



Llywodraeth Cymru  
Welsh Government

# **Additional Learning Needs and Education Tribunal (Wales) Bill: stakeholder consultation workshops on behalf of the Welsh Government – summary report**

This report was written by Markit Training & Consultancy Ltd on behalf of the Welsh Government.

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
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## Introduction

On 12 December 2016, the Minister for Lifelong Learning and Welsh Language introduced the Additional Learning Needs and Education Tribunal (Wales) Bill to the National Assembly for Wales. The Bill proposes a new legal framework to replace the existing legislation surrounding special educational needs and the assessment of children and young people with learning difficulties and/or disabilities in post-16 education and training. In a Written Ministerial Statement the Minister committed to seek the views of partners on transition options via a full, public consultation<sup>1</sup> which was launched on 27 February. In addition the Minister also made commitments to hold regional events and engage with stakeholders throughout the Bill scrutiny process.

In line with Ministerial commitments, the Welsh Government, earlier this year, held four regional stakeholder events in relation to the Additional Learning Needs and Education Tribunal (Wales) Bill. The venues were:

- Halliwell Centre, Carmarthen, 28 February
- The Celtic Manor Resort, Newport, 2 March
- Venue Cymru, Llandudno, 7 March
- Central South Consortium Conference Centre, Nantgarw, 9 March

The events were open to anyone with an interest in this legislative reform and were attended by parents, local authorities, third sector organisations, head teachers, teaching staff, further education institutions, special educational needs coordinators, early years practitioners, SEN Tribunal panel members, social workers and health professionals. Each event was held in two sessions between 9.00 -12.30pm and 13.00-16.30pm. The session agenda was:

- An address via video from the Minister for Lifelong Learning and Welsh Language;
- A presentation on the Additional Learning Needs Transformation Programme;
- A Technical Briefing on the Bill;
- A question and answer session with a panel consisting of representatives from the Welsh Government's Education department, Health department and a Local Authority;
- A consultation workshop exploring options for implementation of the Bill.

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<sup>1</sup> closing date 9 June 2017 – for more information visit:  
<https://consultations.gov.wales/consultations/options-implementing-additional-learning-needs-and-education-tribunal-wales-bill?lang=en>

## **Methodology**

For each 60 minute workshop participants were seated in groups of up to 12 people. Each group was provided with a pack of bilingual consultation materials and background information, and were asked to identify a group chair, spokesperson and scribe. They were then asked to consider three consultation questions. Following group discussions on each question, each group's key points were summarised using a standard feedback template. During a plenary session, groups were selected to provide a brief overview of their discussions of each question to the whole audience. Delegates were also encouraged to submit formal responses to the consultation.

## **Key findings**

This report summarises feedback received from participants at the eight consultation workshop sessions in relation to the options for implementation of the Bill. The total number of workshop participants (n) was 629; a slightly lower number than the total attendees as not every participant was able to stay for the workshop sessions.

## **Consultation question 1: How should the implementation of individual development plans be done?**

The Welsh Government is committed to the principle that no child or young person should lose current statutory protection or provision required to meet their needs during or as a result of transition to the new system. In effect this means that to some degree, the current SEN/LDD systems would continue to operate in parallel alongside the new additional learning needs system, until a defined cut off point. Those learners who currently have statements will continue to have the same legal rights and protections until an independent development plan (IDP) is put in place for them.

When considering how the implementation of IDPs should happen, workshop participants were given two options to discuss. They were asked to select their preferred option and to give reasons for their choice.

### **Option 1a) Introduce individual development plans with a single date to go live**

Such an approach would, in theory, mean the new system applying to all learners with additional learning needs from the same point in time. The proportion of people who agreed with this option was 15.74% (n = 99).

Reasons given for supporting this option focused mainly on the need to provide clarity to all stakeholders, to avoid having two systems operating simultaneously and to have an approach to implementation that is equitable for all learners. Also having a single date to go live would potentially make collaboration and cross-border working between local authorities and Health Boards more straightforward. Examples of feedback included:

*'The Big Bang approach, from a legislative perspective, is positive as it gives greater clarity and equality across different sectors and regions. However this approach would need a lead-in time.'*

*'We feel passionately that there should be one single date to go live. Make a simple system that everyone can understand which avoids the need for schools to work with two systems which would be very complex to manage.'*

*'Change is a challenge but if the implementation is phased that will only prolong anxiety and workload.'*

Reasons given for rejecting this option reflected participants' anxieties about workload and the manageability of the implementation process, in particular for the additional learning needs coordinator (ALNCo). The implications of creating IDPs for all learners with additional learning needs to the same timescale were felt by many to be impracticable, in particular in settings with

large numbers of such learners. Other reasons for rejecting this option focused on the potentially damaging impact a hurried implementation would have on the quality of the process and the confidence of practitioners in the new system. Examples of feedback included:

*'It would be very stressful for school staff as insufficient time and lack of training may result in poor practice i.e. the implementation of IDPs being done badly.'*

*'The impact on workload and workforce development of this approach would be challenging across all organisations and professions.'*

### **Option 1b) Introduce individual development plans in phases**

The proportion of people who agreed with this option was 82.83% (n = 521).

Many participants concurred that, to ensure consistency across settings and local authorities, and to be fair and equitable for all learners, a national phased approach to the implementation of IDPs is required. Such an approach to implementation would provide practitioners with more time to develop statutory IDPs using person-centred practice possibly for the first time.

Most were in favour of a clearly defined transition period i.e. agreeing a period during which existing statements and plans need to be changed and a specific completion date by which all eligible ALN learners had an IDP. The timescale suggested for implementation varied considerably from 12 months, typically an academic year, to up to five years. Such a phased introduction was perceived to be more manageable and would seem to reflect the current direction of travel regarding the introduction of IDPs in many of the settings represented in the workshops. Feedback indicated that unambiguous guidance regarding which tranche(s) of learners to prioritise will be essential.

Specific reasons given for supporting a phased implementation of IDPs included:

- It would be in the best interests of learners as they are central to the process.
- Education settings will need adequate time to implement effective and meaningful practice, ensuring that 'quality' is paramount.
- Workforce development for all practitioners will take time to achieve.
- It will afford more time for person-centred practice (PCP) to develop in Early Years settings, schools, further education institutions (FEIs) and local authorities.
- It would allow practice to develop and evolve over time with opportunities to learn from others such as the pilot settings.



- It would provide opportunities for processes to be reviewed, refined and quality assured as IDPs are implemented.

Examples of feedback included:

*'If sufficient time is given to prepare, then settings can work towards a national implementation date; more consistent and equitable.'*

*'It's not realistic to have a single date because of the amount of work involved; because of lack of capacity and the volume of work, the quality of plans will suffer. A phased implementation will help the process and allow a realistic amount of time to be spent to ensure learners' needs are met appropriately.'*

*'A phased implementation would give opportunities to reflect on practice. Training would be easier to implement. Better opportunities to discuss with learners, parents and other professionals.'*

Reasons for rejecting this option included concerns that it would create confusion potentially for parents/, especially if they have more than one child with ALN in different key stages who receive different provision, either a statement or an IDP.

*'From a parent's perspective, why wouldn't you want all children to have the same quality of provision at the same time?'*

The remaining participants (1.43%) were not in favour of either option.

Regardless of whichever approach for implementation of IDPs is adopted, participants stressed the need for a joined-up strategic approach to ensure the ALN reforms complement other Welsh Government policy initiatives and the broader educational context. For example,

- To align closely with the principles of *Successful Futures*.
- To complement the requirements of the Social Services and Well-being (Wales) Act.
- To dovetail with the implementation of the new Childcare Offer for Wales.
- To address the tension that currently exists between the focus on standards and the inclusion agenda in schools, and to ensure the quality of ALN provision is reflected in the criteria used to inform the national school categorisation system.
- To ensure regional education consortia challenge advisors give equal status to the progress of learners with additional learning needs when making judgements about the attainment of learners within a setting.
- To ensure work by settings to embed ALN provision is fully valued in the Estyn Common Inspection Framework.

*'Schools are judged on outcomes for pupils however these outcomes can be impossible for some ALN learners, especially as more complex needs are being met in mainstream settings. How is this reflected in the school categorisation model?'*

## Consultation question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

The Welsh Government's assumption is that any learners requiring a plan for the first time would automatically be provided with an IDP from the time that the new system comes into force. For this question, therefore each group was given five options to consider. The options related to the process of converting existing plans – statements, IEPs, learning and skills plans, post-16-based plans and personal education plans – into IDPs. Based on their responses, each group was asked to rank the options, with 1 being the most popular option and 5 the least popular.

In reality, some groups only identified their most popular and least popular options. Generally feedback lacked consensus; in particular groups with cross-sectoral representation showed little or no agreement. The shared view however, was that whichever option is adopted the focus should be on quality and getting the process right for the learner.

Table 1 describes responses from all 90 workshop groups averaged for comparative purposes.

Table 1			
Option	Tranche	Average	Ranking
<b>2a: Existing statutory plans</b>	1: <i>Statements and PEPs</i> 2: <i>Non-statutory plans</i>	<b>2.44</b>	<b>2</b>
<b>2b: Education setting</b>	1: <i>Schools &amp; early years settings</i> 2: <i>Post-16</i>	<b>3.24</b>	<b>4</b>
<b>2c: Key stages</b>	1: <i>Foundation Phase and Key stage 2</i> 2: <i>Key stage 3, 4 and post-16</i>	<b>3.02</b>	<b>3</b>
<b>2d; Significant points of transition</b>	1: <i>those moving school setting, LA or key stage</i> 2: <i>all others</i>	<b>2.19</b>	<b>1</b>
<b>2e; Early adopter local authorities</b>	1: <i>ALN pilot LAs</i> 2: <i>all others</i>	<b>3.91</b>	<b>5</b>

The most popular choice for a phased introduction was option 2d) '*Significant points of transition*' between settings, key stage or local authority. Reasons given to justify this choice focused on providing sufficient time to build capacity within settings, the manageability of the process and concerns about ALNCo workload. Feedback suggested that focusing on converting the existing plans of a limited number of learners at key transition points would allow time and resources to be more targeted, enabling schools to develop expertise with individual cohorts of learners as part of effective transition planning. Participants also felt this approach should be inclusive of 0-3 year olds in Early Years settings.

The second most popular choice for a phased introduction was 2a) '*Existing statutory plans*', beginning with those learners that already have statutory and non-statutory plans before extending such rights to a new cohort. The general view was that learners with the highest level of need should be prioritised. This was seen as a practical option as these represent a much smaller number of learners who have already been identified and their needs defined. Multi-agency working should also be well established for these learners. Such an approach was perceived to be fairer as it is not restricted to learners in a particular key stage or setting, would tie-into existing review cycles and would potentially ease parental anxieties about the loss of statements.

By a significant margin, the least popular option was 2e) '*Early adopter local authorities*' as it was felt that this approach was inequitable, would lead to inconsistency across Wales and would create confusion with two systems operating across local authority and Local Health Board boundaries. This approach would create difficulties in particular for learners that move between local authorities, for example those who are looked after.

Irrespective of the option selected, groups felt that the approach should be learner-centred, and that adequate support and funding for IDP implementation were crucial. Most groups agreed that that it is necessary to have an end date by which time IDPs are implemented nationally to avoid two systems running concurrently for an extended period.

*'There needs to be an absolute deadline for implementation by all settings, but each school needs staff training before implementation begins.'*

*'The timing of implementation is crucial. All aspects, funding and training, need to be in place before starting so that this exciting and inspirational vision can be realised.'*

## **Consultation question 3: What are your views on the priorities for Welsh Government support for delivery partners as they prepare for transition to the new system?**

Groups were asked to consider their priorities under four main areas namely:

- workforce development
- grant funding
- appointment of ALN strategic supporters
- other support needs

### **Workforce development**

By a considerable degree, workforce development for staff in schools, early years settings, further education institutions, local authorities, health and social services was the most commonly identified support need to ensure successful implementation of the new system. Participants acknowledged that developing consistent practice across all sectors is essential, with requests for training and support to be consistent nationally. Feedback concentrated on skills development at three levels.

### **Core skills development**

High quality professional development to raise awareness of the ALN transformation programme and to up-skill all practitioners to identify and support learners with additional learning needs was identified as a priority. The move to person-centred planning was welcomed but participants recognised that person-centred practice (PCP) training was also a priority to ensure learners' views are considered in a meaningful way. It was suggested that the Welsh Government should designate specific INSET days to support the implementation of the ALNET Bill and Code in schools. Other settings, including pre-school non-maintained settings, also need equal access to quality workforce development. Participants stressed the need to:

- Audit the existing workforce to identify professional development needs in each sector.
- Tailor training to align with the needs of different settings and sectors.
- Ensure training facilitates collaboration between agencies and suggested holding joint training with multi-agency participation.
- Address concerns about the scalability of training in FEIs given large staff numbers and subject specialisms.
- Supplement face-to-face professional development opportunities with an e-learning training package.
- Explore how ALN expertise could have increased recognition in the new professional standards for teaching and learning.

To help ensure training is sustainable, participants suggested that schools with experience of implementing IDPs successfully from their participation in the additional learning needs pilots should play a role in modelling practice and mentoring other schools. Similarly local authorities with experience of supporting schools to implement IDPs successfully should share strategies and play an active role in supporting other local authorities. Examples of feedback included:

*‘A high quality professional development programme for all practitioners before and during the implementation process is crucial.’*

*‘We want to make the proposals in the Bill work. We want to be more efficient and effective but resources at all levels are under more pressure than ever.’*

*‘We welcome the reforms and the PCP approach but the transition phase has huge workload implications.’*

## **Advanced skill development**

The ALNCo role was perceived as central to the successful introduction of the ALN reforms. The need to provide clear expectations of the ALNCo role, and professional development for ALNCoS, both those in post and for newly appointed individuals, were understandably therefore identified as priorities. Feedback also suggested that ALNCoS should be part of a setting’s senior leadership team as a decision making role is needed to lead the effective implementation of the new system.

Transition arrangements need to ensure that workload is reasonable for all involved with implementation. Whilst they acknowledged that demands will vary in different settings, ALNCo workload and the time needed to carry out the role effectively was a major concern for most participants. Views varied as to whether the ALNCo role should be a teaching or non-teaching role. Some participants strongly recommended that ALNCoS must have, as a minimum, 50% non-contact time. A minority of groups advocated introducing a cluster model of support, suggesting a shared non-teaching ALNCo across a number of schools would be helpful in terms of managing workload, as would the appointment of trained administrative support.

*‘ALNCo training is vital; they need to be fully informed and upskilled so that they can inform the rest of the staff in school. They will be key in arranging multi-disciplinary teams.’*

Views varied as to whether ALNCoS should be expected to have a specialist master’s qualification. Whilst the need for the ALNCo to have status was recognised, some participants argued strongly that prior experience, skills, commitment and dedication should also be acknowledged. It was also

suggested that more incentives should be provided for teachers and lecturers to become ALN specialist practitioners.

## **Specialist skills development**

Fewer groups reported specifically on this aspect of workforce development. Comments focused mainly on the need for equitable access to specialist support services and agencies. Concerns were expressed about inconsistencies in levels of support across local authorities and nationally. In particular, concerns were conveyed about access to Inclusion Services and the need to develop the capacity of local specialist provision, such as educational psychologists, speech and language therapists and teachers of the deaf, to meet the needs of all learners. Feedback also focused on the need for succession planning to expand the capacity of local authority specialist support services and those provided by other stakeholders to build a professional infrastructure capable of meeting demand.

Other workforce development-related issues identified by participants included the need for all Initial Teacher Education and Training (ITET) programmes to address inclusion and ALN more significantly as this is perceived to be an underdeveloped aspect currently, for both trainee teachers and teaching assistants. Participants felt that newly qualified teachers should be aware of the requirements of the ALN Code, child development and the value of differentiated approaches. Examples of feedback included:

*'ITET needs to be more focussed on inclusion and ALN. This needs to be embedded in each and every session so that there is a complete culture change to ALN.'*

*'Too many trainee teachers arrive in schools with no idea on differentiation, PCP and how to identify specific learning difficulties.'*

It was also suggested that information about ALN and inclusion should be provided for those studying for the National Nursery Examination Board (NNEB) Diploma in Nursery Nursing and Children's Care Learning and Development (CCLD) qualifications. Another need identified was to provide a national programme of governor training about the ALN reforms and the new legislative duties.

Whilst participants welcomed learners' entitlement to Welsh language ALN provision, providing appropriate provision, support and resources in the learner's language of choice, in particular the need to provide ALN support in Welsh and other minority community languages, remains a challenge for many local authorities.

*'Welsh language services need to be a priority; children with ALN need access to support and services in their first language otherwise they are at an immediate disadvantage.'*

## **Grant funding**

In February, the Minister for Lifelong Learning and Welsh Language announced a £20m investment for the period 2017- 21 to support the additional learning needs transformation programme. The aim of the investment is to ensure that delivery partners are as well prepared as possible to implement the proposed new legislative framework and that it will have a positive impact on outcomes for learners.

Whilst the Welsh Government's investment to support the ALN transformation programme was welcomed, participants stressed the need to ensure parity of funding across all settings and sectors. Sustainable, fair funding was a commonly identified support need and seen as crucial to the successful implementation of the ALN reforms. Participants suggested that funding is required for a variety of reasons including to:

- Enable local authorities to plan strategically and prioritise training needs
- Introduce and disseminate information about the new Bill and Code
- Train existing staff from all agencies including professionals in Health and Children's Services
- Roll-out PCP training to education practitioners and professionals across agencies
- Meet supply costs to enable teachers to attend training
- Recruit additional staff to support IDP implementation
- Develop ALN provision in FEIs
- Develop specialist provision and provide advocacy

Concerns were expressed as to how funding will be allocated, the criteria for accessing funding and how sustainable ALN funding will be in the longer term.

## **ALN strategic supporters**

Relatively few groups commented on the proposal to appoint ALN strategic supporters, a small team to provide advice, support and challenge to local authorities and delivery partners during the transition phase. These individuals will play a key role to assess the readiness of delivery partners, monitor compliance once the new legal duties are in place, and evaluate the impact of the changes. Feedback was broadly supportive about the proposal to appoint ALN strategic supporters who participants thought would play an important role in ensuring the quality and consistency of IDPs, although they felt that there is a need to clarify the strategic supporter role.



Similarly a small number of participants welcomed the strategic Designated Education Clinical Lead Officer (DECLO) role within health boards to support effective planning and collaboration between agencies but wanted further clarification about their level of engagement and accountability. They also suggested that the role should be piloted as concerns were expressed about the feasibility of one person having the capacity to carry out this role effectively in practice.

## **Other support needs**

A range of other support needs were also raised during workshop sessions. Participants identified a need to raise awareness of the Bill, the ALN Code and regulations, and the implementation of IDPs with all stakeholders. In particular, participants stressed the importance of engaging parents/carers in a meaningful way to develop their understanding of the ALNET Bill, in order to manage their expectations. They felt parents/carers will need easily accessible information about the ALN transformation programme and reassurance that existing support arrangements for their children still have 'force' whilst the transition to IDPs take place. Participants also identified the need to provide targeted support and independent, impartial advocacy for parents/carers as required during person-centred planning and the development of IDPs.

Participants felt that it is crucial to have unambiguous guidance in the ALN Code prior to implementation. They felt that the ALN Code will need to provide clear direction in terms of legal obligations and parameters for joint-working to ensure a consistent graduated approach is adopted. To prevent unnecessary bureaucracy, participants felt that the ALN Code needs to clearly set out the roles, responsibilities and levels of accountability of all stakeholders, making sure there is a consistent approach to issuing IDPs across schools and local authorities. They felt that all stakeholders will need advice about the timescale for implementation, guidance on how funding will be managed and how resources will be deployed, and direction on practical considerations such as whether ALN Cos should be released from teaching commitments. There were also requests for the Code to use 'simplistic' language to meet the needs of all practitioners and families. Responses also included requests to clarify the role of the non-maintained sector; in particular to provide more information on developing and implementing IDPs in Early Years settings in the private sector, plus a clear route to support and advice on next steps.

Increased collaboration between agencies was welcomed by participants, with some caveats around the need for effective joint-working to create IDPs and a willingness to share the workload. Some participants felt that the ALN transformation programme is an opportunity to improve information sharing protocols and to integrate data systems to enable all groups of professionals to have access to learner information and address the challenge of cross-

border portability and information sharing. Although participants were not asked specifically, a minority of groups requested a standard IDP template, preferably electronic and editable, which they would felt would help ensure consistency and continuity across all settings and agencies.

## Concluding comments

Throughout all eight workshops there was a universal feeling that the ALN transformation programme is welcomed and that a collective, shared will exists to 'get it right' for learners with additional learning needs. The challenge is how to harness the goodwill and professionalism of practitioners to implement the new ALN system effectively to meet the needs of learners; building on the outstanding practice that already exists without rushing the process and impacting on quality. As one participant summed up,

*'There is a need to be realistic and not commence the implementation of an Act that seeks to ensure equity through arrangements that are not equitable.'*