

Easy Read

Helping children and young people who need extra support to learn



Llywodraeth Cymru
Welsh Government

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Children and young people with additional learning needs



This is an Easy Read explanation of the **Draft Additional Learning Needs and Educational Tribunal (Wales) Bill**

October 2015



How to use this document

This is an Easy Read version. The words and their meaning are easy to read and understand.



You may need help and support to read and understand this document. Ask someone you know to help you.

Some words may be difficult to understand. These are in **bold blue writing** and have been explained in a box beneath the word.

If any of the words are used later in the booklet they are shown in **normal blue writing**. If you see words in **normal blue writing**, you can look up what they mean in **Hard words** on page 32.



Llywodraeth Cymru
Welsh Government

Where the document says 'we', this means Welsh Government.

To get more copies of this Easy Read version please contact:



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This document was made into Easy Read by Learning Disability Wales using Photosymbols 5.

Contents

Page

What this document is about.....	4
What are additional learning needs (ALN)?.....	7
A plan for each child and young person with ALN.....	11
Aiming high for children and young people with ALN.....	16
Everyone working together.....	18
When people do not agree about the plan.....	20
Parents who are not able to make decisions.....	26
Rules and advice about the new law.....	28
Looked after children	30
Children and young people who are detained.....	31
Hard words.....	32

What this document is about

Why does the law need to change?



The law for education of children and young people with special educational needs is 30 years old. It is out of date.



It does not give children and young people the support they need today. There are problems with the current way of working. Sometimes:



- the child or young person's needs are found too late



- support is given too late



- the child or young person is not included enough



- it is complicated



- it costs a lot.

Our ideas in 2014



Over several years we looked closely at some of the problems with how the law was working.



We then worked on a new law.



In 2014 we sent out our ideas for the new law. A lot of people told us what they thought about our ideas. Most people thought they were good.



We used what people told us to make the new law better. We want to make sure children and young people who need extra support to learn have a better life.



We want all staff who work with children and young people to be able to use this new law well.



We want families and children and young people to know about this new law. And tell us what they think.



There is a response form for you to fill in to give your views. This can be found here on our website www.gov.wales/consultations/education/draft-aln-and-education-tribunal-wales-bill/?lang=en or by phoning 02920 823777.

We look forward to hearing what you think.

What are additional learning needs (ALN)?



Children and young people who need extra support to learn are known as having special educational needs (SEN).



Sometimes they are known as having a learning disability or a learning difficulty.

This can include problems with:



- reading, writing and understanding



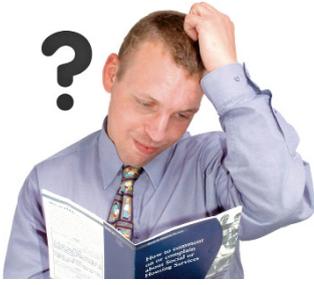
- sight, hearing or speech



- moving around



- emotions or behaviour.



Special educational needs is not a good label. And the law for special educational needs is not clear.



We want to stop saying special educational needs. We want to say **additional learning needs (ALN)** instead and include children and young people up to the age of 25.

Children and young people with **additional learning needs**:



- have a difficulty or disability that means they need extra support, or



- find it harder to learn than other children and young people the same age, or



have a disability that means they cannot use the local school or college.



The saying **additional learning needs** will also be used for young people up to the age of 25. So a person with additional learning needs can be any age from 0 to 25.



Staff like teachers and social workers will probably call this by the letters A L N. So from now on in this document we will write **ALN**.



Because the new law will cover children and young people with ALN up to the age of 25, they will find it easier to move to college after school. They will carry on getting the same support at college as at school.



Local authorities must write information about ALN that people can get. This information should be given to:



- children, their parents and young people



- schools



- people who support children and young people with ALN, like health services.



The **local authority** is the County Council. They provide a lot of services in your area such as social services, education, roads and rubbish collection.

A plan for each child and young person with ALN



All children and young people with ALN will have a plan. This will be called an **individual development plan**.

Individual development plan is the name for the new plan all children and young people with ALN will have.



We will use this plan instead of different plans for different ages and different types of special educational needs.

At the moment children and young people might have a:

- **Statement,**
- or an **Individual Education Plan,**
- or a **Learning and Skills Plan.**



In the future children and young people with ALN will all get an **individual development plan**.



The **individual development plan** will say what the child or young person needs to be able to learn. And what will be done so the child or young person is properly supported in school or college.



What the child, parent or young person thinks, feels and wants must be thought about for this plan.



Their parents or family carers must be part of all the decisions that are made for this plan.



Children and young people and their parents should be given information about this plan before any meeting. The information should be given in a way they can understand.

The **local authority**, school or college will write the plan. But everyone will be part of writing it. This means:



- the child or young person



- their family



- staff from health who support the child or young person



- staff from social services who support the child or young person



- any other person who supports the child or young person.



Children, their parents or young people must be given a copy of the plan.

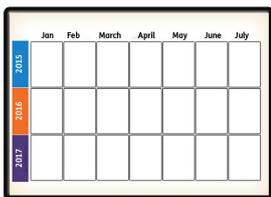


Sometimes a school or college may not think they can support the child or young person's ALN. If they think this they can ask the **local authority** to write the plan.



We want the plan to be used by everyone. We want all parts of the child's or young person's life to be thought about in the plan.

The plan will be checked:



- every 12 months or



- when someone asks for it to be checked or



- when anything changes for the child or young person.



Local authorities can write and check the **individual development plan** at the same time as other plans are being written or checked.



This does not happen at the moment. This can be confusing as it means that the child or young person has to meet with a lot of different people who decide what the child or young person needs.



If other plans like health plans are checked at the same time they can be included in the **individual development plan**.



Local authorities must keep checking the **individual development plan** is working for the children and young people who have one.

Stopping plans



A **local authority**, school or college can stop keeping an **individual development plan** if it's no longer needed.



They must tell the young person or child and their parents that they are thinking of stopping the **individual development plan**.



They must tell them why they think they should stop keeping the plan.



If you don't want them to stop keeping the plan you must tell them within a certain amount of time. The **local authority** should tell you how much time you have to do this.



The **local authority** will listen to you and decide whether or not the plan should be stopped.



A plan can be kept until the young person gets to 25 years old.



If a young person gets to 25 and is still in education, their plan will stop when they finish their course. The plan must end before their 26th birthday.

Aiming high for children and young people with ALN



We want children and young people with ALN to get the most they can from pre-school, school or college.

It is not enough just to have a plan. Every school or college will have a person whose job is to make sure that:



- every child and young person with ALN has a plan



- what is in the plan is done



- the plan helps the child or young person get better at things.



This person will be called an **Additional Learning Needs Coordinator**.



We think it is better for children and young people with ALN to be in their local school and all be taught together if possible.



Some schools and colleges are not run by **local authorities**. **Local authorities** have to pay for children and young people to go to them. This only happens when the local school cannot give the support the child or young person needs.



These schools and colleges need to prove they can support a child or young person with ALN. Then they will go on a Welsh Government list. Only schools and colleges on the list can be paid for by **local authorities**.

Everyone working together

All services will work together for a child or young person with ALN. This means:



- local authority



- schools and colleges



- health



- any other service the child or young person uses such as prison service.



They will share information with each other. They will tell each other what they are doing.



The local authority, school or college will be in charge of doing the individual development plan and checking that it is working.



All parts of the individual development plan will be checked to make sure they fit together and work well.



This is very important for **looked after children**.

Looked after children are in care and may be in a foster home.

Health services



If the **individual development plan** says that the child or young person must have health services to help them with their learning, the NHS must make sure that they are provided to the child or young person.

Each health area in Wales will have a person whose job is to:



- talk with all services about plans



- be the person who sorts things out in health



- make sure health staff do what the plan says.



Sometimes health staff work with children who are not old enough for school. When health staff think the child may have ALN they can talk to the **local authority**. They must tell the child's parents they are doing this.

When people do not agree about the plan



We want to try to stop any disagreements about a child or young person's plan. **Local authorities** must make sure children, young people and parents have support to:



- understand the plan



- be part of writing the plan



- be part of decisions that affect them in the plan



- talk about their worries



- get their questions answered.



People may still disagree. This needs sorting out quickly and locally. When anyone does not agree with some of the plan **local authorities** must:



- make sure someone not involved in the disagreement can listen and help



- make sure children, young people and parents know this is possible.



Local authorities must have ways to sort disagreements out quickly so that children, their parents and young people can trust them.



This will help to make sure that children, their parents and young people don't have to **appeal**. We think this will make things quicker and easier for them.

Appeal is when you ask for a decision to be changed.

At the moment, if parents don't like the Statement they can **appeal**.



In the future children and young people will also be able to **appeal** if they don't agree with decisions made about ALN or the **individual development plan**.



But we want problems to be sorted out as soon as possible so that they don't have to **appeal**.



The child or young person can have an **advocate** to help them with sorting problems out and **appealing**.

Advocate is a person who speaks up for you.



Local authorities must tell the child or young person how to get an **advocate** if they ask for one. They should make it easy for the child or young person.



The **advocate** must be someone who is separate from the **local authority**. The **advocate** may come from an **advocacy** service in their area.

The **advocate** will help the child or young person to **appeal**. The **advocate** can help to do things like:



- think about the **appeal** and advise what can be done



- write letters



- go to meetings to speak up for the child or young person.



Sometimes the child or young person may already know someone who can support them in an **appeal**.

This person will be called a **case friend**.

A **case friend** is someone who can support a child with an appeal. They are not an advocate.

The **case friend** will be someone who:



- is fair and able to stand up for the child or young person



- listens to the child's or young person's views



- is good at sorting things out when people do not agree



- is good at finding answers to problems.



We hope that the new law will help us sort out any problems quicker and easier.

Easy right to appeal



There is already a **tribunal** for special educational needs. This will carry on with a new name — the **Education Tribunal for Wales**.

Tribunal is a special group of people whose job is to deal with a disagreement.

A child, young person or parent can **appeal** to the **tribunal** about:



- a decision about what ALN a child or young person has



- a **local authority** deciding if a person needs a plan



- what support the plan says the child or young person needs



- the school the plan says the person should go to



- no school being named in the plan



- a decision not to check a plan



- a decision not to keep going with a plan.



Everyone has to go along with the decision of the **Tribunal**.



Any **appeal** against the **Tribunal** has to be about how they used the law. If needed, this can go to the higher **Tribunal**.

Parents who are not able to make decisions

Sometimes parents are not able to make decisions about what is best for their child. This may be because they have:



- a **mental health problem**. This is where people do not feel well in their mind and thoughts.



- a learning disability



- **dementia**. This is where people have problems with memory and can be confused.



The legal words for this is not having **capacity**.

Capacity means being able to make a particular decision or choice at a particular time.



The **Mental Capacity Act** says when a person does not have **capacity**. There are very clear rules about how to decide if a person has **capacity**.

When a parent does not have **capacity**:



- the **Court of Protection** can decide who will make decisions about their child



- the parent may have already written down who will make these decisions. This is called a **lasting power of attorney**.

Rules and advice about the new law



We are writing a set of rules and advice about how to use the new law. This is called a **Code**.

A **Code** is a set of rules to help local authorities and partners do what the law tells them to do.



We will ask for views on the new rules before we write the final ones.

The rules will be for teaching staff, **local authorities** and health services. The rules will help them to:



- understand about ALN



- support children and young people with ALN



- write the **individual development plan**



- put the **individual development plan** into action



- check the **individual development plan**



- stop disagreements from happening.



The rules will also say how **advocacy** will be done if it is needed.

We will talk about the rules with:



- **local authorities**



- schools and colleges



- early years education, for example nurseries

- **Estyn**



Estyn is the name of the group who check on schools and colleges in Wales.

Looked after children

Looked after children are:

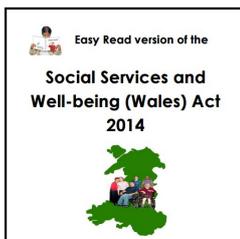
- in care
- may be in a foster home. This is where a child lives with another family.



A lot of looked after children will have ALN.



Looked after children have a **personal education plan**. We want this to be like the **individual development plan**.



We are waiting for the **Social Services and Well-being (Wales) Act 2014** to become law. This Act is about improving the well-being of people who need care and support.



Then we will be able to finish writing about looked after children in this law.



We want a looked after child, or their parent to be able to **appeal** to the **Tribunal** if they disagree with the education plan.

Children and young people who are detained



Detained is when a child or young person has broken the law and must stay in a place that is kept locked. Only courts can say children and young people must go to these places.



If a child or young person already has ALN, the **local authority** where they are from must make sure their **individual development plan** is kept going when they are able to leave the locked place.



Sometimes the place the child is in asks if the child or young person has ALN. The **local authority** where they are from will decide if they have ALN. That **local authority** will then write an **individual development plan** with the child or young person.



The manager of the place the child or young person is in will be part of all the decisions. They will have a copy of the plan.

Hard words

Advocate

Advocate is a person who speaks up for you.

Appeal

Appeal is when you ask for a decision to be changed.

Capacity

Capacity means being able to make a particular decision or choice at a particular time.

Case friend

A case friend is someone who can support a child or young person with an appeal. They are not an advocate.

Code

A Code is a set of rules to help local authorities and partners do what the law tells them to do.

Dementia

This is where people have problems with memory and can be confused.

Detained

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Estyn

Estyn is the name of the group who check on schools and colleges in Wales.

Individual development plan

Individual development plan is the name for the new plan all children and young people with ALN will have.

Local authority

The local authority is the County Council. They provide a lot of services in your area such as social services, education, roads and rubbish collection.

Looked after children

Looked after children are in care and may be in a foster home.

Mental health problem

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Tribunal

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