formality attached to the current Statementing process, which can seem impenetrable and difficult to understand. The Statementing process has the potential to be perceived as if it is being 'done to' the individual, rather than is something that the individual has a stake in.

2 Multi-agency partnership working tends to only be as effective as the commitment from individuals and organisations allow it to be. There is no consistency from organisation to organisation, and no consequences if they do not fully participate. It is vital that multi-agency working is strengthened and consequences identified for all stakeholder partners who do not fully engage

3 It is vital for the success of this new process that education (including pre-school, FE and training provider settings), social services, health and third sector are all seen as equally responsible for supporting pupils and working together to produce these plans.

Question 8 – Supporting looked after children

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

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

1 This needs to fit in with the many other assessments and panel processes that the LAC children and young people are involved in. The current systems are not well integrated, and occur alongside each other creating duplication and potentially leading to organisations prioritising one system over another. Legislation will ensure that organisations work toward full integration of panel processes to reduce duplication.

2 Is LAC to be seen as an ALN on every occasion, and if so is this appropriate?

3 The IDP reviews and LAC reviews need to be streamlined to reduce duplication or they will not be sustainable

Legislative proposals for additional learning needs Responses 81-100

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

1 There will be a better service to children and young people if this happens, and will provide better mechanisms for ensuring earlier interventions and better relationships. From a parent perspective there needs to be greater and clearer opportunities to resolve and mediate without escalation. This is difficult throughout Wales currently, as the LA complaints processes are not always transparent or swift.

2 Good communication is vital, but this needs resourcing preferably with the facility to provide single point of contacts for parent/carers and stakeholder organisations. Is this disagreement resolution arrangement likely to be consistent throughout Wales, or different in each LA?

- 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

1 It will be useful if this is outlined within the legislative framework and is likely to reduce the recourse to tribunal. It would also offer parents an alternative route to support other than the expense of law firms who may have varying degrees of expertise and success in managing the mediation of SEN/ALN support issues

2 It is critical that this legislation and guidance is linked to the Youth Engagement and Progression Framework, and to the contract that Welsh Government have with Careers Wales.

Legislative proposals for additional learning needs Responses 81-100

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

1 There is however a need to clarify governance, funding and accountability for tribunals for pre-school and post-16 individuals. Whilst the basic premise is sound, this will need careful planning and resourcing if there is to be a seamless move to 0-25 coverage of IDPs that will not result in a significant number of cases taking recourse to appeal to 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.

1 As with all new ways of working, there will need to be clarity for stakeholder partners regarding roles and responsibilities, and funding to ensure that this can be implemented alongside the current system during the initial stages of implementation. The main stakeholder partners are not sufficiently set up to manage this transformation with current resources.

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

Legislative proposals for additional learning needs Responses 81-100

ALN083: Susan Woodward
Newlife Foundation for Disabled Children

Question 1 – New terminology

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

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

The term captures the whole range of need, from low/minimal to highly complex. We are particularly concerned, however, that the term should be used in the widest sense to include not just sensory or intellectual barriers to learning but also the need for appropriate specialist equipment in order for a disabled child to maximise the impact of his/her education.

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

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

This will hopefully address current concerns around transition but the period from late teens to 25 must focus on future options so that 25 does not become a new cliff edge. In particular, significant physical development occurs at this stage of life and the need for timely replacement of specialist equipment must be factored in.

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 will be very resource-intensive and this must be reflected in budgeting including resources for regular assessments and provision to meet assessed needs.

Legislative proposals for additional learning needs Responses 81-100

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

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

Local authorities are ultimately accountable to the public and any new system should aim to be as transparent as possible. However, some consistency in the application

of new regulations across local authorities must be promoted (eg via a country-wide framework) while not sacrificing flexibility in meeting the needs of the individual.

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 would bring some clarity to a system that is currently confusing and inconsistent. We would want to see mandatory timescales for assessment and the provision of specialist equipment.

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

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

The term "best endeavours" is rather loose and may be used as an excuse for poor provision. Perhaps a minimum standards guarantee, including for assessments and the provision of specialist equipment, would avoid this. The framework needs to be realistic but also to preclude any loopholes.

Legislative proposals for additional learning needs Responses 81-100

Question 5 – Securing specialist provision for young people

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

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

We believe that local authorities should oversee provision in their localities but, as funding will come directly from the Welsh Government, accountability must ultimately rest here (notwithstanding the proposal to devolve funding via the Revenue Support Grant).

Question 6 – Placement at independent schools

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

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

As indicated in the consultation document, this should bring greater transparency and enable more informed decisions by parents/carers.

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

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

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

This must be reflected in a joint responsibility for ensuring that appropriate systems and finances are in place, not least for the provision of specialist equipment.

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

Supporting comments

See above: pooled budgets, sufficient to meet need, must become a reality if any new system is going to avoid both cost-shunting and blame-shunting.

Legislative proposals for additional learning needs Responses 81-100

Question 8 – Supporting looked after children

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

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

Yes, as it recognises the whole range of “additional needs” which will apply to a looked-after child. We are aware that, despite statutory guidance on fostering services in England (*The Children Act 1989, Guidance & Regulations Vol 4, 3.52*), which states that local authorities “must make sure that each child.....is provided with any aids or equipment required by particular health needs or disability”, it is too frequently the case that such aids and equipment are not provided. We would hope to see such guidance included in the current review, and implemented.

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

There should, however, be consistency across local authorities in ensuring arrangements are in place to resolve disagreements at the earliest possible stage so that children's needs are met without unnecessary delay.

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

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

This would depend on the timescales involved and should not become a cul-de-sac which delays the support a child needs.

Question 10 – Extending the right of appeal

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

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

Parents/carers are usually the “experts” in relation to their own child’s needs and this would allow them to exert their influence.

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 have a particular interest in the provision of specialist equipment for disabled and terminally ill children, as you will have seen from the responses above. We know that the timely provision of such equipment can significantly enhance the life-chances of such children, improve their health and well-being (and that of their carers) and prevent more expensive higher-level interventions in the future.

As a charity, we have provided specialist equipment – from buggies, car seats and wheelchairs to specialist beds and seating systems – to almost 500 children in Wales since 2005 at a cost of £585,424. This shows the level of unmet need in Wales and we trust that there will be an explicit commitment in the new legislation to the timely provision of appropriate specialist equipment.

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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ALS084: **Rob Merrill**
 Neath Port Talbot Council for Voluntary Services

General summary

The proposal to harmonise the legislative framework for people with additional learning needs for children and young people and for those accessing post 16 education and training is very much to be welcomed. This will close what is very much an artificial gap and ends the current inefficient, and for many young people and their parent carers frustrating, disconnect between services.

Specific Issues

- The replacement of statementing as an 'all or nothing' process with a tiered approach based on person centred evaluation of need is also to be welcomed. This will, as noted, avoid the current pressure on parent carers to press for (sometimes inappropriate) statementing as the only perceived way of accessing services.
- These proposals will help to smooth that most difficult of periods, - the transition from young person to adult- for some of the most vulnerable people within the education system.
- The incorporation of SEN statements, Post 16 assessments and IEP's into a single process will be a huge step in improving the consistency of provision within individual Local Authority areas, as well as reducing dislocation and increasing transparency.
- The right of appeal to an independent tribunal on issues around the right to and content of the new IDP's will provide a much needed safety net for young people and their families in what can often seem a lonely struggle for services. The role of independent advocacy (including mandatory advocacy where necessary) will continue to be critical to the successful outcome of often complex cases – as such the recognition in this document of the central role which advocacy has to play is to be welcomed.
- However the right to appeal to a Tribunal should, as is noted, be a last resort. The ability to challenge and/or change the content of the new IDP without excessive bureaucracy and without the fear of losing services is essential. The Individual Development Plan must be a living document, easily modified as age and individual circumstances require, and signed up to by all partners.
- Proposed changes in current terminology, although superficially a minor issue, are very encouraging both from the point of view of reducing stigma - and therefore preconceptions about - people with additional needs, and from the point of view of clarity and consistency of understanding.

Legislative proposals for additional learning needs Responses 81-100

- It is evident that a very strong lead will be needed from Welsh Government in moving this agenda forward, and that too much weight given to local variations will not be helpful in attempts to achieve consistency nationally. This will be of particular importance to parent carers whose personal circumstances require them to move across Local Authority boundaries during the course of a child's education.
- We have some concern that the wording of Proposal 6, which requires maintained schools, FE Institutions and PRU's to 'use their best endeavours to ensure that the additional learning provision set out in a child or young person's IDP is provided', seems weak, and may allow too much leeway for reasons to be advanced why the required provision may not be put in place.
- Increased focus on the duty to share information (Proposal 12). This is an essential and very welcome provision. Historically the lack of effective sharing of information between organisations has been a major barrier to effective holistic assessments.
- Effective training in the modified ALNCO role will be a crucial component in the success or otherwise of the proposed new arrangements. Will there be a national approach to such training?

ALN085: **Andrea Wright**
 Wales Pre-school Providers Association

Question 1 – New terminology

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

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

This term will help to achieve an inclusive system that reflects all needs and help to promote early identification and intervention, it will reduce inequality and inconsistent approaches across Wales

Legislative proposals for additional learning needs Responses 81-100

- 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 system provides a more holistic approach when assessing the needs of a child and will remove barriers to accessing the right support and interventions. It should give a more flexible response to a child/young persons changing needs

Question 2 – Individual development plans (IDP)

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

Agree	<input 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

This is fine providing that there is a clear and binding legal responsibility to the child, that the needs identified in these documents are met and that services that are recommended should be available

- 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

Who would be responsible for initiating the first IDP. If a child is of pre-school age what provision would be made for a child attending a non-maintained nursery or playgroup setting, how would any provisions recommended on the IDP be funded in the private/voluntary sector.

Legislative proposals for additional learning needs Responses 81-100

Question 3 – A new code of practice

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

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

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

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

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

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

This should also include provision in the private/voluntary sector such as registered Day Nurseries and Playgroups. Also additional funding should be available for those provisions providing education in the non-maintained sector. Who is going to be responsible for training and funding in these provisions.

Question 5 – Securing specialist provision for young people

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

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

This would provide for long term planning and a more holistic approach to the transition between child and adult services

Legislative proposals for additional learning needs Responses 81-100

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

Should always have the capacity to look on a case by case basis to ensure that child has the best provision to meet their needs wherever possible

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's really important that there is a multi-agency approach with sharing of information and planning. It is important that this approach can be enforced and that agencies overcome any issues with data protection and confidentiality.

- 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 sharing of information needs to be effective otherwise this will be a barrier to early interventions. Partnerships need to be flexible and pro-active in their approach. Information sessions and literature needs to be available for both professionals and families. There is a need for an awareness of what the law requires for both professionals and families

Legislative proposals for additional learning needs Responses 81-100

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

It is important to remove inconsistencies and unfairness so that every child/young person receives the same statutory plan as this will give a more flexible approach to making future changes when required based on the individual needs of the child, they should be an integral part of the LAC's overall care plan and all agencies and organisations should be included in all of the plans and reviews along with provision for funding.

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 speedy and timely and independent

- 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

There should be robust time frames to follow to ensure that there is minimal gap in provision for child/young person

Legislative proposals for additional learning needs Responses 81-100

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.

If IDP are potentially going to be issued from age 0 then it is imperative that there is consultation with both private and third sector who provide a huge amount of services for families and children with additional needs. Organisations such as WalesPPA provide a wide variety of support in the pre-school sector. What provision will be made under these plans to ensure that these organistaions are funded for the services that could potentially

provide and the training needs of their staff. Early intervention is key to IDP success and the contribution of the voluntary sector should not be under estimated.

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: ☐

ALN086: **Nigel Pattinson**
 National Association of Principle Psychologists (Wales)

Question 1 – New Terminology

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

Agree ☐

Disagree ☐

Neither agree or disagree ☒

Supporting Comments

The term ‘additional learning needs’, is more focussed than the previous suggestion of ‘additional needs’. However, what will be most important about any new definition will be its absolute precision and specificity. It would be helpful for any new definition to work in a complimentary way with other definitions such as those used within other related fields such as ASD, Spld Frameworks etc.

It should be noted that the previous definition was well established through legislation, the Code of Practice and case law.

Continued...

The new definition should allow for clear distinctions between different levels of need in such a way that there can be clear differentiation of processes between those with lower level needs and those with more severe and complex difficulties.

Children and young people with the most severe and complex needs should be entitled to the highest and most specialised levels of provision and this implies more detailed, multi-agency assessment, planning and co-ordination.

Thus the definitions used should link up clearly to the processes that support identification, assessment and provision.

Legislative proposals for additional learning needs Responses 81-100

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

Agree ☐ Disagree ☒ Neither agree or disagree ☐

Supporting Comments

While the increase in the age range of young people to be included within the proposed new system may make some sense in principle, it will be undeliverable within the current legislative framework. Local Authorities do not have the capacity or resources to manage the new responsibilities that will follow under the proposed expanded age range.

A fundamental principle should be that, even if the proposed new system remains a common one to the age of 25, responsibility for the implementation of that system should rest with the providers at each level and not with Local Authorities who have only limited responsibilities for part of this age range.

Question 2 – Individual Development Plans (IDP)

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

Agree ☐ Disagree ☐ Neither agree or disagree ☒

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

Agree ☐ Disagree ☐ Neither agree or disagree ☒

Supporting Comments

Far more detail is required about the proposed Individual Development Plans, and the identification, assessment and planning processes that will underpin them. There will need to be prescribed processes which, as noted above, should differentiate the approach used for different levels of need even if the overarching IDP format will be similar or the same.

It may well be that for a high number of children and young people with more mild to moderate, or specific, additional learning needs more limited, tailored plans are more appropriate than a holistic, overarching IDP.

Children and young people with more severe and complex needs will inevitably still require full multi-disciplinary assessment.

A further issue may be the age appropriateness of a common format, for example, a plan relating to a young adult should perhaps have a very different look, content and structure than a plan for a four or five year old. There should also be an expectation that the degree of involvement of the child or young person at the centre of the plan should increase with increasing age.

We would also like to make the point that the assessment process is equally as important as the IDP or plan format. Any new Code of Practice should lay out in clear detail the expectations for assessment that should underpin an IDP or plan. We would argue that the role of the Educational Psychologist in contributing to assessments, and thus the content of plans and specification of provision, is absolutely central for a high proportion of children and young people with SEN/ALN.

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

Agree ☐

Disagree ☒

Neither agree or disagree ☐

Supporting Comments

Responsibility and accountability for IDPs for children and young people aged 0 – 25 with ALN cannot solely rest with Local Authorities. It is inappropriate for an organisation to be responsible for issues for which it holds no legal responsibility, resources or influence. For the most part, the clear principle should be that responsibility and accountability should rest with the organisational level that holds the legal responsibility and the funding.

As a separate, but still important, issue, we would note that increasing the age range as proposed implies a potentially huge increase in the numbers of children and young people who may hold an IDP and this increase in demand will bring attendant requirement for resourcing.

Legislative proposals for additional learning needs Responses 81-100

Question 3 – A new Code of Practice

- a) Do you agree that a new Code of Practice on ALN should include mandatory requirements in accordance with which Local Authorities, Schools, Further Education Institutes, Local Health Boards and the Tribunal must act?

Agree ☒ Disagree ☐ Neither agree or disagree ☐

Supporting Comments

At this point, we would like to commend the current Code of Practice as an excellent document that provides clear guidance in terms of both processes and responsibilities. We acknowledge that the document would benefit from review and updating but would make the following additional points.

Any new Code of Practice requires absolute clarity and specificity in relation to processes and responsibilities at all levels of additional learning needs.

We believe that the role of Educational Psychology Services should be formally incorporated into the procedural guidance, given the important contribution that Educational Psychology makes to the identification, assessment and provision planning for children and young people with SEN/ALN.

Any new Code of Practice must be underpinned by legislation that resolves the issue of prime and ultimate responsibility so that clarity is introduced by the delivery of speech and language and other para medical therapies.

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

Agree ☐ Disagree ☐ Neither agree or disagree ☒

Question 4 – Securing Provision

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

Agree ☐ Disagree ☒ Neither agree or disagree ☐

Supporting Comments

We would argue that there should be complete clarity about the legal status of the requirement to secure additional learning provision. This needs to be set out in the underpinning legislation and made clear in the related Code of Practice.

Legislative proposals for additional learning needs Responses 81-100

Question 5 – Securing Specialist Provision For Young People

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

Agree ☐ Disagree ☒ Neither agree or disagree ☐

Supporting Comments

As noted in our comments above, we believe that it is both unreasonable and unrealistic to hold Local Authorities 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 because there is no clarity that the Local Authority will receive either the funding or the jurisdiction to deliver these responsibilities. It should be noted that the proposal does not just imply the resources required to directly support provision and placement but also to undertake the associated responsibilities of assessment, administration, monitoring and review.

Question 6 – Placement at Independent Schools

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

Agree ☒ Disagree ☐ Neither agree or disagree ☐

Supporting Comments

We agree with this proposal.

Question 7 – A Multi-Agency Approach To Planning And Delivery

- a) Do you agree that Local Authorities, Local Health Boards and Further Education institutions should be required to co-operate and share information in accessing, planning and delivering support to meet ALN?

Agree ☐ Disagree ☐ Neither agree or disagree ☒

Supporting Comments

We would agree with this statement in principle. However, a key issue relates to 'co-operate' and how this is legally framed and delivered, including the requirement to contribute to assessment and resourcing of provision. This relates to our earlier point that clearly specified legal obligations should be placed upon contributing partner organisations such as Health.

Legislative proposals for additional learning needs Responses 81-100

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

Supporting Comments

We would note that the Code of Practice does need to address this requirement in prescriptive detail. As noted above, fundamental legislative reform is required to set out the requirement for partner organisations to contribute to both assessment and the resourcing of provision.

Resources are a central issue and it should be noted that Local Authority resources are diminishing significantly in the current financial climate and properly constituted multi-agency working is resource intensive.

Question 8 – Supporting Looked After Children

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

Agree ☐

Disagree ☐

Neither agree or disagree

☒ X

Supporting Comments

In principle we would agree with this proposal, which would serve to minimise duplication as far as possible. However, it is difficult to comment in detail without being able to review the final content of the IDP. We would note that PEP formats have been developed by Local Authorities to specifically address the needs of LAC children and there may be a risk that might be a more generalised IDP would lose some of the specificity.

Legislative proposals for additional learning needs Responses 81-100

Question 9 – Resolving Disputes At An Early Stage

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

Agree ☐ Disagree ☒ Neither agree or disagree ☐
Supporting Comments

Local Authorities already do put in place disagreement resolution arrangements and encourage direct communication from parents. Local Authorities often experience difficulties where parents do not raise their concerns directly with the Local Authority before proceeding to SEN Tribunal for Wales. We would wish to see a requirement for parents to participate in the preliminary stages of discussion and negotiation.

A core issue within the proposal is that the services may be required for a vastly increased number of cases, implying a need for significantly more resources. The implied increase in both the age range and the breadth of cases that would require IDPs implies a massive increase in the potential numbers being offered the enhanced statutory rights. Please see comments in the following section.

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

Agree ☐ Disagree ☒ Neither agree or disagree ☐

Supporting Comments

We would suggest that the sequence should always be one of direct contact and communication between parents and the Local Authority in the first instance. However, we would argue that there should be a requirement for parents to pursue discussions via the disagreement resolution route before proceeding to the SEN Tribunal for Wales.

We do not think that local complaints procedures, which should remain continually open to parents where they have a complaint against the Local Authority or Local Authority services, are the appropriate route for resolution of complex issues relating to assessment, provision and placement for pupils with ALN/SEN.

Legislative proposals for additional learning needs Responses 81-100

Question 10 – Extending The Right Of Appeal

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

Agree ☐

Disagree ☒

Neither agree or disagree ☐

Supporting Comments

The proposals imply a massive increase in the number of cases that could potentially access the SEN Tribunal for Wales. This is implied by not only the extension of the age range but the extension in the breadth of access implied in comparison with the current system that focuses solely on the very small number of cases with potentially severe and complex special educational needs.

We would note that extending the right of appeal, in the context of the other proposals, would also imply that Local Authorities would find themselves in the position of defending Tribunals taken in respect of matters over which they have little or no control.

Question 11

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

In general, we would support the concept of multi-agency working in the development of a more holistic approach to assessment and planning. However, we note that reform of this nature implies a massive increase in the capacity and resources required to meet both the increased range of responsibilities and the potential increased demand from both children and young people and parents.

We would like to stress the importance of the role of the fundamental legislation and the new Code of Practice in specifying how the whole process will work from identification through assessment to the construction of the IDP or plan.

The legislation and Code of Practice need to specify who will contribute, and precisely what their roles will be.

In particular, we believe that the role of the Educational Psychologist is central to these processes. Educational Psychologists make a distinct contribution at all levels in relation to matters relating to ALN/SEN and, in particular, in case work supporting the identification, assessment and provision for ALN/SEN.

We believe that it is most important to focus on the processes that underpin and support the development of the IDP/plan and notes that, in the White Paper, there is little or no reference to assessment processes.

We believe that full multi-disciplinary assessment will continue to be required for children and young people with severe and complex ALN/SEN to ensure that needs are properly understood and met.

Legislative proposals for additional learning needs Responses 81-100

Continued...

At lower levels, such as those currently described as School Action and School Action Plus, these processes may be led by schools with, at School Action Plus, contribution from relevant external agencies including Educational Psychology Services. In this context, we would highlight the importance of a graduated response, as set out in the current Code of Practice. Once again, we would argue that the strengths of the current system lie in the precise specification of roles within the graduated response all the way through to statutory assessment and production of the Statement of Special Educational Needs. We would be concerned that without a similar level of precision and specificity, these strengths would be lost in the implementation of the new proposals.

Finally, we would re-iterate our concern that the proposals imply that Local Authorities will be tasked with accountability for areas of responsibility over which they have little or no control.

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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**ALN087: Hayley Payne
Monmouthshire Comprehensive School**

- 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

Additional Learning Needs considers the greater needs of students who find accessing the curriculum a challenge for a range of social, emotional, learning or medical needs. This recognises the needs of all learners and encourages schools / external agencies to consider and thus provide a greater range of support / provision to meet individual needs. Schools can also reflect upon the

provision they currently have in place and identify gaps in provision to support current / future cohorts.

Legislative proposals for additional learning needs Responses 81-100

- 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

Greater support on transition to pre-school and at each stage is required to ensure consistency of provision to meet need and the development of positive relationships to support parents and the learners. I think this is especially the case Post 16, where the needs of learners are not assessed for college placements by the people who know them best. This would ensure appropriate support for the student and the family to overcome the anxieties associated with a placement change. This would also ensure continuation of support to nurture independence and the development of responsibility. Professionals require greater knowledge and awareness of the provision available at Post 16 providers. Time is also required for school ALNCos to work with the other professionals involved to support transition into pre-school and at each placement change. Greater partnership working between phases of learning is also required, ensuring a more consistent approach, particularly in feeder clusters.

Question 2 – Individual development plans (IDP)

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

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

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

All students with ALN currently have an IDP within my setting and I am currently working within our feeder cluster to support consistency of IDPs. However, further information is needed within the existing IDPs to ensure teaching and support staff (as well as cover / supply) are aware of the background information and the strategies that can be used to meet need. Person centred planning will support this, but all agencies need to be included in the setting up of IDPs, which is not currently the case, particularly when considering the medical / health needs of individual students.

Legislative proposals for additional learning needs Responses 81-100

- 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

Agencies who know the student and the family need to take responsibility for preparing and reviewing the IDP. A lead worker needs to take overall responsibility with all other stakeholders working together to ensure a collaborative approach. My concern with the local authority taking responsibility is that with only three members of SEN / ALN staff, they will not be able to attend every IDP review meeting. The number of IDPs in comparison to Statements will increase significantly and many students with IDPs will have individual / group intervention within schools to meet need, so surely schools should ensure IDPs are in place and reviewed for these students. I also have questions over how the merging of local authorities will impact their role and the role the EAS will take in regards to ALN.

Question 3 – A new code of practice

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

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

I think it is vital that the Code of Practice is reviewed to consider current provision and practice. I would like to see mandatory requirements for local

authorities, schools, further education institutions and health boards to ensure consistency and collaboration to meet need. I think this would support parents and their children in gaining appropriate provision and support. This should also consider training requirements and the need for clarification of roles to be written into IDPs. I think it is crucial that the agencies involved with individual learners attend the review meetings.

- 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 81-100

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 that support does not cease at the end of compulsory education. I therefore feel increased collaboration with professionals at further education institutions would ensure the on-going support of young people to develop their independence and to take responsibility for their learning and honing of life skills.

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

Given that local authorities will know young people with complex needs and their previous education provision, I think it would make sense for local authorities to secure specialist education provision post 16.

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 think local authorities should consider upskilling maintained schools to meet the learning needs of all learners. It is vital that appropriate provision and practice is in place in any maintained school where a student with ALN is to be placed.

Legislative proposals for additional learning needs Responses 81-100

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

Multi Disciplinary Meetings are incredibly successful in sharing best practice, problem solving and agreeing actions to meet the needs of learners, both in and out of the classroom / school environment. Increased collaboration through these approaches would support more learners to achieve their potential. Increased communication between health, education and social services would support developments in meeting the needs of individual children and young people.

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

Supporting comments

I think we require increased information sharing and support from Health and Social Services (the systems are required to allow this to happen). We hold one MDM each month and frequently Health and Social Services are not able to attend. A secure way of information sharing using email or a computer system would support us in sharing appropriate information.

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

It would make sense to have one plan in place which considers the holistic needs of a child. Quite often the same actions / targets are recorded on each plan (Personal Education Plan, Pastoral Support Programme, Individual Education Plan etc.).

Legislative proposals for additional learning needs Responses 81-100

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

Communication is vital and having a process in place to allow someone to be listened to, ensuring their voice is heard is vital in overcoming any potential disagreements. It would be useful for a neutral person to guide such conversation to resolve the issues.

- 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 system is needed to ensure different approaches have been tried.

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

I think it is fair and right that this approach is taken throughout age ranges. Clear guidance has to be provided to establish whether a child has ALN or not and therefore whether an ILP is needed (not related to diagnosis). Advice is also needed on how we utilise independent reports received by schools. A student receiving additional support at school through 'Universal Services' should not require an IDP, there has to be a clear way of distinguishing between needs. Equally a description of ALN has to come through assessment by a specialist teacher and not 'opinion'. There also has to be clear and agreed exit criteria in place for the IDP. I would hope the majority of concerns raised could be resolved prior to appeal to Tribunal.

Legislative proposals for additional learning needs Responses 81-100

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 would question how we will ensure IDPs are consistent across the age ranges and schools.
I have concerns regarding what will happen to the statements currently in place and whether funding for ALN will be devolved directly to school or whether there will continue to be Band Funding / Deligated Lump Sums in place, depending upon the LA.
I would imagine LAs will require greater staffing to support these proposals, so we have to assume that money will need to be invested at LA level, rather than

school level.
I think it is important to consider the qualifications and skill-set of ALNCOs, however we have to consider the qualifications some ALNCOs / SENCOs already have. This would support consistency of practice and provision available within school settings.

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: ☐

ALN088: Louise Bell

One of my main concerns as a parent of a statemented child would be whether the new IDPs had the same legal status as a statement.

There is no information in the consultation documents as to what the legal status of the IDPs might be. At present many parents fall back on their child's statement as a "lever" to ensure that their child gets the right support. Without this many families may be left struggling to get the right support for their child, even if it has been identified in their IDP.

I agree that families can feel as if the process is being "done to them" and there is a need for greater involvement and partnership working at all levels. It is more than sharing of information which is needed, it is someone having the responsibility to interpret it all and put the jigsaw together to be able to look at the whole child. Bits of information can sit side by side in a file but without someone reading them both and looking at how they relate to each other they may as well be on different continents.

I would like to point out that I did not feel that my daughter's needs had been thoroughly assessed in the 3 years prior to me requesting and getting a statement for her. It was the statementing process which triggered a drawing together of information from all of the professionals involved and triggered an assessment from an educational psychologist. Without the statementing request I think we would have still been waiting. If the new process does not have the same "teeth" as the existing one then I fear that many children will fall through the net.

I have no particular view on the use of the term "additional learning needs".

There are many references to a "bill" in the consultation document but without knowing what is actually going to be in the bill it is hard to know whether some of the proposals are likely to work or not.

ALN089: **Tina Donnelly**
 Royal College of Nursing

The Royal College of Nursing is pleased to respond to the above consultation. The Bill is proposing to require Additional Learning Needs Code of Practice to provide guidance to professionals on the early identification of children with ALN including those below compulsory school age which we welcome.

The document makes explicit reference to the Families First Agenda, particularly Flying Start, whilst the RCN is supportive of these initiatives there continue to be many pockets in Wales that have high levels of deprivation and therefore greater level of children with developmental delay that are not included in the current Flying Start areas.

Close partnership working minimises duplication and is a key factor in ensuring children receive the service they need. The Royal College of Nursing has long held concerns that workforce planning mechanisms in Wales will not create the capacity and opportunity to take this agenda forward; we are pleased that the Welsh Government has completed a review of the workforce implications of meeting the Flying Start commitment in the Programme of Government. This has resulted in an increase in Health Visitor training in 2013/14 and a further increase planned for 2014/2015, but we remain concerned that this isn't sufficient.

The Welsh Government needs to ensure that there is the right level of nursing resource available to the right group of children in order to increase the likelihood of early identification. Pre-school assessments undertaken by Health Visitors need to be recognised and built into any further assessments undertaken at school entry; this would ensure accurate assessment of the children's needs and continuity in the assessment process.

The earlier identification and the ongoing management of children will have implications for other professional groups including community paediatricians, educational psychologists, CAMHS and especially therapy staff, in particular Speech and Language Therapists and Occupational Therapist. This needs to be recognised in the Bill. The work of the Chief Nursing Officer on the health needs of children in special schools also needs to be captured within the Bill.

Given the link between deprivation and developmental delay, it is also important that this Bill makes reference to the Well Being of Future Generations Bill and the aspirations within that of creating a more equal and healthy Wales.

I hope that you find our comments helpful and if you have any queries or wish to discuss the matter further, please do not hesitate to contact me at my office.

ALN090: **Kate Fallon**
Association of Educational Psychologists

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 AEP commends the introduction of the term 'additional learning needs' (ALN) to replace the term 'special educational needs' (SEN). The AEP believes the change in terminology may help to minimise any stigmatisation felt by young people currently labelled as having SEN. However the term Additional Learning Needs would need to be clearly defined as would any terms or definitions used to describe different levels of need.

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

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

The AEP believes that the transition into adulthood should be supported for those young people that require additional support. There is currently a significant reduction in support for some children, as they leave the school system and move on to further education settings. The unification of the system of assessing CYP up to the age of 25 will ensure a greater degree of continuity in providing appropriate support.

The Welsh Government's reforms should acknowledge that EPs are well placed to support young people with this transition with our background in developmental psychology and eco-systemic approaches to supporting learning and work. However to provide such support the relevant services including EP services would need to be appropriately staffed and resourced as these proposals have huge capacity and resource implications which must to be recognised in order for the new system to work effectively.

Legislative proposals for additional learning needs Responses 81-100

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 AEP welcomes the introduction of Individual Development Plans (IDPs) that will cover the child or young person in question through early years, school age and including further education provision. This will provide a unified system for young people with ALN which the AEP believes will lessen confusion and ensure continuity of service provision for young people as they transfer into further education.

However, we are keen to see recommendations from the Welsh Government that a prescribed range of specialist professionals should contribute to future statutory assessments for CYP with ALN so as to ensure that the future provision to be made for them is informed by robust research evidence and specialist knowledge. Without such prescription there is a fear that local authorities, especially in the current fiscal climate, will be forced to use under/inappropriately qualified staff to carry out the assessments. Although, in the short term, this might save money, the implications of less rigorous assessments will lead to poorer outcomes for children and young people and may well result in greater financial costs down the line.

- 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 <input type="checkbox"/>
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Supporting comments

It is the opinion of the AEP that the requirement for local authorities to be responsible in isolation for preparing an IDP for children and young people with ALN is likely to encounter

significant capacity limitations.

At present, it seems more realistic that in many cases where the CYP has needs which under the current system would be met at SA and SA+ it is going to be left to schools, parents and the child or young person to decide which professionals should be involved in the assessment of a child's needs. Whilst this may be adequate in some circumstances, it is likely that many children – particularly those with co-existing and overlapping disorders – will see elements of their requirement remain unaddressed without the type of expertise only EPs can supply. At the very least, school staff especially will need additional training in identifying and supporting children and young people with ALN – again a service that EPs are ideally suited to providing.

We view the current absence of a formalised role for EPs in either the legislation or code of practice for the new system as likely to severely compromise the quality of provisions for children and young people with ALNs. As discussed above, we fear that without such prescription that local authorities may use under/inappropriately qualified staff to carry out the assessments – which would have unwelcome consequences for children and young people.

The AEP also has concerns about the proposal that the LA should be responsible for preparing IDPs for those CYP who are in settings that the LA has no responsibility for or control over.

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 AEP believes that EP services must be formally incorporated into the formal wording of the both code of practice, as is the case in England, and the proposed legislation. We feel that there is a very substantial risk that unless specific provisions are made at both levels, there will be a temptation for reasons of cost to bypass the incorporation of EP services into provisions in all but extreme circumstances. There must also be measures taken to secure the resources to train sufficient EPs to meet both front-line and support (particularly teacher training) requirements.

Legislative proposals for additional learning needs Responses 81-100

- 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 the (welcome) proposed age extension to 0-25 years is to take place, then further education institutions **must** 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.

We recognise that 'best endeavours' is a strong legal requirement, and that 'must secure' poses impractical legal challenges on named authorities, however strict guidelines must be set out in the Code of Practice to ensure that efforts undertaken by named authorities to secure provision for children and young people with ALN is as strong as possible – including the role of specialists in the identification process.

We also believe that the Welsh Government must commit to undertake careful workforce development planning to ensure that the young people aged 19-25 years are well supported in the future across all settings, including that all children and young people have an equitable level of access to an EP.

Question 5 – Securing specialist provision for young people

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 81-100

Supporting comments

LAs are currently involved in assessing post-16 education and training needs for those who need specialist education provision post-16. The concern of the AEP is the need to be responsible for securing specialist provisions. Key to this will be the level of available funding in order to ensure that services are sufficiently staffed and resourced.

Currently, EPs are employed by local authorities to work with children and young people aged from 0-19, but the majority of their time is spent with school-age children. EPs play a key part in helping shape how educational settings approach a vast range of educational issues including Special Educational Needs (SEN), emotional wellbeing and classroom practice. EPs carry out a wide range of statutory and non-statutory work that helps to improve learning, developmental and welfare outcomes for all children and young people, but especially those within the most vulnerable situations. However, the AEP feels that the absence of specific provisions regarding EPs in either the White Paper or code of practice will combine with absence of LA funding to undermine this valuable work.

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

Schools must not be permitted to admit children or young people permanently without them having had their ALN statutorily assessed or an IDP put in place for them. The school must be able to meet the CYP needs and to be recognised and registered as such.

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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Legislative proposals for additional learning needs Responses 81-100

Supporting comments

The AEP supports the focus in the proposals on multi-disciplinary working and co-ordination to bring together support and expertise from education, health and social care professionals at the earliest stages of the assessment process. However, it is important to understand fully what is meant by the term assessment. For example, all children and young people undergo regular, albeit informal, assessments in educational settings to review and affirm progress and attainment as regularly as each week. It is essential therefore that any assessment of additional needs is understood as a formative process that is used to determine how teaching should be tailored to address a child's needs or how a team of specialist support around the child is configured. We would like to emphasise the process nature of assessment which needs to take place over time and enables discussion to take place between parents, children and young people and all relevant professionals and not be minimised to merely a "one-off" sampling of a child's performance on any particular day.

There must be sufficient capacity within the system to allow meaningful multi-disciplinary assessments to take place in order identify ALN in all settings. This will aid the decision making process and allow the most effective way to meet need for a child/young person and their family. However for this to work effectively there must be sufficient funding made available to ensure that there are the necessary resources in place to make the system work.

- 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 AEP notes that the statutory responsibility for preparing an IDP and delivering the provision that is mandated falls to the LAs alone, as do the consequences for failure. The requirement of multi-agency partnership should be legally defined, with guidance in the code of practice how this should be addressed in practice. If appeals to SENTW can only be against the LA, then it gives a get out clause for other agencies to avoid their responsibilities. There needs to be clearly defined legal obligations placed on other providers as the LA cannot be held accountable for the provision of services over which they have no control.

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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Legislative proposals for additional learning needs Responses 81-100

Supporting comments

The AEP believes that this concept should be approached with caution. Personal education plans serve a different purpose to IDPs and need to be very flexible. It may be possible to merge the two over time or in less complex cases. However, we would be concerned that such a change would be motivated by a desire to cut costs rather than improve provisions, and that the result of such a development would be a 'two tier' system of provision for children and young people with ALN.

Question 9 – Resolving disputes at an early stage

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

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

The AEP has welcomed the introduction of mediation in cases of dispute over any issues with IDP, and for the removal of a diagnosis being a requirement for an IDP to be provided. The AEP also welcomes the new requirement for IDPs to define which agencies will be responsible for funding the different provisions needed to meet the needs of children. These are positive steps which will streamline the process of seeking additional support and increase the rights of young people and their families.

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

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

Before proceeding to an Appeals Tribunal there should be a requirement for the child and family to engage in mediation and in disagreement resolution arrangements that the local authority provides. Local Authority Complaints procedures usually serve a different function to the one proposed here.

Legislative proposals for additional learning needs Responses 81-100

Question 10 – Extending the right of appeal

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

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

This proposal has considerable resource implications and recourse to the Tribunal should only be permitted when all proceeding steps have been followed and there has been participation in mediation. There is also the danger that LA will have to defend Tribunals over issues and provision over which they have no control.

Question 11

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

At present there is a lack of detail and a lack of clarity about these proposals and it is therefore difficult to see how these will work in practice. Our concern is the major recourse implications that these proposals have at a time of dwindling budgets. The omission of a mandatory role for Educational Psychologists in these proposals is also to be deplored. It is difficult to see why the local authorities are to be charged with being responsible for areas over which they have no control. With many schools having control of their own budgets much of the provision currently given to children at SA and SA+ is the responsibility of the school. The new Code of Practice will need to specify clearly how the identification, assessment and support given will work at all levels.

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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ALN091: **John Cushen**
Cardiff & Vale Parents Federation

Question 1 – New terminology

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

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

This term should encourage more children and young people to be recognised- not all have a learning disability in the traditional sense yet may need additional support

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

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

Artificial barriers such as those faced in the transition from different school age tiers or from childrens' to adult services need to be overcome

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

Legislative proposals for additional learning needs Responses 81-100

- 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

The more mandatory duties there are, the better. In our long experience guidelines are not enough- they may be adhered to when it suits but at other times are disregarded or given less priority.

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

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

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

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

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Question 5 – Securing specialist provision for young people

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

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

Child and parental views should be considered and taken into account

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

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

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

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

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

Supporting comments

Legislative proposals for additional learning needs Responses 81-100

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

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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

Independent advocacy should be available- preferably commissioned on a Wales wide basis to avoid inconsistencies
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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

An independent chair should be appointed to ensure families have a fair say

Legislative proposals for additional learning needs Responses 81-100

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.

The White Paper is welcome and appears to have taken note of many criticisms of the previous model but will only work and gain the confidence of families if the policies therein are supported wholeheartedly by all parties - without mandatory obligations guidelines may remain just that and have little effect on the many children and families seeking equitable support

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

ALN093: Lynne Hill
Children in Wales

Question 1 – New terminology

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

Agree	x	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 81-100

Supporting comments

All members welcomed the new term “additional learning needs” which focuses on the recognition that some children need additional support to reach their full potential through bespoke education. We feel that the previous term “special educational needs” is a much more labelling term which has become outdated. Members also welcome the fact that the term “additional learning needs” encompasses children who were previously on school action and school action plus thereby bringing the current three levels of support into one system. This gives the clear message that every child that falls within this definition should be able to access individualised support / provision to enable them to benefit from education. All children are different and what works for one may not work for another. We particularly welcome the opportunity to include multi agency partners in the additional learning needs provision. All members welcome the inclusion within the definition of young people who were previously described as having a learning disability / difficulty but are concerned that the term does not include children who are more able and talented or who speak English as an additional language. We feel that the term additional learning needs should be clearly defined and are happy to assist with this.

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

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

Members welcome the extension of the age range from 0 to 25 which should enable children and young people with additional learning needs seamless educational support throughout their school life and across all transition stages – nursery to school and school to further education, but query what will this look like in reality. The person centred planning approach which places the child at the centre was especially welcomed. Some children may require the support of an advocate to fully participate in the process and this support should not just be limited to those who are making an appeal to a Tribunal.

We are concerned, however, that the importance of support and provision in the early years is not adequately addressed in The White Paper. We acknowledge the reference to Flying Start but this programme is a targeted service, focusing on children up to the age of 4, while children with additional needs also live in non-Flying Start areas. Members were especially disappointed that there is no mention in the White Paper of the Welsh Government funded pan Wales Early Support programme which aimed to improve the lives of children with additional needs and their families, and was specifically aimed at children aged 5 years or under. One of the key components of Early Support was the vital role of the key worker who not only supported parental involvement in the process but supported multi agency

Legislative proposals for additional learning needs Responses 81-100

working. Hopefully this role will be replicated in the ALN reform. Children in Wales had anticipated that Early Support would be the 0-5 model to link into the IDP process for children in Schools and members who contributed to the programme feel that learning from the programme is being ignored.

We welcome the inclusion of young people aged 16 to 25 in the new system and feel that there is a huge gap in service provision for this age group. Members felt that there will be challenges in terms of managing the transition to FE, and question how HE institutions will be engaged with the planning process. There will be training needs as some FE and HE institutions may not be as familiar with the principle of multi-agency working or child and family centred approaches used in schools. The importance of better access to mainstream courses should be flagged within the legislation as not all young people with additional learning needs want to study hairdressing or bricklaying which are some of the popular courses currently provided. This will obviously require additional training on inclusive practices for all staff within an FE college and HE institutions.

Members also enquired where is the research evidence, which should include a cost benefit analysis, to support the view that the proposed system is based on best practice.

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

Most members welcome the proposal that all children and young people with ALN should be entitled to an IDP and feel that without a plan which everyone can follow, the child / young person will not get consistent support. Some local authority members were however concerned how councils could cope with the additional demand as they are facing budget cuts. Others were concerned on the impact this would have on the Education Psychiatrists if they are asked to administer the process.

Some members feel that the IDP lacks the legal status of statement and may enable some parties to avoid their responsibilities to provide the support agreed in the plan. Members also

Legislative proposals for additional learning needs Responses 81-100

expressed concerns that an IDP is only a planning tool and that the assessment process which feeds into the plan has not been sufficiently clarified or defined. It is important that the assessment of need and the plan is delivered in the child / young person/s chosen language.

Members felt that the IDP needs to be a live web-based system. This will allow for any adaptations to the plan to be instantly visible to all, while being mindful of confidentiality issues. The IDP should be easy read to enable it to be accessible to all. There will be significant training and staff development issues for all staff groups involved in contributing to an IDP.

Where a child / young person has a diagnosis then it should be noted and included in the IDP. However, there is a danger that people assume needs from a diagnosis, while every child should be considered as an individual with a very individual set of needs. One member also questioned the ability of an IDP to address the safety needs of the child and others around them, including safety in social settings.

Members had lots of questions as to how the detail of the Code of Practice and guidance on IDPs will be developed and how the IDPs will be monitored and quality assured

- 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

Some members agreed with this proposal while other members felt that responsibility should be shared with education, health boards and social services. The rational being that a multi-disciplinary team would hold responsibility and everyone should be working together. A key worker should take responsibility for coordinating the IDP and which agency the key worker comes from will depend on where and when the child presents as having an additional learning need. For example, if a child born with a condition like Down Syndrome, the health professional will act as key worker, but if a child is at school when an IDP is deemed necessary then an educational professional will act as a key worker.

The support provided will need to be centrally monitored as the standard of provision can vary greatly from county to county. This will ensure consistency across Wales and ensure that all children and young people have the same high standard of support that they deserve to enable them to reach their potential. The parent / carer and child / young person should also be provided with adequate supported to ensure that they can input into their IDP in the language of the choice and receive provision in the same language.

Legislative proposals for additional learning needs Responses 81-100

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

A mandatory code of practice will ensure that all agencies are following the same rules and will make progress transparent and clear but will there be a clash between the ideology of child centred planning and the reality of budget constraints and pressures between funding streams of different agencies? The implementation of the statutory code of practice will also result in the need for significant multi-agency training.

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

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

Children in Wales members broadly welcome the guidance for 3rd sector organisations, but note out that 3rd Sector organisations should be appropriately funded to provide support for vulnerable children and their parents. Many pointed out that the term guidance was open to interpretation and commented that training was needed to ensure that organisations are following the code of practice correctly. It was also acknowledged that the inclusion of guidance for bodies such as third sector organisations or other providers of education and training would result in more pressure on front line staff. Additionally some members felt that the health and well-being of children and young people with additional learning needs should be more clearly identified in the code of practice.

Question 4 – Securing provision

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

Agree	x	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 81-100

Supporting comments

Members sought clarity on the term “best endeavours”, pointing out that this needs to be clearly defined to avoid provision being dependent upon available funding. Members also pointed out that not all local authorities have Further Education institutions in their area therefore cross border agreements are needed which could also include cross border cooperation with England. Members also noted that Higher Education is not included in the above list – without this happening the process is not joined up.

Under The Equality Act 2010, education providers are required to make reasonable adjustments to ensure that disabled children and young people are not placed at a substantial disadvantage when accessing teaching and other aspects of school/ college life. Using best endeavours to make reasonable adjustments is not acceptable and the use of the term “best endeavours” in the ALN reforms potentially creates a conflict between the reforms and the Equality Act.

Question 5 – Securing specialist provision for young people

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

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

Children in Wales supports this approach in principle as it has the potential to improve transition arrangements for post 16 learners. However there must be a multidisciplinary approach such as that used by transition key workers, to capturing the wishes and needs of the young person, who must remain at the centre of the process. Sufficient funding and resources must be available to provide an appropriate provision for the young person. Members are aware that the funding for post 16 specialist provisions will be transferred from the WG to LA via the Revenue Support Grant. There are no plans for this to be ring fenced and Children in Wales is concerned that this funding could be used elsewhere and there will be an incentive to push young people with ALN towards cheaper mainstream provision which may not meet their needs.

Question 6 – Placement at independent schools

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

Agree	x	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 81-100

Supporting comments

Many members felt that this proposal would improve the quality of provision for children and young people with ALN. One commented that independent settings must be supported and encouraged to meet the needs of this group of children / young people. Another added that registration should be compulsory but it would help if the registration process is made easier.

Also some children who are deaf or blind attended independent school in England as their needs will not adequately be met in Wales. We therefore need to ensure that the same safeguarding are in place for these pupils and recommend that a protocol is devised with Ofsted.

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

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

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

Members strongly agreed with this proposal with one asking “how can a child have comprehensive support if all partners in that support do not share information?” Members believe that the proposal to cooperate and share information should be extended to the voluntary sector that provides many services for children with additional needs, including early year’s provision. It was noted, however, that a duty to cooperate and share information is not the same as the duty to provide support.

To enable the process to work effectively, a key worker / support coordinator needs to be identified. Currently the social services, education and health computer systems do not “speak” to each other so this needs to be overcome.

However the importance of fully engaging with the child /young person and their parent / carer as part of the process, must not be lost.

- 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?

Legislative proposals for additional learning needs Responses 81-100

Supporting comments

Members believe that the Code of Practice should include a mandatory duty being placed on agencies to cooperate and share information and not just guidance.

Multi agency partnership working could be strengthened by multi agency training around areas such as person centred planning and participation of children and parents in the IDP. The training could also enable improved multi agency working through the sharing of good practice across agencies.

Other ways multi agency partnership working could be strengthening include guidance on transitions at different stages of a child's school life – e.g. preschool into primary school, primary school into secondary.

All the above will not work if there are not clear guidelines available on obtaining the child and parent's consent to share information with different agencies and the sharing of information between agencies. The difficulty of sharing of personal information between agencies has also been faced by each local authority Team Around The Family which is part of the Families First Programme. Many have developed their own protocols based on The Wales Accord on the Sharing of Personal Information (WASPI)

Question 8 – Supporting looked after children

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

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

Members agree with the proposal that the IDP should replace the personal education plan to provide one consistent, coherent plan that follows the child / young person. Children / young people who are looked after deserve the same opportunities and it is dependent upon everyone to work together including birth parents and foster parents. The resultant plan should be a live document which can be continually updated and accessible to all. The plan also should be SMART and target focused. Also the information currently in a Personal Education Plan should not be diluted when it is combined with an IDP. An identified lead agency will also be required.

It was pointed out that the Personal Education Plan currently is provided for young people up to the age of 21 only and combining it with the IDP would require raising the age limit to 25 to ensure consistency. Some members felt that an IDP should be offered to children and young people who may not have ALN but are Looked After because of their social and emotional needs.

There are opportunities for the IDP to link up with other assessments such as the care and

Legislative proposals for additional learning needs Responses 81-100

support or health assessments and for IDP reviews to link up with support a pupil may be receiving from other agencies.

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

Children in Wales members agree that local authorities should be required to put in place disagreement resolution arrangements which should enable disputes to be resolved without a lengthy and potentially stressful appeal at a Tribunal. However disagreement resolution arrangements should be provided by someone who is independent from the local authority. If this is not the case the resolution arrangements will not be perceived as fair and unbiased especially if the dispute is with LA. Ongoing dialogue and multi-agency partnership working is also essential to ensure the process works.

Members in North Wales commented that a process to enable disputes to be resolved early already exists. Moderation panels consider all the assessment evidence. The decisions of the panels can then be influenced by education officers who hold the budget. In this way many disputes are resolved.

Children and young people must be able to access independent advocacy to support them throughout the process.

- a) 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

Members agreed that everyone should be working together to resolve issues at the lowest level and minimise complaints early. This could include a requirement to use the appropriate complaints processes prior to appeal to the Tribunal provided there is clarity in the process that will be followed, there is an independent chair and the local complaints process itself is independent from education. The local complaints processes must be accessible to children / young people and parents and are based on mediation and conflict resolution principles. A clear process also needs to exist in terms of escalating the complaint if the low level approach does not work.

Legislative proposals for additional learning needs Responses 81-100

Question 10 – Extending the right of appeal

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

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

Members welcome the extension of the right of appeal to tribunal highlighted in proposal 19, 20 and 21. We remain unclear however on the process for a referral for an assessment of additional learning needs in the first place and how the assessment itself will work. This needs to be clarified. We would also like to see a proposal for the Tribunal to have a means of address if a local authority or another 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.

Generally Children in Wales members welcome the proposals and most of our concerns around the lack of detail – hopefully all will become clearer with the Code of Practice. We are very concerned however with the lack of focus on the ALN assessment process and the outcomes for the IDP. Members note that it is proposed that the IDP will be reviewed annually and recommend that children under 5 are reviewed every 6 months as they are now, to reflect their development.

We also welcome the fact that the IDP is extended to 25 but it is imperative that adult services such as health, social services, plus employment and training fully engage in the process.

We hope that the proposed ALN reforms will ensure more timely and focused support, with multi-agency buy in that will enable a better educational outcomes for children with additional needs. Children in Wales facilitates a network for disabled children/ young people - Together4Rights. Time and time again we notice that many of the young people leave school without being to read or write. Often this isn't because of their disability but because educational professionals underestimate their potential. Children in Wales therefore recommends that a fourth aim should be added to the legislation which references achieving learning potential and meeting well-being.

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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Legislative proposals for additional learning needs Responses 81-100

ALN094: Trevor Payne
Ysgol y Waun (Governor)

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

It is a pupil friendly term which accurately describes the needs of this group of children.

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

c)

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

This is an excellent idea for those with the most profound and complex needs. Why stop at 25 for those with the most profound and complex needs, who will never be employable in a meaningful sense? Their global needs will not cease then.

I have always thought that these young people progressed so well and were mostly so happy at school and then they so often steeply declined (according to many of their parents) when they entered the limited resourced facilities available for some adult learners.

I have this idea of new lifelong schools/colleges being created, which would stay open throughout their lives, enriching them and helping them to always develop and prosper. I don't think it would cost that much more than now, with proper organisation and it could be vastly better than the alternative.

Often the special schools concerned were some of the very best of any phase in the country. It would be so hugely beneficial to extend that practice across the age ranges.

Legislative proposals for additional learning needs Responses 81-100

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

While I continue to believe the existing system, **when administered correctly**, is actually fit for purpose, it has been let down by some LAs and schools misunderstanding and/or misusing it and was vulnerable to misplaced parental pressure, especially when it was backed by campaigning organisations or specialist legal firms.

The new system, based on multi-agency cooperation, including parents, in formulating the IDP (which actually differs very little from existing statements and IEPs – which is good) should/could lead to more efficient and timely use of resources.

My main concern is that it will fall foul of the same pressures that applied to statutory assessment, maybe more so: the more informed, determined and articulate parent may be able to manipulate the school based case conference model envisaged, perhaps more easily than the current system. It is easier to say *No* when it is said remotely, than when you are face to face round a table with passionate and powerful individuals, prepared to go to any lengths to get their way. On the other hand the less well informed, passive and inarticulate parent could more easily be baffled and bulldozed into accepting less than their child needs.

Thus the new system could lead to more inequity and increased exposure to the existing postal code lottery.

- 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	Yes
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Supporting comments

Your white paper does not say this. It says the WG will:

Require local authorities to prepare an IDP and ensure that any agreed additional learning provision set out in the IDP Action Plan is put in place for all children and young people aged 0-25 who have been determined as having ALN and who are receiving or wish to receive education or training.

It says elsewhere though that the LA role is primarily one of coordination and review, ('*supervise the process by the educational establishment (school or college)*'), with ultimate responsibility for writing the plan only if this is required. However, whose specific responsibility it will be for writing the plan seems vague and ambiguous to me. A former colleague, still in work, told me yesterday that the LA has to 'write all the plans now', so clearly this is not just my interpretation.

If the LA is to write all the plans it will fail. This is for two main reasons:

1. They do not have the manpower, which has been decimated during the recent heavy cuts. My old county has over 3000 children with ALN and, following extensive cuts, the LA has very few people left who have the expertise to write an IDP. However, all of these people have been overloaded with other work because of the cuts. With ever decreasing staff working in the LAs the responsibility for preparing IDPs must rest with those who work with the children and young people.

2. The LAs will not know the children well enough, unless they are provided with detailed information, which will then make it no different to the current system, except that it will be worse in administrative terms, because it will apply to so many more children.

I am unsure of the validity of the assumption that: *It does not seem fair to base entitlement ... on the extent of a child or young person's needs.* (Page 16) and the similar statement on page 20: *entitle every child or young person with ALN to receive the same ... IDP which recognises their learning needs are equally important.*

This is potentially confusing: someone with complex and lifelong ALN will obviously need more provision than a child with less severe or temporary ALN. Giving the same label (ALN) and entitlement (IDP) to all these learners could be seen by those with the most severe needs as minimising their difficulties and by those with the least severe as maximising the stigma which can accompany the identification of ALN.

Put another way, it seems genuinely inclusive to say that a child with a minor dyslexic tendency has learning needs which are equally important to those of another child who has a permanently disabling condition that affects every aspect of their lives, but it simply isn't true. It's the kind of thinking that has led to the misuse of disabled parking bays and, allegedly, misuse of the benefits system. The people most affected by this misuse are those who most genuinely need them.

Legislative proposals for additional learning needs Responses 81-100

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

The existing Code is actually an excellent document full of good sense and good practice. **I am convinced that if it had been followed to the letter we would not need this reform.** Therefore I hope the intention is to revise it rather than start from scratch, because there is a baby-bathwater danger looming if so.

However, if I read this proposal right and you have bitten the bullet and made Health and Social Services subject to the same discipline as Education then congratulations. This is a major reform and long overdue.

This conclusion only applies if all the agencies are **required** to identify and **meet** all of a child's needs, as applies to Education now. The reverse is true if you have decided to give Education the same get out clauses which apply now to Health and Social Services. (I.e. *within existing resources*.) The phrase 'using their best endeavours' suggests this may be the case.) See later for comment on the other problematic wording you intend to retain: 'have regard to'.

Section 6 on p23 suggests that there could be significant loopholes in the legislation for some children and young people. The last paragraph states there will be settings –e.g. independent schools - that would not be under 'best endeavours' obligations. Who will be responsible for writing, funding and reviewing IDPs there in these settings?

This seems to contradict the point of your question 6: *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*

But why should there be a two tier ALN system in Wales? Many of the very small independent schools in Wales are actually children's homes which mainly admit children placed by social services for social/behavioural reasons, but which have education of some kind on site. Many of these children have significant ALN and can be further disadvantaged by the sometimes poor quality of education offered by these homes. Making an IDP for their ALN a **requirement** would help to protect their entitlement to an education which meets their needs. This is what you seem to say in Question 6 but deny with the phrasing used in Section 6?

Legislative proposals for additional learning needs Responses 81-100

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

Again' does this new term 'use their best endeavours' replace the old 'must meet all identified needs'.

If so then I am very disappointed. The new term is vague and unhelpful.

Most schools, most health practitioners and social workers, do their best. What if their best is not good enough? Can parents appeal on that basis?

'We know they are doing their best but their best is not good enough?'

Strictly speaking, interpreting this phrase literally, they will be unable to do this.

I am fearful that the *ambulance chasing* legal firms (Forgive me for using this term but I think my meaning is clear.) who thrive within the current system, will welcome the vagueness of some of the White Paper: the new Code of Practice will have to be worded very tightly.

The top paragraph of p22 appears to contradict the statement on p16: "It does not seem fair to base entitlement..." Here there is a clear suggestion that the level of entitlement is proportionate to need. While this is logical and sensible, such apparent contradictions undermine the overall message of the White Paper.

Also on p22 the Paper says "the relevant bodies must have due regard". Does that mean that these bodies must recognise all of a child's ALN? Does it also mean they must contribute to funding of the IDP? The phrase is too vague. In the existing Code there are some sections that have responsibilities which must be met (mainly for LAs) and some that have responsibilities for which the provider must 'have regard to' (mainly schools.)

The new Code should take a similar approach stating clearly which things must be done. 'Have regard to' is too vague.

Legislative proposals for additional learning needs Responses 81-100

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

I totally agree. The current situation where the young person over the age of 16 must choose between two differently funded and organised provisions (i.e. school and FE) is inequitable and unfair. The LA will know the young person best and is best placed to identify and fund the appropriate provision.

However, how will this be staffed and funded given that funding for FE colleges will continue to go to the colleges and not the LA. How could an LA ensure that a college used its funding to meet identified ALN? Many of these colleges are now huge, powerful institutions locally, which could be seen as carrying more clout than the LAs who will be expected to *police* their maintenance of IDPs. It would make far more sense for the funding concerned to go directly to the LAs thus giving the resource and the accountability/responsibility to the LAs.

The aims of this section are excellent but lack any specificity of how an LA will achieve the daunting tasks it lays out for them. LAs could become the scapegoats if a young person's ALN are not met in the FE institution.

Elsewhere the Paper states that LAs should fund the provision made for children and young people with ALN who are to be educated at home. How will this work in the context of efficient use of resources? It will often not be an efficient use of resources compared to the economies of scale available in a school context.

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	Yes	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 81-100

Supporting comments

Surely this is true now anyway? LAs cannot place children with statements at schools which have not been registered for children with statements, without the Minister's permission?

Regardless of this, I do agree with the proposal. During a brief period working for Estyn I spent some time inspecting the many very small independent *special schools* dotted around Wales. The quality of the education they provided varied hugely and several were simply not well enough equipped to meet the needs they were set up to meet.

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

This is clearly essential. However it does not go far enough. I.e. If speech therapy is needed, will the Health Authority be responsible for funding any therapy in an IDP? This is an age old difficulty about who funds the therapy (Education or Health). The White Paper must address and resolve it.

In relation to section 7 on p23 there are obligations on LAs but there are no words about the obligations of FE colleges. The LA may well wish, and actually, plan it, but who will fund the education and residential provision? This vague wording does not suggest that post-16 providers and Social services will be funding partners with the LAs.

- 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

1. When we set up in Flintshire a multi-agency team for disabled children one of the main problems in assimilating the services was the different contractual arrangements for the different agencies involved. E.g. Teachers' holiday entitlement, social workers' entitlement to formal supervision, clinicians codes of practice and so on. To work effectively the same processes and responsibilities, as far as is possible, need to be applied to all the agencies.
2. There should be common access, on a read only basis where necessary, to a commonly maintained database accessible via the internet: all parties to the child's needs should have access to the same information

Legislative proposals for additional learning needs Responses 81-100

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

I see no reason why they should not, but would the same processes, roles and responsibilities apply to them as for children with ALN who are not LAC?

There is no mention of those looked after away from the home LA. I think the home LA should be responsible for the IDPs etc. and not the receiving LA. This is an opportunity to once and for all resolve this knotty issue.

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

Yes. We found our local Citizen's Advice Bureau, which operated our Parent Partnership Scheme, was perfectly placed to do this. In effect they offered disagreement resolution through their standard working practice. We very rarely required disagreement resolution with any parents who went to the PPS.

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

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

Absolutely. Virtually the only Tribunals we had were those which came out of the blue, with parents refusing to talk to us and insisting on their right to go to Tribunal.

This new requirement is long overdue.

Legislative proposals for additional learning needs Responses 81-100

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	Yes
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Supporting comments

I am unclear here: I am unclear which children will have an IDP or not. On the one hand it seems that the IDP will effectively replace statements and no more. I.e. on page 4 you say you intend to: *Introduce Individual education Plans to replace statements of SEN*. On the other hand you state unequivocally elsewhere that all children with ALN will have an IDP.

If it is the latter then, while I can see the natural justice of the proposal, it could lead to huge pressure on the services involved. There must be 50, 000 or more current Welsh pupils with ALN? If so, if even just 5% appealed, that would be an awful lot of professional time spent in responding to them.

One small point. The heading for Proposal 20 seems to state that any child below school age can appeal against a decision not have an IDP. This could leave the White Paper open to ridicule? The legislation (*from birth to 25*) will apply to newly born babies. Could not a 'where appropriate' or some alternative phrase be put in here somewhere?

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. I am very disappointed about the lack of any systematic attempt to monitor and evaluate the progress that children with ALN make at school, LA and national level. This was a central theme of the Statutory Reform Group and was considered essential to its success.

2. The working group of which I was a member had this as its central theme. If our ultimate proposals have not met with approval (?) surely an alternative could be devised. Our proposals were put forward in 2010. There has been plenty of time to modify or replace them.

Certainly the work of our colleagues on the working party who were from Caerphilly LA was very well developed and very well received wherever it was introduced or presented.

Lack of any attempt to evaluate these children's progress, so that national standards

Legislative proposals for additional learning needs Responses 81-100

can be set and inform development of future good practice, is a major, major flaw in the proposals.

2. There is no mention of any criteria to help identify which pupils do or do not have ALN. Is there an intention to include such criteria in the new Code? If not, then the existing postcode lottery will continue to exist. Despite my praise for the existing Code it ducked this issue, except in the vaguest of terms.

The new Code will be far stronger if it identifies realistic and measurable criteria for the identification of ALN, especially in the areas of literacy, language development, communication and behaviour. These are potentially the areas of most controversy. Those administering the Code will be significantly assisted if they have such criteria to draw on. If they are not laid down with some degree of some precision, then my earlier comments about parents, schools and agencies potentially manipulating the new system are even more relevant.

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:

☐

ALN095: **Helen Gravestock**
 CLIC Sargent

Question 1 – New terminology

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

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

We welcome the Welsh Government's proposal to give a statutory footing to the concept of additional learning needs (ALN) which will replace the currently used term 'SEN' and to impose a duty on Welsh Ministers to issue a Code of Practice in relation to the new statutory framework for ALN. We agree that this is a more modern and appropriate approach to multi-agency working. It will also allow more consistency across the 0-25 age range.

We do however seek a clear understanding of what 'ALN' means. We welcomed the proposal in the Welsh Government's Green Paper published in 2012 that a child or young person would be deemed to have ALN if they had greater difficulty than the majority of persons of the same age. We seek clarification on whether the intention is to use the definition outlined in the White Paper or whether another set of criteria will be used to determine which children will have ALN. This will help the sector to better understand the scope of support available for these learners.

We are also concerned that there is no specific reference to disability throughout the whole of the consultation and seek assurance that the definition of ALN will include pupils who have needs resulting from a disability or a long-term medical condition such as cancer. We suggest that Welsh Government refers back to the definition suggested in the Green Paper and also looks to the definition of additional needs in the Scottish Children and Young Act.

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

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

Welcome the Welsh Government's plans to extend the new system for 0-25 year olds. The 0-25 approach is an opportunity to smooth transition and allow more joined up practice between agencies at a local level.

We consider that this is a much more inclusive approach which will aid transition from primary to secondary and secondary to post-16 education provision. Developing a new system where the same agency, i.e. local authorities are responsible for securing education provision for compulsory aged and post 16 education provision mitigates of young people falling out of education or falling through the gaps in the system.

We also agree that this new approach will mean that local authorities have

more of an incentive to think about the future of young people with ALN and plan ahead to shape effective post 16 education services. As the White Paper suggests, this should improve the effectiveness of post-16 education, which we hope will become more tailored to young people's needs.

Question 2 – Individual development plans (IDP)

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

Agree	<input 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

CLIC Sargent welcomes the concept of an Independent Development Plan (IDP) and we are very glad to see the Welsh Government's plans to ensure that all children and young people with ALN will have the same right to receive the support that they need, irrespective of the complexity of their needs. Without a statement, which is often difficult to secure, many children with cancer do not receive the support that they need at school. The proposal to remove the inconsistencies and unfairness that might arise from the statutory and non-statutory arrangements in the current system is very welcome.

A total of 16% of parents surveyed in 2012 told us that their child had a statutory statement of SEN as a direct consequence of their diagnosis and treatment. In addition, 25% of parents reported that their child has an Individual Education Plan and 31% reported that their child receives additional support from a SEN coordinator or a learning support assistant. We believe that many children and young people at the lower end of the additional support spectrum will benefit from a multi-agency, integrated approach to meeting their needs. We hope that IDPs will mean that learners at all level of need will be entitled to an assessment which ensures that the appropriate support is put in place for them to fulfil their full potential and will reduce any postcode lottery that currently exists.

We understand that IDPs will replace statements of SEN, however we seek clarification that they will have the same statutory footing statements currently have. It is also important that if all children with ALN are to receive a plan, that

the current approach to identifying children in need of additional learning provision is maintained so that no child currently receiving additional support misses out in the new system.

Children with medical conditions, who are unable to attend school because of a long term or recurring medical condition, such as cancer should have an Individual Education Plan (IEP). This should take effect as soon as they are admitted to hospital or are unable to attend school. For the same reasons set out in regards to looked after children's (LAC) Personal Education Plans (PEP) an IDP should replace or serve the function of IEPs for children and young people with medical needs. We suggest that like the proposed model for LAC, based on the Scottish approach, all children and young people with long-term serious health conditions, such as cancer, should be assessed to determine whether they require additional learning provision.

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

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

The Green Paper issued by the Welsh Government in June 2012 suggested a much more integrated approach than currently set out in this White Paper - with health and social care involved in the development, planning and commissioning of IDPs. When we responded to the Green Paper consultation we welcomed this holistic approach as we considered involving health, social care and education as equal partners was a big step forward. Whilst we appreciate the difficulties of multi-agency working, we are concerned that having one agency responsible for preparing, implementing and reviewing IDPs somewhat dilutes the integrated working approach which was previously intended. We acknowledge the proposal's intentions for local authorities to consider the views of other agencies, and families, whilst developing an IDP, however we do question what will incentivise health and social care agencies to get involved and take ownership in this process.

The emphasis on early identification of needs, and that a range of professionals who come into contact with children, young people and their families have a part to play in this, is welcome. We would like to stress that professionals other than those in the early years settings may also be involved in identifying an ALN, especially for those learners who may be hospitalised for their early years or those who acquire an ALN, such as children with cancer. For these learners a range of professionals may be involved, for example medical pupil referral unit (PRU) staff, social workers or medical consultants.

We are pleased to see that local authorities will have the power to continue an IDP until the end of the academic year in which the young person becomes 25 and we appreciate that it will often be the young person who will determine whether they continue in education until this age. We would, however, like to see that safeguards are in place to ensure that local authorities exercise this power when necessary.

We also seek further clarification on proposals for local authorities to be able to discontinue IDPs for young people who take up post-16 opportunities outside a specialist education provider or did not take up the opportunities identified for them within a specified timescale. Many young people with cancer will receive some form of education in a hospital school/medical PRU or home tuition services. This type of specific provision needs to be recognised within the new systems definition of 'specialist'. Also, our 2010 research found that one in three young people with cancer had to leave education because of their cancer diagnosis and treatment. We would therefore like the future legislation that underpins the new system, to allow an IDP to continue if the young person's health condition or disability is the reason why they have not been able to take up a learning opportunity.

In regards to reviewing IDPs, we welcome the requirement for this to happen every 12 months as a minimum and in many cases for this to happen more often. This is especially important for children and young people with fluctuating conditions such as cancer and for those for whom the extent of their ALN are yet to be fully identified, for example children and young people recovering from cranial radiation - a common treatment for brain tumours and certain Leukaemias. The review procedure needs to be clearly stated in the new Code of Practice.

Question 3 – A new code of practice

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

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

We welcome the proposals for a new ALN Code of Practice to set out the mandatory requirements that different agencies need to make. It is important that all relevant bodies understand their duties to children and young people with ALN and how to ensure that they meet them. We consider setting out clear mandatory requirements and arrangements for transition in the Code to be a positive way forward.

We also are pleased to that there are plans to develop practical guidance for other organisations involved in supporting the needs of learners with ALN.

Legislative proposals for additional learning needs Responses 81-100

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

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

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

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

We think that the new duty which will require FE institutions to use their 'best endeavours' to ensure that ALN provision is set out in a IDP is provided is crucial if a fully integrated 0-25 system is to be achieved. It is important that local authorities work closely with post-16 education providers to ensure they meet the needs of young people with ALN and that they plan together effectively. We also think that schools and FE providers need to work closely together to ensure that there are effective transition arrangements for these learners.

We do, however, question the term 'best endeavours' and seek clarification on how the legislation will ensure that education providers, and other agencies, are accountable for securing the provision called for in an IDP. We suggest that alternative terminology such as 'must take reasonable steps', is more appropriate.

Question 5 – Securing specialist provision for young people

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

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

This needs to be done in conjunction with other agencies, including schools and FE providers. A collaborative, person-centred approach needs to be taken.

Question 6 – Placement at independent schools

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

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

The individual needs of the learner are paramount and they should only receive a place in a school which can fulfill these needs.

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

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

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

We think that multi-agency working is an integral part of the proposals. We suggest that the Welsh Government looks to the recent approach taken to reform special educational needs and disability provision in England, in particular the parts referring to integration between health, social care and education, to ensure parity exists between the two systems. This would enable better cross boundary working which would be particularly helpful for those children and young people receiving cancer treatment in a principal treatment centre, which will often be far away from home.

The duty for local authorities to cooperate with partners and ensure integration of care and support to improve well-being as well as the statutory

duty of cooperation between local authorities, health and other partners need to be clearly identified in the Code of Practice so that agencies can identify what their duties are and how they can fulfil them. For example, it is important that the guidance clearly states how health, social care and education should work closely together, with families, when developing IDPs. It should also clearly set out how to determine which agency is responsible for delivering different elements of a learner's IDP and the implications of not doing this. Being able to hold all the different agencies to account to deliver the plan is crucial.

We welcome proposals to strengthen existing duties and guidance on involving children, young people and their families more in identifying their learning needs and developing action plans to meet those needs. Personal centred planning is essential to ensuring that learners with ALN are appropriately supported in education. This needs to be set out clearly in the Code of Practice.

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

Supporting comments

As above, we think that the Code of Practice needs to clearly state health, social care, local authorities and other agencies' duty to cooperate, as set out in other legislative provision. It also needs to clearly state how this can be enforced.

We welcome the Welsh Government's intention to work with professionals to develop solutions to the barriers preventing effective multi-agency working. As well as support from education professionals and employers, children and young people with cancer and their families need a named key worker whose job it is to co-ordinate services and staff from each agency involved in supporting them, including health services, social care, benefits, education and training.

CLIC Sargent would be happy to share knowledge of its key worker programme - a project to develop key working roles across the 18 Principal Treatment Centres across the UK for children with cancer. When a child or young person is undergoing cancer treatment it can sometimes feel like a minefield with lots of information; numerous people involved in their treatment; decisions to be made; physical illness to contend with on top of emotional, social and financial issues. Our key workers provide practical and emotional support to the child/young person and family and coordinate the provision of information and ensure that it is timely, tailored to the age of the child or young person and the needs of the family, and understood. They do this by working in multi-disciplinary teams and by liaising with health and social care and education providers to ensure integration of services wherever possible. We think having

a central point of contact is important for children, young people and their families and we would be happy to share more information on this.

We also suggest that the Welsh Government consider a requirement for all local authorities to develop a 'Local Offer', similar to that required in England under the Children and Families Act 2014. The Local Offer is information that sets out the education, health and social care provision that the local authority expects to be available for disabled children and young people and those with SEN. It should be developed by local authorities and their health partners, together with children, their parents and young people.

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 type="checkbox"/>
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Supporting comments

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

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

Question 10 – Extending the right of appeal

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

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

Overall we agree with the reforms set out in the White Paper, however we think that more detail is needed, for example the definition of ALN, the type of ALN provision which will be provided and the duties on all agencies to engage in the planning and implementation of IDPs.

One additional point that we would like to make is that this consultation response form is not a very accessible document, which is disappointing considering the focus of this consultation.

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: ☐

ALN096: Cheryl Hopkins
Carmarthenshire County Council

Question 1 – New terminology

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

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

Some thought that the stigma will not disappear but will attach to the new nomenclature. Some thought it should only cover those whose needs are currently met at School Action Plus/ Statementing level.

Legislative proposals for additional learning needs Responses 81-100

- 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

Some agree as this will remove inequalities in the current system and streamline the system for the whole of a learner's education. Most thought that the new system should apply up to age 25 but only to those with the most severe additional learning needs. Others thought that the new system should stop at age 19 as it does now, as this fits better with colleagues in Health and there were concerns about the difficulties of dealing with numerous professionals in adult health 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 type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

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

There will be huge staffing, resourcing and training issues involved. The current statutory system applies to 2-3% of mostly school-aged learners with SEN aged 2 -19 and the proposed new system will apply to 25% of learners with ALN aged 0-25. Most felt that this escalation in the volume of learners with entitlement, although laudable in principle, is impractical and unrealistic - particularly in a time of economic cuts with a smaller and smaller workforce. There were considerable concerns regarding both the LA's and the schools' capacity to respond effectively. There is already very great difficulty with the workforce's capacity to attend multi-agency meetings for reviews of statement and for planning meetings at School Action Plus even, for example, where there may be only an SLT and/or OT involved. The IDP would only work if all professionals attend planning meetings and given the current experience in a relatively small number of planning meetings, this seems completely unrealistic. School representatives were very concerned about the impact on the quality of teaching and learning if too much time had to be spent on IDP meetings. The group was concerned that there was no mention of an on-line IDP tool. The group wondered whether technology could be used to assist with presence at multi-agency meetings eg could we use Skype?

All felt that the proposed system would be of benefit to LAC, in particular It was noted that Educational and Child Psychologists are not trained in adult assessment at the moment.

It is extremely difficult for Health colleagues to engage at present and adult health services are far more complex with potentially many more professionals to consult.

How can the LA be responsible for what happens in college? Some colleges are better than others at meeting the needs of their students and there would need to be changes to the funding stream.

The LA would need time to understand systems in FE and colleges but even then, it was felt that it could have little influence over a provider that is funded by WG direct.

- 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

All felt it is impractical for LAs to have this responsibility as there isn't the capacity to meet this requirement for the numbers proposed and there isn't

the funding to employ the necessary LA staff to monitor IDP meetings and IDP reviews. It was felt strongly that it would not be possible to ratify IDPs without being present at the meeting and it would be impossible to send LA officers to meetings for such a large number of learners. It was felt that it is unnecessary to have IDPs with entitlement for this large cohort of learners. Schools feel that they know their pupils best and think that they are responsible enough to identify, prepare and deliver interventions for most learners with SEN. Schools should be accountable for provision with the exception of those with the most complex needs. Funds have been devolved to schools and some school staff were concerned about the funding issue for those with IDPs. It was felt that a member of the senior management must be involved in the preparation etc. of every IDP with entitlement because the management are ultimately responsible for the budget. Not many SENCos manage the SEN budget independently. The involvement of managers would not be sustainable if all learners with ALN had IDPs with entitlement. Furthermore, class teachers and subject teachers need to be involved in the preparation of every IDP and this is also unmanageable. It was felt that LAs should be responsible for IDPs for the most complex cases only.

Question 3 – A new code of practice

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

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

All agreed that there is a need for a clear, more prescriptive code of practice and that all parties must adhere to mandatory requirements. The Local Health Board must be accountable for identification of needs and for the provision to meet any needs that it has identified. Professionals must be accountable. If it is noted that a therapist is going to give therapy to a child then this must be provided by the therapist. There are long waiting lists to see Health professionals at the moment plus the Health Service is understaffed. It is important that the Tribunal operates in full knowledge of the advice provided to LAs by the Welsh Government, especially in relation to the increased delegation of funding. Clear national criteria for IDPs and for provision to meet identified needs are essential for clarity.

Legislative proposals for additional learning needs Responses 81-100

- 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

Most felt that 'best endeavours' is too weak, especially if the LA is to be responsible for implementation without any control over funding. It was felt it should be amended "must secure" or "are required to secure" as is the case with schools

Should a service not be able to meet the needs identified with the appropriate ALN provision as agreed and stated in an IDP, the LA should not be obliged to pay for a private service.

The PIs in further education institutions will need to be aligned with the PIs in schools.

All felt that the provider identifying the need should be responsible for the implementation 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

All agreed - provided that there is adequate funding to offer resources but all thought that local provision would be better. LA should be encouraged to raise capacity to create local options .

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 could be a learner's preferred option or a parental preference

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

Teachers felt that the wording "should be required to cooperate ..." should be amended to read "must cooperate"

It is sometimes uncertain if child's need is a medical or an educational need

Education should not have to meet therapy needs as it is difficult to meet clinical governance requirements if provision has to be outsourced to an independent provider.

The Paediatric Department in West Wales General is under-resourced at the moment. It would be difficult for Paediatricians to attend every meeting concerning pupils' IDPs. They are currently experiencing great difficulties with the recruitment and retention of staff.

All would welcome detailed, specific guidance from the new Code of Practice. Improved multi-agency working around timely planning for entry to education is essential. - sometimes the admitting school is left with very little time to ensure that everything is in place for the learner before he/she is admitted to school. Teachers felt that Health needs to take a stronger role and to be accountable for provision.

Legislative proposals for additional learning needs Responses 81-100

- 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 role of the Family Support Worker could be developed further. School nurses should be asked for their input. The Local Health Board needs to be more flexible. Laws need to be more uniform and consistent across disciplines. There needs to be an electronic tool for IDPs. There needs to be multi-agency teams working together in assessment and intervention across all areas of need and guidelines on effective multi-agency working, particularly in early years and transition stages.

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

Most felt that it is desirable to have one plan.

Question 9 – Resolving disputes at an early stage

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

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

Yes and the project outcomes of the Child's Right to Appeal should be considered. There family support worker role provides timely support to

prevent disputes from arising in the first place and to pick up difficulties early on.

Legislative proposals for additional learning needs Responses 81-100

- 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 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.

The main concerns centre around capacity and resourcing issues, rather than with the ideology behind the proposals. The logistics of working in a PCP way with such a large number of learners eligible to receive IDPs with entitlement is impractical for schools, multi-agency staff and LAs.

It would be helpful to receive more detail about how the WG see the proposals working in practice and to have sight of the new Code of Practice as soon as possible.

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

Legislative proposals for additional learning needs Responses 81-100

ALN097: **Alyson Sefton**
 NYAS

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 current term "Special Educational Need" tends to label children and young people. Additional Learning Needs should hopefully ensure young people will access the best education that is available to them. Multi agency working is vital to ensure this new proposal will work.

Legislative proposals for additional learning needs Responses 81-100

- 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

INYAS hope that by widening the age range it will enable a smooth transition into adulthood for young people. This will require more funding and resources. Regular monitoring and review of the learning need to take place to ensure best resources and support is given at key stages.

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

All children/young people should have an Individual Development Plan reflecting their needs and communication methods. Plans should be person centred and be flexible for review and changes if the circumstances change for the individual. Careful financial planning needs to be considered to ensure this is achieved.

The new proposal of individual plans will hopefully meet the needs of all children and young people with additional learning needs and support families who will no longer be anxious whether or not their child/children receive a statement of special educational needs which can currently happen.

NYAS are concerned that as the Individual Development Plan is to replace the statutory assessment for special educational needs there will no longer be a duty on local education authorities to provide the support agreed in the plan. INYAS would like to see evidence of how the child/young person's views, wishes and feelings are fed into this process and how they are included in the planning and creation of the IDPS.

Legislative proposals for additional learning needs Responses 81-100

- 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

All IDP's need to be monitored and reviewed regularly within a set timescale. The plans need to be child centred with the views, wishes and feeling of the child taken into account. NYAS would like to see all agencies involved with children and young people with additional needs have equal responsibility for the Individual Development Plan with a key worker/named person solely taking responsibility for co-ordination of the plans and not it being an add on to a teacher role.

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

NYAS agree that the code of practice should ensure that all agencies work together in accordance to the guidance and hopefully this will make the process more transparent.
A code of practice is only seen as a guidance and does not have statutory powers/duties. This is concerning.
A Code of practise must clearly outline the roles and responsibilities of all involved. This is something that is often overlooked in new guidance or service development.

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

Agree	<input 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 81-100

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

NYAS agree this should be the case.

All agencies should have the responsibility to provide consistent support/ resources and work in partnership to ensure all IDP are centred around the individual needs of the child.

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

NYAS agree with the proposal that Local Authorities should be responsible however, we are concerned how this will be managed and how this would be funded in the current climate.
How would this be managed when a child is moved from one local authority area to another? How would the funding be agreed? Who would be responsible for this? Clear protocols need to be implemented.

Could this result in a postcode lottery, dependent on the area in which they reside and the availability of specialist 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

NYAS would also like assurance that where pupils are placed outside of Wales their language and cultural needs are part of any IDP. Children and young people should be consulted on any potential attendance at a school/additional learning provision and their views, wishes and feelings need to be included in the planning of any educational setting.

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 right to confidentiality needs to be explored in relation to information sharing. NYAS would agree in authorities, local health boards and further education institutions working together to agree a sharing information protocol to safeguard and promote the ALN.

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

Supporting comments

- Multi agency partnership working could be strengthened through a key worker to coordinate the Individual Development Plan. NYAS believe this would avoid duplication.
- Training and development of multi agency staff to understand ALN and IDP.
- Monitor/review.

Legislative proposals for additional learning needs Responses 81-100

Question 8 – Supporting looked after children

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

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

NYAS would not support this. The issues for children/young people who are looked after can be very different to children with additional learning needs. Educational plans for children in care need to reflect and complement their care plan, living arrangements and support their future leaving care needs.

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

NYAS would agree to this. Children and young people should be offered independent advocacy to support them in dispute processes.

- 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

NYAS agree and would request the advocacy services are promoted to ensure the views, wishes and feelings of children making a complaints are represented by an independent body.

Question 10 – Extending the right of appeal

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 81-100

Supporting comments

NYAS agree to extend the right of appeal.
This should be centred around the needs of the child or young person
This should be supported by an independent person such as an Advocate
Where a child or young person cannot express their views, wishes and feelings,
a rights approach should be taken to providing advocacy intervention.

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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ALN098: **Robin Brown**
City & County of Swansea

Question 1 – New terminology

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

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

The previous definition was well established through legislation, guidance and

case law. It was also carefully framed in line with the 1981 Act Procedures, which were developed through processes involving significant consultation and consideration. Most importantly, any new term such as 'Additional Learning Needs', should have a definition that ensures absolute clarity. The definition will be used for establishing boundaries and will, inevitably, be argued over at all levels including through the courts.

If new terminology is to be introduced consideration should be given to proper alignment to other definitions currently in use or planned.

For example, it needs to link clearly to a definition of disability in a language which is shared across agencies, such as the Disability Discrimination Act 1995, referring to a 'physical or mental impairment which has substantial and long term adverse effect on his ability to carry out normal day to day tasks'. Such a clear legislative definition would help to unify responses across agencies, and make it clear who might be covered by the arrangements.

As a general point, different levels of need should imply access to different levels of rights with higher levels of attention, assessment, planning and provision being made available to children and young people with higher levels of need and who require correspondingly higher levels of provision. Any definitions used should allow for proper deliniation of levels of need.

- 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

1. The widening of the group included in the IDP procedures, together with the extension of the age range to 25 has massive capacity and resource implications. Local Authorities simply do not have either the resources or the capacity to manage the implied responsibilities for this greatly increased cohort of children and young people.

Please see further comments later in the Consultation in relation to responsibility and governance issues.

2. These changes will present a number of challenges along the way, e.g

- resources for training child care staff, linking into existing health led pathways, and supporting parents for the under 5s,
- upskilling all staff in the school years in person centred planning and the new

approach, once the detail is worked out,
- setting up arrangements to shift responsibility from the Welsh Government currently delivered via Careers Wales, to the Local Authority.

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

Children and young people with identified Additional Learning Needs (ALN)/Special Educational Needs (SEN) should be entitled to receive a plan and appropriate additional provision. The precise format of the plan is important but should be closely aligned to the supporting processes, including identification and assessment.

Children with severe and complex ALN/SEN will continue to require a full multi-disciplinary assessment and planning process. However, children and young people with mild to moderate difficulties who do not require a full multi-disciplinary assessment and planning process will still require proper identification, assessment and planning processes matched to their level of need. Many of these young people may benefit from more specific or tailored plans rather than full IDP formats.

One feature of the current legislation and guidance is that distinctions are drawn between those children and young people requiring statutory assessment and a Statement of Special Educational Needs and those whose needs can be met at a lower level via the production of Individual Education Plans (IEP) at the school level.

In principle, introducing a common format to extend from school to Post 16 would make sense. However, this does depend on how definitions are drawn, processes are set out and, crucially, how responsibility and governance work. The Local Authority's responsibility is a core issue here and it is our strong view that it is both unreasonable and unworkable to extend the Local Authority's

Legislative proposals for additional learning needs Responses 81-100

statutory responsibilities into areas for which they hold no overall responsibility or funding.

- 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

As implied above, provision for most children and young people should rest with the provider whether this be school, the setting or the further education institution. It should be borne in mind that the drive in Wales for many years has been to delegate as many resources as possible to schools with the consequence that Local Authority central resources are significantly diminished.

Local Authorities do not have the capacity or resourcing to undertake the responsibility for preparing IDPs for all children and young people aged 0 - 25 with ALN. For example, the increase in responsibility for Swansea would imply a potential increase in numbers from approximately 1,500 to approximately 12,000.

As already noted, it would be unworkable for Local Authorities to assume responsibility for processes, planning and provision within an Organisation for which they hold no responsibility.

Question 3 – A new code of practice

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

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

The original and current Codes of Practice are excellent documents that are constantly used and referenced in relation to children and young people with special educational needs. While the current documents would benefit from review and updating, any new Code of Practice must be written with absolute

clarity and specificity as, via the document, and the legislation, all parties will be held to account and this applies most particularly to Local Authorities who hold the overarching responsibilities.

As we have argued with representatives of Welsh Government throughout the statutory reform process, it is essential that issues of prime and ultimate responsibility are addressed and clarity introduced about responsibility for the delivery of speech and language and other paramedical therapies.

- 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

'Best endeavours' is not good enough. There needs to be absolute clarity about the legal status of the requirement to secure additional learning provision. Both the process and the language needs to be prescriptive. Funding arrangements need to be aligned and obligations specified clearly. Once again, prime and ultimate responsibility resting with Local Authority under this proposal cannot be right as referenced above.

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

Local Authorities currently hold responsibility for children and young people with Statements of Special Educational Needs attending school up to the age of 19. There can be no confidence that the funding required to deliver this expansion of responsibilities will be made available to Local Authorities to deliver it. This proposal is not just about the resources required to directly fund the placements and provision for children and young people but also to deliver the supporting responsibilities including assessing, updating assessments, administration, monitoring and reviewing requirements. These will all be drawn from Local Authority's diminishing central resource allocations.

Question 6 – Placement at independent schools

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

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

We would agree with this proposal which is not controversial.

This would be standard in child and family placements.

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

1. We would agree with the sentiment. However, the key issue is what is meant by 'co-operate' and how this is delivered, including the requirement to contribute to assessment and resourcing of provision. This relates to points

made earlier and our view that clearly specified legal obligations need to be placed upon contributing partner organisations such as Health.

2. Shared understanding of a joint commissioning model would also be helpful to ensure an evidence base to needs and services, so gaps can be identified, and overlaps effectively managed.

- 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

1. As noted above, there needs to be fundamental legislative reform to place clear obligations on Local Health Boards to deliver their responsibilities in this area.

2. Providing ongoing support and training to a parent carers forum, has been most helpful in keeping the Swansea Strategy group on track. They are represented on 17 different sub groups of the strategy as well as the main group, and provide invaluable advice.

3. In similar vein, additional support to allow for the inclusion of direct consultation with groups or disabled young people would provide essential information to inform commissioning strategies for this group. They could be trained as young Commissioners like the care leavers, for example.

4. The code of practice is already a disputed area, and this trend is likely to increase as the ALN circle widens, further highlighting advocacy will be essential for good outcomes. Careers already find young people sometimes want different things from their parents. Support for parents should also be strengthened.

Question 8 – Supporting looked after children

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

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

1. It would make sense to use a common format as far as possible to avoid duplication. However, the proviso must be that all essential PEP components are replicated in the IDP. One query to raise is whether there may be some issues in relation to confidentiality within the elements of LAC IDPs? It is noted, also, that Local Authorities have developed very child-friendly PEP formats.
2. Joining up the paperwork might help increase our understanding of the reasons for family breakdown, and support the development of improved step down 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

Local Authorities are already under an obligation to put in place disagreement resolution arrangements. The issue raised within the proposed reforms is that these might be required for a vastly increased number of cases due both to the increase in age and breadth of needs that may require IDPs.

There should be a requirement that parents communicate directly with Local Authorities and participate in disagreement resolution arrangements prior to escalation of their concern.

- 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

Local Authority complaint processes are not set up and established to judge complex ALN/SEN issues. These cases require expertise that would not be available to local complaint procedures. However, local complaint procedures

should always be available to parents should they wish to use them.

More importantly, the practice would suggest that the sequence of engagement where parents are dissatisfied should be: initial contact and direct communication with the Local Authority; then proceed to disagreement resolution arrangements and only having undertaken these steps consider proceeding to SENTW. Local Authority complaints systems are set outside this set of processes which are designed specifically to resolve concerns around ALN/SEN. Complaints procedures tend to be used for concerns regarding delivery or non-delivery and quality of delivery of Local Authority services.

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

Widening the formal right of appeal to Tribunal, as set out in the proposals, would imply a massive increase in the number of cases that could potentially go to Tribunal. Access to Tribunal should only be offered providing preceeding steps have been fully utilised and, should only be for those cases with substantive issues to address. Widening the right to appeal as described could potentially result in the SENTW being flooded with applications over minor or even trivial issues.

Extending the right of appeal in the context of the other proposals would also mean that Local Authorities would find themselves in the position of defending Tribunals taken in respect of matters of identification, assessment and provision over which they may have little or no control, for example, matters relating to provision from within schools delegated budgets or matters relating to Post 16 and the FE sector more widely.

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. In general, we would support the concept of multi-agency working and the

extension of common processes and entitlement.

However, we would wish to note that reform of this nature implies a considerable extension of capacity and resources to meet both the increased range of responsibility and increased demand from both children and young people and parents.

We would like to stress once again the importance of great clarity and specificity in both the underpinning legislation and the new Code of Practice. In particular, this needs to specify with absolute clarity and precision how identification, assessment and provision will work at all levels including those currently described as School Action, School Action Plus and Statutory Assessment/Statement of Special Educational Needs.

There is no detail in relation to these issues present. There is some limited discussion about the planning process but no information or discussion of the processes that underpin any plan ie. identification and assessment processes and how they may operate.

Full multi-disciplinary assessment will continue to be required for children and young people with severe and complex needs to ensure that needs are properly understood and met. At the levels that currently constitute School Action and School Action Plus, the process may be expected to be led by schools and, here, the current conception of the Graduated Response and the contribution of external agencies at School Action Plus continue to make sense. These structures and concepts would be applicable to 16+ and within the FE sector provided they are specified clearly.

The strength of the current system in terms of the clear specification of the Graduated Response and attendant responsibilities and absolute clarity about the process of statutory assessment are in danger of being lost if either or both of the underpinning legislation and Code of Practice are not fully developed and suitably comprehensive.

2. Implementation must not increase the vulnerability of those in need. School breakdown is known to impact on family functioning and increase the risk of family breakdown, and the risk therefore is of increasing LAC populations.

For this reason we would recommend a step by step approach, carefully managed and funded over a period of time, focusing initially on those in greatest need.

The system links to allocating scarce resources, and unless this is acknowledged, and resources increased, rising expectations and increasing needs might result in many more time consuming representations, complaints, and finally appeals, making the whole system unmanageable.

3 Finally, we wish to re-iterate our overarching concern that, under the current proposals, Local Authorities are being tasked with accountability for huge areas over which they have little or no control, given that school funding is largely delegated and the FE sector lies outside Local Authorities' remit.

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: ☐

ALN099: Kevin Tansley
SWASSH

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

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

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

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

Question 2 – Individual development plans (IDP)

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 81-100

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

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

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

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

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

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

Question 3 – A new code of practice

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

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

Absolutely!

Legislative proposals for additional learning needs Responses 81-100

- 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

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

Question 5 – Securing specialist provision for young people

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

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

See comments in Q1(b).

Question 6 – Placement at independent schools

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

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

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

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

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

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

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

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

Supporting comments

It needs to be written in the legislation.

Question 8 – Supporting looked after children

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

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

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

Question 9 – Resolving disputes at an early stage

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

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

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

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

Question 10 – Extending the right of appeal

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

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

Legislative proposals for additional learning needs Responses 81-100

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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ALN100: Lindsay Brewis

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

may be so inclusive that families with children with complex or severe needs may feel that they have less purchase and importance in the new system

- 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

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Question 2 – Individual development plans (IDP)

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

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

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

i would agree if i were assured of the entitlement to resources, assessment and service but so far i am not that assured

- 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

schools are patchy - it often depends on personalities. the LA MUST retain

responsibility and ensure ROBUST and transparent ways to ensure compliance, appropriateness and adequacy

Legislative proposals for additional learning needs Responses 81-100

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

make sure that there is little or no wriggle room. any suggestion that they can look at "available resources" WILL result in some schools choosing to spend ALN money on a variety of whole school projects to bring borderline children up to a satisfactory standard and MAY result in an unwillingness to accept ALN pupils of higher complexity

- 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

huge training issues. need a new assessment process during transition that looks holistically at the needs of the YP within the less formal setting

Question 5 – Securing specialist provision for young people

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 81-100

Supporting comments

Often this means a residential setting and the NEEDS of the YP must dictate this . there must be a set of standards that apply to all services otherwise joint prohibition is a nightmare to navigate

Question 6 – Placement at independent schools

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

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

non registered schools may provide an appropriate education for a particular YP although rigorous checks and monitoring should be in place to ensure health and safety (safeguarding)

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

requiring should also strongly suggest a regularity and transparency of meeting

times and places so that these are diarised and take place rather than individual arrangements around each child

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

Supporting comments

as above

Legislative proposals for additional learning needs Responses 81-100

Question 8 – Supporting looked after children

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

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

notn without a change of legislation

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

formal dispute resolution is already in place nad seriously underused. often LAs send a non decision maker leaving more to be respoved. any parent writing a complaint against a school or LA should be automatically informed of family partnership services. informal dispute resolution changes outcomes in most cases providing it is facilitated by an expert speicalist service

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

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

as above and PLEASE not too many layers. take any criticism as the first stage of a complaint process and investigate. give access to an independent person to support

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

no point in having this if all rights are not extended

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 entitlement. making best endeavours - how will this be tested? we must have access to prompt assessment of need. LA functions must be boosted. we need to vbe able to assess the adequacy and appropriateness of the school response. many schools are still unable to write and make good use of an IEP. giving them all this to do will be a leap they will be unable to take. the ALNCo MUST be given power and resources, training and mentoring and budgetary involvement. Schools MUST be made to ringfence ALN funding for the outcomes wanted for the YPs. there should be a user group for all wales that samples the process randomly on a week by week basis and checks for Wales wide consistency. there needs to be a form of IDP that is consistnet wiithout being onerous. so a simple form for most YPs with an extension for different and more complex needs should be standardised

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