

Responses to the 'Draft of the additional learning needs Code consultation – online responses

Response 1

Respondent Details

Information	
Name	A. HUWS
Organisation (if applicable)	CANOLFAN ADDYSG Y BONT

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms 'must', 'must not', 'may', 'should' and 'should not' clear?

No

Supporting comments:
TOO AMBIGUOUS

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

Not sure

Supporting comments:
VERY CHALLENGING TIMESCALE GIVEN CURRENT ECONOMIC CLIMATE AND CUTS TO SERVICES

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

Yes

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No

Supporting comments:

AUTHORITIES WILL POSSIBLY ABDICATE TOO MUCH RESPONSIBILITY IN THIS VERY CHALLENGING AREA OF EDUCATION. PRUs NEED STRONG AND ROBUST AUTHORITY INPUT

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCPRD)?

Not sure

Supporting comments:

THE CODE IN GENERAL IS TOO VAGUE IN NHS BODIES ACCOUNTABILITY

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

Not sure

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

No

Supporting comments:
NOT CLEAR ENOUGH

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Yes

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

No

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Yes

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Yes

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Yes

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Not sure

Supporting comments:
NOT VERY PCP

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Not sure

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Yes

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

No

Supporting comments:
TOO AMBIGUOUS. NHS BODIES WILL NOT BE HELD ACCOUNTABLE ONLY IN EXTREME CASES

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Not sure

Supporting comments:
HOW WILL THEY BE HELD TO ACCOUNT UNDER CURRENT WORDING?

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

No

Supporting comments:

GUIDANCE IS REASONABLY CLEAR, BUT IMPORTANCE AND EXTENT OF ROLE IS UNDERESTIMATED. HOW MANY DECLOs WILL THERE BE? WILL THEY BE SUPPORTED AND HOW?

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

Not sure

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Yes

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

Not sure

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Yes

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Yes

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

Yes

Supporting comments:

THIS WILL NOT BE A RESOURCE NEUTRAL PROCESS

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

No

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Not sure

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Yes

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

Yes

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

Not sure

Supporting comments:

SIGNIFICANT ISSUES WILL ARISE RE: TRAINING/EXPERTISE AND ALLOCATED TIME TO ENGAGE IN ROLE

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Not sure

Supporting comments:
NOT CLEAR ENOUGH

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

Not sure

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Yes

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Not sure

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Not sure

Supporting comments:
THERE WILL BE AN INCREASE OF TRIBUNAL ACTIVITY. WILL THE STRUCTURE COPE?

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

Yes

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Yes

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Yes

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

Yes

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

Yes

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

Not sure

Supporting comments:

SHOULD HAVE A HIGHER LEVEL QUALIFICATION (DIPLOMA FOR ALN..)

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Yes

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Yes

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Not sure

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

A VERY TURBULENT 2/3 YEAR PERIOD OF UNCERTAINTY

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

NONE

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

Question 65 – 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.

No Response

Respondent Details

Information	
Name	Anonymous
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No

Supporting comments:

Not all bodies will be able to respond in the timescale - there is lack of professionals across the board to deal with the impact of this bill

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

No

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No

Supporting comments:

Lack of professionals to cope with this - the funding is not there long term either.

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Supporting comments:

NHS bodies do not communicate with education - this is one of several major stumbling blocks

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

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Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

Yes

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

No

Supporting comments:

Where will these professionals come from? Where is the funding?

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

Yes

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

No

Supporting comments:

Schools do not have the finance, number of professionals nor the time expected of them to comply with this bill - schools can barely afford teachers to teach children in a suitable class size, least of all carry a non-teaching professional within the school.

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Yes

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

No

Supporting comments:

Again, looking at the number of professionals needed and affordability to comply...schools cannot afford this.

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Yes

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Yes

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Yes

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Supporting comments:

Timescales and limited professional 'wriggle-room' means this will be a difficult feat.

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Yes

Supporting comments:

There is a history of NHS not communicating with other bodies - this may cause great difficulty moving forward

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Yes

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

Yes

Supporting comments:

It is clear, however, this system will not be a successful one as there are not enough professionals to undertake the duties and it again has a huge financial implication on already over-stretched bodies

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

No

Supporting comments:

This needs to be expanded as many parents will take advantage of the situation and clog the system up impacting those that need support.

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

Yes

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No

Supporting comments:

The LA will take a financial decision on this and not one that benefits the child...the decision made will be the one that will benefit the LA financially.

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No

Supporting comments:

Completely inappropriate - there is simply not the number of professionals to

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

undertake the huge workload, there is not enough long-term flexibility to allow this to happen successfully in the highly financially challenging situation.

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

Yes

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Not sure

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Not sure

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Yes

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

Yes

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Not sure

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Not sure

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Not sure

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Not sure

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Not sure

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

No

Supporting comments:

Not all schools can afford to welcome an ALNCo onto the senior leadership team - this role will be taken on by the headteacher who is already juggling far too many responsibilities. Not all ALNCoS are capable of organising the style of meetings required. Many ALNCoS are teachers who do not have the luxury of non-contact as the school cannot afford for this to happen...this will have a hugely negative impact on standards, staff wellbeing.

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

No

Supporting comments:

Currently schools access legal support from LAs, the impact of the bill means that this will now stop and schools will need to finance a legal team to support them - schools cannot afford this...this again is already having an impact on wellbeing and people leaving/considering leaving the profession.

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Yes

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Yes

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

Yes

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Not sure

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Not sure

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

Yes

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

Yes

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

No

Supporting comments:

Having stated previously - ALNCos are teachers first and foremost - they do not have the time nor the expertise to operate against this new bill

Question 56 – Do you agree with the tasks that ALNCos must carry out or arrange to carry out as set out in the draft ALNCo regulations?

No

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

No

Supporting comments:

How can we take on more 'statutory duties' with less support and finance - the system will soon collapse therefore failing everyone

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Not sure

Supporting comments:

How are we going to manage this with no finance, no suitable time to undertake these actions?

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

Impossibly huge workload for all involved with limited support from outside agencies. Schools cannot afford to operate the bill as planned as there will need to be a non-teaching ALNCo on the senior leadership of every school -is not possible as schools cannot afford to operate this.

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

No comment

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

None

Question 65 – 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.

No Response

Respondent Details

Information	
Name	[XXXX]
Organisation (if applicable)	[XXXX] Comprehensive School (School Governor with responsibility for ALN)

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

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Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

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Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

Yes

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Not sure

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

Yes

Supporting comments:

In the main document this is clear. However, in the Children and Young People document, reference is made to the fact that a difficulty could be hearing. No mention is made of 'seeing' which could also provide a difficulty to learning. I do not think that one example should be given without others also being given since there are not so many of this type that would make it preventive to collating an

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

exhaustive list. Or it may not be necessary to include a list at all since the description is adequate.

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

Yes

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Yes

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

Not sure

Supporting comments:

It seems to be explicit that an LA shall contact other providers such as Health and Social Services and that an LA shall be involved when this is necessary. Why would the responsibility go to the LA when comments from these providers are necessary? Surely a school is equally able to contact these providers? If a school were able to do this and responsible for so doing it would reduce considerably the timescale for deal with the ALN which seems to escalate when an LA is involved.

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Not sure

Supporting comments:

See above comments. Otherwise the timescales are appropriate.

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Not sure

Supporting comments:

See above comments. Otherwise the requirements are appropriate

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Yes

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Yes

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Yes

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Yes

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

No

Supporting comments:

I think the timescales should be four weeks as nearly everything should already be on record.

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Yes

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Yes

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

Yes

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Yes

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

Yes

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Yes

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Yes

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

Yes

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Yes

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Yes

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Yes

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

Yes

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

Yes

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

I am concerned that sufficient funding is available for advocacy since I would expect the need for this, at least in the first instance, to be considerable. The report rightly refers to many times when a parent or young person should be advised that they can seek advocacy. It would be surprising if this were not taken up at a higher frequency as the system beds in. I am also concerned that the money to pay for these services does not come directly from Welsh Government to the Advocacy Services rather than through the LA since it is frequently the LA with whom the parent or young person will have the dispute. A parent may not necessarily trust an advocate who does not share the parent's view (even though the LA may be correct in the service it is offering and the advocate may be correct in the advice it is giving) if the parent sees the advocate as being in the 'pay' of the LA. Financial Independence from the LA would be beneficial to the advocacy provider.

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Not sure

Supporting comments:

Not sure how this question is different from the previous one

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

Yes

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Yes

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Yes

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Not sure

Supporting comments:

In general yes but please refer to comments particularly about advocacy

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

Yes

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Yes

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No

Supporting comments:

As previously stated I can see no reason for this to be more than four weeks since the details should already be on file.

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

Yes

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

Yes

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

Yes

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Yes

Supporting comments:

I am pleased to see the use of 'ensuring' that certain tasks are undertaken. As a governor with responsibility for ALN I am very disappointed at times with staff who expect the ALNCo to DO everything and this document makes the distinction clear

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes

Supporting comments:

I am very pleased to see this as there are too many times when the corporate role with regard to LAC is not fully undertaken.

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Yes

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

Clarity as to what must be done and who is responsible for it. Clarity for parents as to what they can expect and how they get issues sorted out. While I would like shorter timescales the ones included are largely reasonable and ones about which neither school nor LA (and its partners) can complain or avoid.

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

Question 65 – 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.

No Response

Respondent Details

Information	
Name	[XXXX]
Organisation (if applicable)	[XXXX]

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

Yes

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

Yes

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Not sure

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Supporting comments:

It is just a pity it is not put in practice now .I have a grandson who has A D H D and Autism and my daughter and husband do not get any help at all. He is 11 years old and she has tried to get some help since he started school but nobody seems to want to know. They are finding it very hard now he is getting older.I just thought you should know that not everybody gets help.

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes

Supporting comments:

It is a pity it is not always carried through

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Supporting comments:
Definatly

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

Not sure

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

Yes

Supporting comments:
As long as it is carried out

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Yes

Supporting comments:
I do not think that they all have the experience to carry out these roles they should be checked better

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

Yes

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Not sure

Supporting comments:
As i have said my grandson didnt have any support in primary school and was bullied and tormented so bad that he ended up at his GP and at Hospital

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Not sure

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Yes

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Yes

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Yes

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Yes

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Yes

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Yes

Supporting comments:

They should keep everybody informed

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Yes

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

Yes

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

No

Supporting comments:

My grandson was supposed to see a specialist every three months but [XXXX] were without one for about 18mths and he was referred to [XXXX] where they could not believe he was not having any help

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

Yes

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Yes

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Yes

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

Yes

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Yes

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Yes

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Yes

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

Yes

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

Yes

Supporting comments:

As long as they are carried out

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

Yes

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Yes

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Yes

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Yes

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

Yes

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Yes

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Yes

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

Yes

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

Yes

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

Yes

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Yes

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Not sure

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Not sure

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Yes

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

Hopefully better help and care for the children in school and more help and support for the parents

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

dont know

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

positive

Question 65 – 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.

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

No

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

Not sure

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

No

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

No

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

No

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Not sure

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

No

Supporting comments:

Too complex

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

No

Supporting comments:

Most conditions are medical. Insufficient expectation on NHS. Too much expected of education staff.

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Supporting comments:

This will cause more problems than it solves. Ongoing review is vital.

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

No

Supporting comments:

children and their families need action and support not advice.

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

Yes

Supporting comments:

How will plans be costed and resources.

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

Yes

Supporting comments:

Diagnosis of difficulty is not the problem What to do about it to meet the need is the challenge.

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

No

Supporting comments:

No time for full time teaching staff to undertake any of these duties.

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

Not sure

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Not sure

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

No

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

No

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

No

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

No

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

No

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Not sure

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

No

Supporting comments:

Insufficient sharing of information from Health to Education.

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

No

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

No

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

No

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

No

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

No

Supporting comments:
Insufficient resource and practical support.

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

No

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

No

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

No

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

No

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No

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No

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

No

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

No

Supporting comments:

How will this be funded if indeed anyone is actually interested in doing the role?

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

No

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

Far too much emphasis and focus on system change again. Our valuable and diminishing resources and finance need to be allocated to direct work with the children.

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

No

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

No

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

No

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

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Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

No

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

No

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

No

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

No

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

Chaos.

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

More insufficient action for our most vulnerable pupils.

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

More resources in schools.

Question 65 – 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.

Money for ALN learners.

Response 6

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?
Yes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?
Yes

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?
Yes

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?
Yes

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?
Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Not sure

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Not sure

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Yes

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Yes

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Not sure

Supporting comments:

Transfer from maintained sector to independent sector not mentioned.

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Yes

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

Yes

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Not sure

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Not sure

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

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Not sure

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Not sure

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Yes

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Yes

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

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Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

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Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

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Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

Yes

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Yes

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Not sure

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Not sure

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Not sure

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Not sure

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Not sure

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

More ownership for school, more provision beyond compulsory school age

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

Question 65 – 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.

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

Yes

Supporting comments:

Timescales are important to parents carers as in the past timescales are so long and you need to chase up reponses

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

Yes

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes

Supporting comments:

It was okay for me to understand the document

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Supporting comments:
Functions are explained well

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Not sure

Supporting comments:
It would make sense if they provide a better service than LA

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Supporting comments:
About time things were better set out

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Supporting comments:
To offend the views of the children parents or carers are not always taken on board and you feel powerless to get your views expressed

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes

Supporting comments:
I am happy to see the rights are being much more used in all areas of a person needing a ALN

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Supporting comments:

As things can change that have a impact I think this is appropriate

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

Supporting comments:

Parents carers and child need this as you are not always informed of your rights

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

Yes

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

Yes

Supporting comments:

Glad to see parents medical school and social services need to respond maybe this will lead to fairer reports and a proper ALN

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

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Yes

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Yes

Supporting comments:

This needed addressing about time

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Yes

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Yes

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Yes

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Yes

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Not sure

Supporting comments:

This area has been a issue with many parents

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Yes

Supporting comments:

Help when needed can be hard to obtain you feel you have to fight all the time

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Yes

Supporting comments:

As this area was a lottery it will help

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Yes

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

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Yes

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Yes

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

Yes

Supporting comments:

As this area has been a difficult time it needed addressing and better effected transitions

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

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Yes

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

Overall this is a needed code as people are not always receiving appropriate ALN and a IEP

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Yes

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

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Part 3 of 5: Draft ALNCo regulations

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Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

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Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Supporting comments:

This area was not clear before

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

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Yes

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

All areas of the child and young person getting a level of support they need for their future

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

I think it will support the Welsh language

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

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No

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

No

Supporting comments:
completely unrealistic

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

No

Supporting comments:
Unless there is considerably more finance put into the system this cannot work. It

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

will also need a change in the conditions for education staff and improved pecuniary recompense for the additional responsibility

Part 4 of 5: Looked after children

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No

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No

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

Increased stress and time issues for all educationalists. Less time spent on basic functions of a school; that of educating the children. Standards will decline further. Children's health will be put at risk as they will not be being appropriately cared for

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

none to negative
So much money and time will be given to this and it has to come from somewhere

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

Abandon the unrealistic expectations; increase funding to schools, supply all schools with sufficient funding for dedicated f/t ALNCo, and sufficient funds for schools to provide for the pupils currently in the system with eth support that they need. This is currently not the case.

Question 65 – 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.

This is an underhand and sly way to make teachers responsible for the healthcare of our pupils. This is NOT what teachers are trained for, and should be the remit of trained healthcare staff. If you want this system to function effectively considerably more funding MUST be provided to schools so that staff can be appointed to do the additional work. At the moment schools do not even have enough funds to fulfil their current statutory duties. To expect overworked and highly stressed staff to do even more is risible, and ill thought through. Nor does it fit in with the prevailing view of the importance of reducing teacher workload, and improving mental health of both staff and pupils,.

Respondent Details

Information	
Name	Laura Shepherd
Organisation (if applicable)	30 Park Place

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

Yes

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

Yes

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

Yes

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

Yes

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Yes

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

Yes

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Yes

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Yes

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Yes

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Yes

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Yes

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Yes

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Yes

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Yes

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Yes

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

Yes

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Yes

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

Yes

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Yes

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Yes

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

Yes

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Yes

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Yes

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Yes

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

Yes

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

Yes

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Not sure

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Not sure

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

No

Supporting comments:

There is a discrepancy between what is said in the code about the timescale for the respondent to submit their Case Statement, and what is said in the regulations. Para 26.15 of the code says 4 weeks from receipt of the applicant's case statement Regulation 19(3) says 4 weeks from receipt of notification of the appeal from the Tribunal

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Yes

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Yes

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Yes

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

Not sure

Supporting comments:

The only problem I can see is with case statement periods. If the period for the respondent's case statement is 4 weeks from the trigger event at regulation 15, and the time period for both commencing proceedings and submitting a case statement for the appellant is 8 weeks, with no obligation to submit them together, then there could be a situation where the respondent has to submit a case statement before the applicant. e.g. appeal lodged 1 week post decision notification received by respondent 2 weeks post decision respondent time limit for case statement is 6 weeks post decision appellant time limit for case statement is 8 weeks post decision

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Not sure

Supporting comments:

The only problem I can see is with case statement periods. If the period for the respondent's case statement is 4 weeks from the trigger event at regulation 15, and the time period for both commencing proceedings and submitting a case statement for the appellant is 8 weeks, with no obligation to submit them together, then there could be a situation where the respondent has to submit a case statement before the applicant. e.g. appeal lodged 1 week post decision notification received by respondent 2 weeks post decision respondent time limit for case statement is 6 weeks post decision appellant time limit for case statement is 8 weeks post decision

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Yes

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

Yes

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

Yes

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

Not sure

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Not sure

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Yes

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

I think that it will put an enormous strain on LAs.
However, I feel that children will get better outcomes.
The only problem I can see is in relation to non-maintained schools; I think that they should be responsible for preparing and maintaining IDPs in the same way that maintained schools are.

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

Question 65 – 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.

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

Yes

Supporting comments:

Timescales may create problems for LAs to respond with quality advice, for example, with lots of requests and a small Ed Psych team.

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

Yes

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

No Response

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

Yes

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Yes

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

Yes

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

No

Supporting comments:

Appropriately to be timely; but resources to respond are increasingly tight.

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Yes

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Yes

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Yes

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Yes

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Yes

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Yes

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Yes

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Yes

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

Yes

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Yes

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

Yes

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Yes

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Yes

Supporting comments:

Ed Psychs may not have time to attend as many reviews as may be required

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

Yes

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Yes

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Yes

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Yes

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

Yes

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

Yes

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

Yes

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Yes

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Yes

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Yes

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

Yes

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Yes

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Yes

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

Yes

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

Yes

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

No

Supporting comments:

Previously the suggestion that ALNCOs had a Masters level qualification was made. ALNCOs must be teachers. They must not delegate large parts of their role to a Teaching Assistant.

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Yes

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Yes

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

Considerable. ALN & ALP should be personalised, and flexible. Requires a cultural change in many places.

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

Shortage of professionals and professional resources in Welsh.

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

Question 65 – 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.

No Response

Respondent Details

Information	
Name	Laura Sheldon
Organisation (if applicable)	Sully Primary School, Vale of Glamorgan

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

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Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

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Yes

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Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

No Response

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

No

Supporting comments:

The term 'significantly greater difficulty than the majority of peers' is vague and open to interpretation. The extent to which ALP is extra and above that 'generally provided' requires clarification for each area of need.

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

Not sure

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

No Response

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

No Response

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No Response

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

No Response

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Not sure

Supporting comments:

Unsure about the necessity to document rational behind every decision. Also, commenting on the parents' capacity is tricky. Further guidance on documenting timeline events would be useful.

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

No Response

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Yes

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

No Response

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

No Response

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

No Response

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No Response

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No Response

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No Response

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No Response

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No Response

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No Response

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

No Response

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

No Response

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No Response

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No Response

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

No Response

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

No Response

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No Response

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No Response

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No Response

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

No Response

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

Yes

Supporting comments:

Although it should be statutory for this position to hold an allowance and for the ALNCo to be a member of the SLT in light of the strategic responsibilities of the post.

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

No Response

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Yes

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No Response

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

No Response

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

No Response

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No Response

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

No Response

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

No Response

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

No Response

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

No

Supporting comments:

I believe that a masters or equivalent qualification should be necessary given the breadth and depth of knowledge and skills required. This should be fully funded and offered to all practising ALNCos.

Question 56 – Do you agree with the tasks that ALNCos must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Yes

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

No Response

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No Response

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No Response

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

No Response

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

Question 65 – 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.

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

Not sure

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

Not sure

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Not sure

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Not sure

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Not sure

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

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Not sure

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Not sure

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Not sure

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Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

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Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

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Part 5 of 5: Impact of proposals

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No Response

Respondent Details

Information	
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Not sure

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Not sure

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Not sure

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

No

Supporting comments:

Too vague

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

No

Supporting comments:

Not detailed enough

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Not sure

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Not sure

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Not sure

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Not sure

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Not sure

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Not sure

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

I read the easy read version. These questions are not based on that version. Slightly pointless to offer an easy read version of the consultation is only based on the complex document. Can not therefore provide answers to most of the questions.

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Not sure

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

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Yes

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Yes

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Not sure

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Not sure

Part 3 of 5: Draft ALNCo regulations

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Not sure

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No Response

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Yes

Supporting comments:

Yes the explanations are clear. However MAY is a weak word. Process are not clear.

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

Yes

Supporting comments:

Yes agree to general approach. What is the 'event'

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

Yes

Supporting comments:

Yes it is not ideal but it is appropriate.

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

No

Supporting comments:

The separation of chapters is not clear. The structure should be consistent throughout 0-25 (not sectioned)

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Not sure

Supporting comments:

It is very wordy, hard to take in. How will we understand the jargon.

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No Response

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Information	
Name	Anonymous
Organisation (if applicable)	

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Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Supporting comments:

Must, Must not, May - understandable but too wordy. Does not need 3 paragraphs. Should - open to interpretation - Use must. 1.15 -1.16 - follow rules or get overturned - too wordy.

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

Not sure

Supporting comments:

1.31 - Fine 1.32 - explains but can be used as an excuse to delay timescale - 7 weeks is good if stuck to.

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

Not sure

Supporting comments:

1.33 - What is 'promptly' - do some children or families take priority? 1.34 - Good - reduces any delays - action sooner. 1.35 - what are 'circumstances'? Good and clear for non-maintained Nothing about 0-3s

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes

Supporting comments:

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Good and clear for non maintained. Should there be a continuous IDP?

Question 5 – Is the draft ALN Code's focus on describing and explaining the functions and processes appropriate?

Not sure

Supporting comments:

It should be more user friendly.

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

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Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Not sure

Supporting comments:

The 'must' and 'must not' are straight forward. The 'may' and 'should' are too subjective and liable to interpretation by different authorities and professionals.

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No

Supporting comments:

No it is too generalised and open to interpretation and abuse. There specific and consistent timescales within reasonable parameters.

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

No

Supporting comments:

Promptly needs to be given strict time limits that should be consistent throughout Wales. It is not appropriate.

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

No

Supporting comments:

The IDP should be the same across the entire age range 0-25. Therefore the need for separate chapters would be regarded

Question 5 – Is the draft ALN Code's focus on describing and explaining the functions and processes appropriate?

No

Supporting comments:

No It is not fit for purpose. Some ALN cannot be diagnosed by an Educational psychologist but by a paediatrician referral form?

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No Response

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No Response

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

No Response

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

No Response

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Yes

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Yes

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Yes

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

No Response

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

No Response

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

No Response

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No Response

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No Response

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

No Response

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Yes

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Yes

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Yes

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

Yes

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No Response

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No Response

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes

Supporting comments:

A time frame for when the IDP is maintained by EOTAS not the school e.g after 6 months as school does not have the best contact with the pupil.

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

Yes

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Not sure

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Supporting comments:

Do schools need more information / training on legal procedures. Template to use for meetings so consistent across Cardiff. No information on Authority website yet

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Not sure

Supporting comments:

Where will information about independent advocacy services be kept by local authority so it is easy to find.

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

Yes

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Yes

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Yes

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Yes

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

No Response

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Yes

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

No Response

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

No Response

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

No Response

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

Yes

Question 56 – Do you agree with the tasks that ALNCos must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Yes

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No

Supporting comments:

It makes everything much more cohesive and appropriate if the same form is used.

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Yes

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Not sure

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

- This proposed type of IDP does not suit a high school, targets are regularly changed in a high school with the subject teacher, who is very aware of the pupils needs. Yearly targets that will be placed on an IDP will have little value for moving a pupil forward in nearly all of their subjects.
- Could Lead to some pupils with a low ability not having their needs met due to them not meeting the significant level
- A huge increase in time and resources for the ALNCo and Admin. This would be mostly seen in the production of the paperwork, length and amount of IDP meetings, reviewing process.
- Is this manageable in a high school setting, with no proposed increase in funding.
- It seems as though schools are now being asked to do what county were doing, but with no extra funding.
- I still don't see how this will lead to an improvement of standards for ALN pupils.
- More time may now be spent on managing the paperwork side of an IDP, rather than delivering proposed interventions.

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

Very little impact

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

Question 65 – 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.

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

Yes

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

Yes

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

Supporting comments:

It is important that the Local Authority provides appropriate and consistent information for schools and colleges to disseminate to parents/carers so that expectations can be managed and demands for support can be reasonably dealt with.

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

No

Supporting comments:

The definition is not sufficient to describe a level of need. 'Significant' or 'learning difficulty' is far too broad to allow for appropriate identification of the level of need. Parents/carers will not be able to understand why schools may not consider their child to have ALN when they may feel they have a 'learning difficulty'. This may lead to more tribunal issues as parents make their own decisions about their child's learning difficulties. Schools need a very clear definition and sets of guidelines to aid in managing parental expectations and demands. The flow chart is nowhere near detailed enough and is wide open to parental interpretation.

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

No

Supporting comments:

As with above, until the definition of learning difficulty or 'significantly greater difficulty' is very specific – it will not be possible to decide on what the level of evidence required for an ALN or ALP is.

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Yes

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

Yes

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Yes

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Yes

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

No

Supporting comments:

The section requiring the identification of parental ‘capacity’ is not appropriate for schools to answer.

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Yes

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Supporting comments:

There needs to be a recognition of the amount of time it will take for these documents to be completed.

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Yes

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Yes

Supporting comments:

Current NHS response time is too long – if at all. Meetings are not attended and reports not provided.

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Yes

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Yes

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

No

Supporting comments:

Timescales for reviews are not clear and seem to be open for parental appeal at any stage.

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

No

Supporting comments:

Timescales for reviews are not clear and seem to be open for parental appeal at any stage.

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

Yes

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Yes

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No

Supporting comments:

The term 'numerous meetings' is highly ambiguous and gives an opportunity for parents/carers to challenge the school if they feel not enough meetings have been held. The time required for an Annual Review needs to be factored into the 'sufficient' time for ALNCOs to carry out these reviews. In order to meet the outside agency's availability, the ALNCO needs to themselves be available. The term 'should' with regard to attending meetings by outside agencies needs to be 'must' if they are involved with a child – otherwise essential views and opinions will be missing from reviews and discussions.

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

Yes

Supporting comments:

Time factors need to be considered with regard to Transition – who needs to be involved and how long are meetings likely to take to discuss all aspects of transition for each child with an IDP? Availability of the ALNCO is again a factor as far as liaison with partner agencies in other schools/outside agencies and so on.

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Yes

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Yes

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

No

Supporting comments:

“the school decides that the child or young person no longer has ALN and that decision is not successfully challenged” This would indicate that the expectation is that, if a school decides that there is no longer ALN, parents will challenge.

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

Yes

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

No

Supporting comments:

The term 'sufficient time' is not specific enough – dedicated non-contact time (minimum) needs to be included so that schools can plan their staffing accordingly. Time to undertake meetings, create documentation, train staff, hold annual reviews, gather and present information etc needs to be considered.

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

Yes

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Yes

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

Require:

Specific guidance on the term 'significant' learning difficulty, (Chapter 7): what is the nature of the deficit? 12 months, 18 months? One parent may consider that a deficit of 6 months is significant, whereas another may feel 2 years is significant.

What is and is not an ALP? Literacy intervention – which ones are considered an ALP and which are not?

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

Greater levels of detail are required – if repeated tribunals are to be avoided.

There cannot be any leeway between schools or settings

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Yes

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Yes

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

Yes

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Yes

Supporting comments:

I think it is very hopeful to expect a response in 6 weeks.

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Yes

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

Yes

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

Yes

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

Yes

Question 56 – Do you agree with the tasks that ALNCOs must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Yes

Supporting comments:

Agree with tasks but would request that timescales are made more specific for the amount of time it will take an ALNCO to complete said tasks.

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Yes

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

The key impact will be the rights of the parents to appeal any decision they don't feel meets their expectations.
The other implication is that more teachers will need to realise that they have the responsibility to deliver appropriate provision for ALN learners – rather than rely on the ALNCO to provide everything for them and refer issues at the earliest stage rather than taking action to meet the need.

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

Need guidance and information supplied from the LA to ensure the requirements of the WLA are met.

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

Need guidance and information supplied from the LA to ensure the requirements of the WLA are met.

Question 65 – 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.

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

Not sure

Supporting comments:

Difficulties arise which are not always within schools control eg illness of staff/pupil, or absence due to holiday etc these difficulties would be reflected across the Health sector as well

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

Yes

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

No

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

No Response

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

No Response

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

Yes

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Yes

Supporting comments:

Providing all parties are able to access necessary information within the required timescale

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Yes

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Yes

Supporting comments:

Pleased to see an acknowledgement that plain english helps all parties clearly understand the plan

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Yes

Supporting comments:

Only if sufficient training is provided to all who are required to complete IDP
Personally I would have liked a slightly less clinical form and more child centred as the child/young person is the focus of the IDP

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

No Response

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Yes

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

No Response

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

No Response

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

No Response

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

No Response

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Yes

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

No Response

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Yes

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No Response

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

Yes

Supporting comments:

Experience has taught that a "positive" transition experience is key to a successful move between Key stages. In large secondary settings it is possible that children with ALN who are transiting become "lost" in the numbers which is a worry to parents

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No Response

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No Response

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Yes

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

Yes

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No Response

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No Response

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No Response

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

No Response

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

Yes

Supporting comments:

Personally I feel that a teacher should have slightly more teaching experience before taking on such a difficult but very rewarding role. I have acted as ALNCo for more than 25yrs and know I am still learning about the difficulties that face our young learners.

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

No Response

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No Response

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

24.15 this " MUST" is reliant on others out of the control of the ALNCo

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No Response

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

No Response

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

No Response

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No Response

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

Not sure

Supporting comments:
casework load?

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

No Response

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

Not sure

Supporting comments:
see previous comments

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Yes

Supporting comments:
Providing the ALNCo is given sufficient non contact time to complete paperwork and necessary contact with other professionals

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

Hopefully a smoother, more coherent system with allows children to learn in the most appropriate manner for their particular difficulties.

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

Question 65 – 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.

No Response

Response 20

Respondent Details

Information	
Name	David abbot
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?
No
Supporting comments: May cost money to implement some changes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?
No
Supporting comments: May take some time to implement the proposals If it costs money

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?
Supporting comments: Should do it in the time May need to spend money for equipment

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?
Yes
Supporting comments: Should have an index at back of book

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

No Response

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Not sure

Supporting comments:

If it is independent of the provide And they can get money spent if it has to do for equipment

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Not sure

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Not sure

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Not sure

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

Not sure

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

No

Supporting comments:

Spend more money Should be some one independent of the provide if they can not come to a decision

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Not sure

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

Not sure

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Supporting comments:

Need more money specially If equipment or adaptations need to be made

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Supporting comments:

Should ask the person or the care of parents as to what is needed

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Not sure

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Not sure

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Not sure

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Not sure

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Not sure

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

No Response

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

No Response

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

No Response

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

No Response

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

No Response

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No Response

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No Response

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

No Response

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

No Response

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No Response

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No Response

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

No Response

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

No Response

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No Response

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No Response

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No Response

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

No Response

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

No Response

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

No Response

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No Response

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Not sure

Supporting comments:

Should be independent of the provide May need to spend more money

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Supporting comments:

Should do if they have to spend money

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

Not sure

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Supporting comments:

May need more time Should provide the statement by a set date

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No

Supporting comments:

Yes if they can get the evidence In the time Diagnosis may take some time Unless you can get it on the nhs If you have to pay for it could take some time Should have a list of provides

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

No

Supporting comments:

Should be unless It will take some time to apply Should be some one independent of the provide

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes

Supporting comments:

Yes if the recommendations Need approval or money spent on it Not a long time

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

No Response

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

Yes

Supporting comments:

Should be some one independent of the provide May need to spend money

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

No

Supporting comments:

May need to spend money

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes

Supporting comments:

Yes if they are going to support the person in question So they can not be cut back unless that get permission From an independent person

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Not sure

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Not sure

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

Spending more money

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

People who do not know the language

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

Question 65 – 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.

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

No

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

No

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

No

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

No

Supporting comments:

It is going to create to much extra workload for staff

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

No

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

No

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCPRD)?

No

Supporting comments:

This will create unnecessary workload

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

No

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

No

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

No

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

No

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

No

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

No

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

No

Supporting comments:

This will create extra workload in a system that already has too much

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

No

Supporting comments:

Las should create all idps

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

No

Supporting comments:

There is far too much detail expected

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

No

Supporting comments:

This creates extra workload for all staff

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

No

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

No

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

No

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

No

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

No

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

No

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

No

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

No

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No

Supporting comments:

This will create workload and cost schools money they do not have

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

No

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

No

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

No

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

No

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

No

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

No

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

No

Supporting comments:

You have created even more workload and financial burden for schools

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

No

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

No

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

No

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No

Supporting comments:

They will never do it due to funding cuts

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

No

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

No

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

No

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

No

Supporting comments:

It is already hard enough to recruit alncos by adding extra qualifications you are limiting the pool further.

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

No

Supporting comments:

It adds extra workload to already overworked staff

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

No

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No

Supporting comments:

This creates workload

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

Increased workload for staff, funding being wasted and increased timescales, paperwork and management

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

Even more wasted money on a language that is already dead.

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

Will probably favour Welsh over English again

Question 65 – 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.

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

No

Supporting comments:
not clear

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No Response

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

No

Supporting comments:
very waffly

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes

Supporting comments:
the general organisation of the code is navigable but the paragraphs are too waffly and vague at times

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

No

Supporting comments:

the definition of aln is very open to interpretation by different bodies - I would it to be much clearer, for example, what is the definition of 'significant'?

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Supporting comments:

But I am concerned about how the 'collaboration' will take place between the services involved, for example, currently it is very difficult for the ALNCo to get health service professionals to attend Statement reviews - with more emphasis on IDP reviews needing everyone involved and the range of ages 0- 25 being supported - is there any more funding available to employ more health service staff so they can attend IDP reviews... And be readily available for early identification ... Currently in my area we have to wait TWO YEARS for neurodevelopmental assessments - this is appalling - Will it change under the new CODE?

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Not sure

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

No Response

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

Supporting comments:

I hope that Local Authorities will be given sufficient funding to pay for this

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

No

Supporting comments:

I think the definition of ALN is too vague and very open to interpretation by different bodies... What is the definition of significant? This part should be made clearer to avoid abuse of the tribunal system and consequently more costs to Local Authorities and stress for staff involved.

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

Not sure

Supporting comments:

Some of the items are subjective, for example, 'maintaining balanced relationships...' 'significant delay/s' - which percentile are we looking at? 'working at levels significantly below those...' - this should be quantified, where of the normal distribution curve would this be? 'delayed' in relation to development etc - how delayed?

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

No Response

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

No Response

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Not sure

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Not sure

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Not sure

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Not sure

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Yes

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

No Response

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Not sure

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Not sure

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

No Response

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

No Response

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Not sure

Supporting comments:

This would depend on the amount of non contact time the ALNCo has and the case load of that ALNCo - in school.

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

No Response

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No Response

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Supporting comments:

This sounds similar to current statement reviews - but the quantity of children having IDPs will be more than the number of children with statements so I don't understand how the ALNCo would be able to manage the new quantity of meetings, teach and coordinate the usual things to support children with ALN!

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

No

Supporting comments:
year 6 to year 7 has not been included!

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Not sure

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No Response

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No Response

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

No Response

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

No Response

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No Response

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No Response

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No Response

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

No Response

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

No

Supporting comments:

Para 24.15 'ALNCoS must secure ...' That is not possible! ALNCoS can refer a child to a particular service but not 'secure' it. As ALNCo will be a statutory role with more statutory responsibilities will there be pay to go with it?

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

No Response

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No Response

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No Response

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

No Response

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

No Response

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No Response

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

No Response

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

No Response

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

No Response

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

Not sure

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Not sure

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

No Response

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No Response

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No Response

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

Definite cost implications for LAs and the Health service. I think that there will be a torrent of tribunals as some parents will take advantage of the new system. I think that without appropriate training for staff it won't be beneficial to children. In theory, the Code does have the child (& young people) and their needs at the centre but an enormous amount of funding would need to be pumped into the system to ensure that it does work. Currently, there is not enough funding to support those most vulnerable within our education system.

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

Question 65 – 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.

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

No

Supporting comments:

must/must not will presumably be statutory directives may = are optional
 should/should not presumably is fine as long as the decision can be fully justified.
 However, this is ambiguous and adds to lack of clarity

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No

Supporting comments:

The times for school responses seem too short, knowing how busy school can be and how time-consuming gathering, collating and writing up information can be in reality. LA have 12 weeks. This may especially be significant in secondary education where there are more pupils who may need an IDP, unless they are completed during primary education.

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

Yes

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes

Supporting comments:

clear index to find correct chapter and sub chapter

Question 5 – Is the draft ALN Code's focus on describing and explaining the functions and processes appropriate?

Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Supporting comments:

However, I have reservations about mainstream education being suitable for some pupils. I would love to see a closer partnership between special settings and mainstream to give pupils with complex needs a more individual experience, supported by both settings as appropriate.

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Supporting comments:

A very clear, thorough explanation of all aspects.

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes

Supporting comments:

However, some elements are complex and wordy to understand clearly

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Not sure

Supporting comments:

5.4 onwards where the word "must" becomes "should" - what happens if these parts are not done? 5.6 - surely "must"?

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

Supporting comments:

Fully comprehensive chapter

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

No

Supporting comments:

measuring "significantly greater difficulty" is left vague

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

No

Supporting comments:

7.43 is worrying in that some pupils who are in this category are currently identified as having ALN. How will these be well-supported without additional support?

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

No Response

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

No Response

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Not sure

Supporting comments:

Needs further study but the notes at the bottom are helpful for referring back. There is an option for the 12 weeks to be extended if there is a real reason for a delay

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

No Response

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Yes

Supporting comments:
clear and detailed

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Yes

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Yes

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Yes

Supporting comments:

Important in many instances

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

No Response

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

No Response

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

No Response

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

Yes

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Yes

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

Yes

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Yes

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Yes

Supporting comments:

Do the agencies have to be invited in writing on paper, or can email be used?

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

Yes

Supporting comments:

comprehensive and clear

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Yes

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Yes

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Yes

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

No

Supporting comments:

It seems too short, to not be rushed and not considered in depth

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No

Supporting comments:

It seems that "should" and a timescale would give additional guidance to professionals.

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes

Supporting comments:

Good to see children EOTAS included, especially home educated. Is the acronym explained somewhere?

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

Yes

Supporting comments:

A shared ALNCO for small schools is a good idea but needs appropriate funding as always. Should more than 50% of an ALNCo's salary be paid by the LA in the light of these responsibilities?

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Supporting comments:

Disagreements need to be resolved at local level, but also supported by an LA representative to answer further questions by those directly involved, whether family or school.

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

Yes

Supporting comments:

Flow charts are helpful too

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Yes

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

A major concern is that the additional funding provided for the ALN transformation will not reach schools themselves but that current impossibly stretched resources will need to be spread even more thinly.

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Yes

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Yes

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

Yes

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Not sure

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

Not sure

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

Yes

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

Yes

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Yes

Supporting comments:

It would be good to see Health professionals also leading on IDPs, not just ALNCoS.

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes

Supporting comments:

LAC are especially under-represented in Powys, compared to other LAs

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Yes

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

Training impact is huge, as is the gradual transference from Statements to IDPs. Information to parents is crucial, especially those who are currently School Action and may not have IDP in future. Timescales are crucial to success; lessons learned from England's transformation programme around backlog of tribunals etc are hopefully being assessed.

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

Unsure

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

unsure

Question 65 – 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.

N/A

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

Not sure

Supporting comments:

We would struggle to complete relevant assessments, etc within the time period set, especially when having to liaise with external agencies etc.

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

Not sure

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Supporting comments:

They are appropriate, however, there are concerns regarding dispute resolution, etc.

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Not sure

Supporting comments:

There needs to be clarity regarding what this should look like.

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

Not sure

Supporting comments:

Clarity is required regarding the definition and identification of ALN, especially as it will be schools who will be challenged on the decisions made.

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

Not sure

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Yes

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

Yes

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

No

Supporting comments:

It will be difficult to adhere to these timescales, especially if it is necessary to seek advice from external agencies.

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Yes

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Yes

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Not sure

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Yes

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Yes

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Yes

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Yes

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Yes

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

Yes

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Not sure

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

Yes

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Yes

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Yes

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

Yes

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Yes

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Yes

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Yes

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

Not sure

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Not sure

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

Yes

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Not sure

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Not sure

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

Not sure

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Yes

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Yes

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Yes

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

Not sure

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Not sure

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Yes

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

Not sure

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Not sure

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

Yes

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

Yes

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCoS regulations?

Not sure

Supporting comments:

Time is a concern as many ALNCoS also have a teaching role

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Yes

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

Some movement in roles/ALNCoS leaving positions, etc

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

Much more inclusive, however, we would struggle to conduct a review through the Welsh Language in Welsh Second Language Schools.

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

Question 65 – 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.

No Response

Respondent Details

Information	
Name	[XXXX]
Organisation (if applicable)	[XXXX] Pre-school and Toddler Group

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No Response

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

No Response

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

No

Supporting comments:

for example: questions regarding the introduction section relating to 1.33, lead a practitioner to finding 1.33 under chapter 8, which relates to a different section of the draft code.

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

No Response

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

No Response

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

No Response

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Yes

Supporting comments:

Yes, the objectives are clear. Early years settings would need training for the individual who is becoming the alnco. the setting I work at we already have an alnco in place and as a request in mid wales more training on the role, good practice and procedures, training on various additional needs would be very beneficial. The more practitioners know the better they can support children with additional needs in their settings.

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

Not sure

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Yes

Supporting comments:

However more support and guidance needed for early years settings is a must.

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

No Response

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Yes

Supporting comments:

example copies of IDP would be helpful for settings to see how to structure their new IDP

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

No Response

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

No Response

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

No Response

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

No Response

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

No Response

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Yes

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

Yes

Supporting comments:

more reference to early years settings and more support needed for early years settings.

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

No Response

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

No Response

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No Response

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Yes

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

Yes

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Yes

Supporting comments:

support for early years settings about what to do with the IDP documents once they have been completed.

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No Response

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No Response

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Yes

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

No Response

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No Response

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No Response

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No Response

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

Yes

Supporting comments:

more guidance for alnco in early years settings

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

Yes

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No Response

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No Response

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

No Response

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

No Response

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No Response

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

No Response

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

No Response

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

No Response

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

Yes

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Yes

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

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Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

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Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

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No Response

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

No Response

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

Question 65 – 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.

Support for early years settings. early intervention is key. Training must be made available with funding so setting can afford to go on the courses. Funding for children who need one to one support should be easily accessible so the child can progress well. Overall more guidance and support for early years settings in Mid Wales area.

Respondent Details

Information	
Name	Anonymous
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

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Yes

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No

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Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

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Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

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No Response

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

Role and status of the ALNCO needs addressing. The ALNCO must be part of the SLT if they are able to impose a whole school approach on differentiation

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Yes

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Yes

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Part 3 of 5: Draft ALNCo regulations

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Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

No Response

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Part 5 of 5: Impact of proposals

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No Response

Question 65 – 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.

No Response

Respondent Details

Information	
Name	Kate Mantle
Organisation (if applicable)	Cwm Taf YOS

Part 1 of 5: The draft ALN Code

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No Response

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No Response

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No Response

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No Response

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

No Response

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

No Response

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes

Supporting comments:

Clear statements and sub -headings aided ease of understanding.

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes

Supporting comments:

The IDP definitely needs to be maintained by the LA on release. I believe that the IDP needs to be reviewed at this stage in order to ensure the best outcomes for the young person on release. A more multi-agency approach is definitely needed to ensure good lines of communication between all agencies and in order to all feed into the IDP review, again, in order to ensure the best outcomes and support for the young person on release.

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes

Supporting comments:

as above

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Not sure

Supporting comments:

What actually constitutes " promptly"? This could be open to abuse from some LA's and cause an unnecessary delay in action to support the young person.

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Supporting comments:

In my experience, young people in EOTAS, other than a PRU, can be easily missed and so I welcome them being accounted for in this section.

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

No Response

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

No Response

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No Response

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No Response

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

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Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

No Response

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No Response

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

No Response

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

No Response

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

No Response

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

No Response

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

No Response

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

No Response

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No Response

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No Response

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

No Response

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

Question 65 – 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.

No Response

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Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No

Supporting comments:

Time scales are too short, many ALNCO's are also full time class teachers !

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

Not sure

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes

Supporting comments:

There is significant changes in this draft and I feel this would be detrimental to the

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

wellbeing of the ALNCOs

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

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Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Not sure

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Not sure

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

No

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

Not sure

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Yes

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

Yes

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Not sure

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Yes

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Not sure

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Not sure

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Yes

Supporting comments:
But there is too much

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

No Response

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Yes

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Not sure

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Not sure

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

Yes

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

No

Supporting comments:
Time scales too short

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

No Response

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Not sure

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Not sure

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

Yes

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Yes

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Yes

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Not sure

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

Not sure

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Not sure

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

No

Supporting comments:

The role has changed significantly and most ALNCOs are also teachers and there is too much for responsibility on the alnco to complete all of this in the timescales stated

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Not sure

Supporting comments:

The role has changed significantly and most ALNCOs are also teachers and there is too much for responsibility on the alnco to complete all of this in the timescales stated

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Not sure

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

No

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Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Not sure

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

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Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

Not sure

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Not sure

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Yes

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

No

Supporting comments:

The role has changed significantly and most ALNCOs are also teachers and there is too much responsibility on the alnco to complete all of this in the timescales stated

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

No

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

Not sure

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

No

Supporting comments:

Existing ALNCOs with years of experience but no formal qualifications Will find this process unmanageable

Question 56 – Do you agree with the tasks that ALNCOs must carry out or arrange to carry out as set out in the draft ALNCo regulations?

No

Supporting comments:

Far too much

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

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Yes

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

The role has changed significantly and most ALNCOs are also teachers and there is too much for responsibility on the alnco to complete all of this in the timescales stated

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

None

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No

Question 65 – 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 role has changed significantly and most ALNCOs are also teachers and there is too much for responsibility on the alnco to complete all of this in the timescales

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Name	Respondent requested anonymity
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Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

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Yes

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

Yes

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Not sure

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Not sure

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

Supporting comments:

Yes, if support resources are provided by WAG eg. Pupil & easy speak leaflets about ALN

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

Not sure

Supporting comments:

It's widely open to interpretation across settings, I'm not sure this is an less clear than current definitions but it's vague.

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

Yes

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Not sure

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

Yes

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

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Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Yes

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Yes

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Not sure

Supporting comments:

Our LA has added to it. The pilot IDPs in Cardiff are significantly larger & likely to be unmagable in a high school with a above average ALN register

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Yes

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Not sure

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Not sure

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

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Not sure

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

Yes

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

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Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

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Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Yes

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

No

Supporting comments:

It doesn't specifically make reference about transition from year 6-7.

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Not sure

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Not sure

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Not sure

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Yes

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

Yes

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Not sure

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Not sure

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Not sure

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Not sure

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

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Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

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Yes

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Not sure

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

Not sure

Supporting comments:
They're not clear!

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Yes

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

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Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

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Yes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No

Supporting comments:

The issue one would have with the timescales is when you are dealing with outside agencies it can take 18mths for an ASD diagnosis, 12 weeks for an EP assessment, and 12mths for a OT assessment this then makes the timescales unmanageable. There is also a need to look at the setting as many ALNCo's have many other requirements and teaching commitments as part of their roles.

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

Yes

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes

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Yes

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No

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Yes

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Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Not sure

Supporting comments:

a question should be made on the assessed work load for ALNCo;s and the available time for them to do this job

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

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Yes

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

No

Supporting comments:

this is all dependant on the individual case and the number of agencies involved with the individual.

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Not sure

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Yes

Supporting comments:

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

However, time must be available for staff to complete these documents.

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Yes

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Yes

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Yes

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Yes

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Yes

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Yes

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

No

Supporting comments:

once again it comes down to the appropriate time afforded to staff to complete this work

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Yes

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

Yes

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Yes

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Yes

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

Yes

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Yes

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Yes

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Yes

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

Yes

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

No

Supporting comments:

This role has grown significantly, and there is no clear guidance on the time ALNCo's will need to complete this role. the wording is a little vague.

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

Yes

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Yes

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

There is a need to assess the role of the ALNCo within a setting and understand the full requirements of staff. Most ALNCO's have a range of jobs to be covered within their settings. There need to be clarity on the what is sufficient time and a need to understand that ALNCO's need to be on the SLT of the school.

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Yes

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

Yes

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Yes

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Yes

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

Yes

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

Yes

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

No

Supporting comments:

There is a need to address this as many ALNCO's many not have a specific qualification but have the experience of the role.

Question 56 – Do you agree with the tasks that ALNCOs must carry out or arrange to carry out as set out in the draft ALNCo regulations?

No

Supporting comments:

Time will play a massive contributing factor within this role.

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Yes

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

There is a need to look at the role of the ALNCo and the impact on the their workload.

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

Question 65 – 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.

No Response

Respondent Details

Information	
Name	[XXXX]
Organisation (if applicable)	[XXXX] High School

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No

Supporting comments:

The timescale of 7 weeks is impracticable and unworkable. An IDP needs multi agency input, co ordinating responses from these agencies within the required time frame puts a huge onus upon all concerned, particularly an already over stretched ALNCo.

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

No

Supporting comments:

The exception is child based. What if there is a sickness or extenuating circumstance either school based or through circumstances effecting another agency involved in the process

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Not sure

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Not sure

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

No

Supporting comments:

Advice to parents should come centrally from the Local Authority. Schools can then inform parents following the information and guidance passed onto them by the LA.

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

No

Supporting comments:

Schools have to decide what is "a significantly greater difficulty in learning than the majority of others the same age, or" The guidance given in 7.21 is poor. There needs to be more robust guidance on what this term means, it is too general and open to misinterpretation.

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

Yes

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Not sure

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

Yes

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

No

Supporting comments:

The timescale of 7 weeks is impracticable and unworkable. An IDP needs multi agency input, co ordinating responses from these agencies within the required time frame puts a huge onus upon all concerned, particularly an already over stretched ALNCo.

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Not sure

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Yes

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Yes

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Yes

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Yes

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Not sure

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Not sure

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Not sure

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

Yes

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

No

Supporting comments:

Again the 35 day time limit is too short to get professional bodies to undertake reviews, write and collate the information required.

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

Not sure

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Not sure

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Yes

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

Yes

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Yes

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Yes

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Yes

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

Yes

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Not sure

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Not sure

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Not sure

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Not sure

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Not sure

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

No

Supporting comments:

There needs to be a statutory formula or guidance on how much time the ALNCo should have away from teaching. There will be a massive increase in workload for the ALNCo. It is unclear what IDP's are school responsibility (ALNCO's) and what are LA responsibility.

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

Yes

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Yes

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

There is no clarity in the legislation in the difference in the triggers between what is a school developed IDP and what triggers an IDP that is the responsibility of the Local Authority.

There would also appear to be no graduated response to an ALN issue in the Legislation, why?

The workload and responsibility that now resides with school based ALNCo's is unreasonable unless statutory prescribed time is given to them along with a pay scale that is commensurate with the increased responsibility.

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Not sure

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Not sure

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

Not sure

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Not sure

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Not sure

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

Not sure

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Not sure

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

Not sure

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

Yes

Question 56 – Do you agree with the tasks that ALNCo's must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Yes

Supporting comments:

Although time to do this should be statutorily defined using a formula based upon number of pupils with IDP's. There is a potential massive increase in work load for ALNCo's.

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Not sure

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Yes

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

I think that there will be further pressures in terms of financial, time and responsibilities placed upon schools, particularly the ALNCo with no guarantee of protected time, funding or appropriate pay to the ALNCo for the additional onerous responsibility involved.

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

None

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

Question 65 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

How does the government propose to ensure that school ALNCo's are secured enough time to carry out the increased administrative work that they will now encounter.

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

Not sure

Supporting comments:

In a perfect world - yes; in our current financial and educational context - no. Staff are already under untold pressure; this will only exacerbate this.

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

Not sure

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No

Supporting comments:

Local authorities MUST retain overall control.

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Not sure

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Not sure

Supporting comments:

There are almost as many different contexts as there are families with ALN - making the code too rigid could negatively impact many such families.

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes

Supporting comments:

However, in my experience, there are too many people within both local authorities and NHS bodies - let alone society as a whole - who massively misunderstand the two Conventions referred to. A major re-education programme needs to be undertaken by Government - both in Cardiff and Westminster.

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

Yes

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

Yes

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Not sure

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

Not sure

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Not sure

Supporting comments:

See my response to Question 2 above

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Yes

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Yes

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Yes

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Not sure

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Yes

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Not sure

Supporting comments:

See response to Q. 2 above

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Not sure

Supporting comments:

See response to Q. 2 above

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Yes

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

Yes

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Not sure

Supporting comments:

See response to Q. 2 above

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

Yes

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Yes

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Yes

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

Yes

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Not sure

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Not sure

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Yes

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

Yes

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Not sure

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

Yes

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

Yes

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Yes

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

This new code is all well and good in and of itself, but the Welsh Government needs to be looking not only at the outcomes of ALN conditions but also at the root causes of the problems and conditions. Over my 40 years in the education profession, the number of conditions and people suffering from them has grown exponentially. It may well require a totally separate project, but we need to be combatting the issues at source, not merely picking up the pieces down the line.

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Yes

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Not sure

Supporting comments:

Such a question presupposes so many contexts, understandings and assumptions on the part of young people, parents and assessors.

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

Yes

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Not sure

Supporting comments:

Timescales can be affected by so many issues that rules set in concrete can often have negative impacts on individuals.

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Not sure

Supporting comments:

See response to Q. 50 above

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

Not sure

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

Yes

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

Not sure

Supporting comments:

I know of some SENCO's and other departmental heads who have achieved their position as a result of experience rather than merely qualifications. A degree of work-based 'qualification' is as important as formal qualifications.

Question 56 – Do you agree with the tasks that ALNCo's must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Yes

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Not sure

Supporting comments:

Looked After children already experience attitudes that can be isolating. Anything that continues this sense of separation must be looked at very carefully.

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Not sure

Supporting comments:

See response to Q. 57.

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Not sure

Supporting comments:

Having rigid PEP formats can sometimes lead to problems when faced with unique or very rare situations.

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes

Supporting comments:

Though I am not sure that the concept of the LACE role is actually valid, as mentioned above.

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

Potentially, the outcomes could be excellent; however, over-prescription of regulations and patterns could also lead to damaging, alienating outcomes.

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

As I am not a Welsh speaker, nor have I experienced that much school-based Welsh education, I don't feel qualified to respond to this.

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

See response to Q. 64

Question 65 – 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.

Just to reiterate that the investigation of the causes of the issues involved in Special/Additional Needs is as important as 'picking up the pieces' later in an individual's life.

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?
No Supporting comments: The definition should change to supporting children with additional needs - not only learning needs as those would achieving academically but suffered in other areas would be neglected.

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?
Not sure

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?
Yes

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?
Not sure

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes

Supporting comments:

The management committee should include a representative from the minorities groups (BME, Chinese) who understands the needs such as cultural sensitivity issues and language barriers etc.

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Not sure

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Not sure

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

Not sure

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

Not sure

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

No

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

Yes

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

No

Supporting comments:

It is more about the quality of the information. I personally appreciated that it will take times to gather all necessary information for an individual, but for the panel to make decision should be quite straight forward so it should not take as long.

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Not sure

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

No Response

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Not sure

Supporting comments:

It is missing a summary page/ one page profile for easy read. Especially if we want the pupils to get the attention to the service provider such as class teacher there should be one page profile which similar to IEP. Considering the length of the whole IDP i am concerned the information will not be read through as it should be.

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Not sure

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Yes

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Yes

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Yes

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Not sure

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

Yes

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Not sure

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

Not sure

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Not sure

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Yes

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

Not sure

Supporting comments:

With all meetings especially decision making meeting (in the past could be annual review) and important meeting such as planning for transition, parents must be invited to get involved. For the BME families that the first language is not English, an qualified interpreter MUST be provided by the local authority or schools, this has to be set out in the code as this is the basic rights for everyone. Too many minorities have compromised with having friends to interpret or some times noone, their voice is not heard simply because they have not been given the voice.

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Not sure

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Not sure

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Not sure

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Not sure

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

Not sure

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Not sure

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Not sure

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Not sure

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Not sure

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Not sure

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

No

Supporting comments:

ALNCo should be on the senior management team of the school. He/she should not be teaching any classes considering the amount of works and responsibilities they have. He/she should be someone understanding ALN and developed themselves in the knowledge of autism and related condition

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Not sure

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

Yes

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Not sure

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

Welsh language should be provided as it is the right and law, however this should apply to other people who residents in Wales that first language is not English. Having ALN children at home is already challenging, the families needed help to breaks the barrier to work with LA to support the children better, and it is human rights to be respected by able to communicate and express their view.

Interpreter should be provided for BME families should be included within the ALN Code.

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Not sure

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Not sure

Supporting comments:

Yes, if the BME families will be provided with language support as well

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

Not sure

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Not sure

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Yes

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

Not sure

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Not sure

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

Not sure

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

No

Supporting comments:

ALNCo cannot be just any qualified teacher, he/she must have developed understanding and good knowledge with different condition.

Question 56 – Do you agree with the tasks that ALNCo must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Yes

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Yes

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

The parties who have direct contact with the pupils **MUST** know all information set out in the IDP which this could be a challenge

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

It is with other BME minorities groups as well. Where the written documents can get translated but with meetings their voice would not be heard if no interpreter is provided. It is vital for LA to understand the rights for BME families to have interpreters present at meetings so they can understand what is being said and also for them to voice out their opinion.

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

Question 65 – 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.

No Response

Respondent Details

Information	
Name	Alvyn Morgan
Organisation (if applicable)	Cantonian High School Governing Body

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

No

Supporting comments:

Definitions need to be more explicit.

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No

Supporting comments:

Timescales need greater clarification

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

No

Supporting comments:

Circumstances beyond the responsible bodies control are not made explicit in paragraphs 1.33 - 1.35

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

No

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Supporting comments:

A coding required as to areas that are relevant to specific personnel, i.e. Governess etc.

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

No

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Not sure

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Supporting comments:

Further research would be required to the implementation.

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Not sure

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

No

Supporting comments:

Further clarification is required as to the responsibility to governors and the school
How will the role of the Local Authority undertake reviews to dovetail with Estyn
Core Inspections.

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Not sure

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

No

Supporting comments:

Definition needs to be quantifiable, workable and consistent. We see this as a critical factor. Definition of significantly must be robust across schools and across the region. So that everyone defines in the same way.

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

No

Supporting comments:

100% No ! Much further clarification is required to make this workable.

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Not sure

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

Yes

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

No

Supporting comments:

Multi agency approach will far exceed this time scale.

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Not sure

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Yes

Supporting comments:

Some preparatory work will add a lot of value and training would be useful.

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Not sure

Supporting comments:

To early to say.

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Yes

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Not sure

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Not sure

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Not sure

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Not sure

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

Yes

Supporting comments:

Greater clarity is required as to the timescales.

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Yes

Supporting comments:

For existing IDP's only

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

Not sure

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Not sure

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Yes

Supporting comments:

Too much use of the word "should".

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

Yes

Supporting comments:

The principle is fine but delivery is very complicated.

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Not sure

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Not sure

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Yes

Supporting comments:

Practically it would be very difficult to cease an IDP - parental resistance is anticipated.

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

Not sure

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Not sure

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Not sure

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Not sure

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Not sure

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

No

Supporting comments:

The role of the local authority requires explanation.

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Supporting comments:

There is an enormous communication challenge to achieve this.

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Supporting comments:

A greater clarity is needed as to how this will work.

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

Not sure

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Not sure

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Not sure

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Not sure

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

Not sure

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Not sure

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Not sure

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

Not sure

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Not sure

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

Not sure

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

Not sure

Supporting comments:

The W.G. should define a typical level of skill and experience.

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

No

Supporting comments:

There is a clear conflict between the strategic and operational dimensions of this job.

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Not sure

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Not sure

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Not sure

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Not sure

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Not sure

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

Training need for all staff
Whose responsibility is it to provide this
What are the implications on the school budget
What are the implications on the school resources
The impact on the workload agreement in relation to teachers' pay and conditions
Consistency of delivery of service across all stakeholders
A clearer definition of the role of the L.A.
Essential to communicate with parents ongoing
Governing bodies require clarification on roles and responsibilities.
Must should definitions within the language of the code
It would be useful if the code be written in a user friendly delegalised way

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

No comment

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

Question 65 – 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.

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

No

Supporting comments:

Gormod o eithriadau yn y 'rhaid' ac felly yn beryg o fod yn aneffeithiol. Petasai'r term 'rhaid' a'r argymhellion yn eglur ni fyddai wedyn angen am y negyddol e.e. 'ni ddylai', 'ni chaiff'. Mae amwysedd yn codi o'r broses a wnai dehongli'r cod yn fwy cymhleth na sydd rhaid.

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No

Supporting comments:

Gweler cwestiwn 16.

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

No Response

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

No

Supporting comments:

Mae adrannau yn gor-gyffwrdd ac felly yn agored i amrywiaeth o ddehongliadau sy'n gallu arwain at angelurdeb. Rhaid bod yn fwy ymwybodol o gynulleidfa'r ddogfen. I wella eglurdeb gellid cynnwys enghreifftiau o ddeunyddiau achos.

Question 5 – Is the draft ALN Code's focus on describing and explaining the functions and processes appropriate?

No Response

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

No Response

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

No Response

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

No Response

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

No Response

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

No

Supporting comments:

Mae angen nodi fod cyngor a gwybodaeth 'am ddim' wrth iddo gael ei rannu (free at the point of delivery), yn y Gymraeg a'r Saesneg ac yn hygyrch mewn ardaloedd gwledig.

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

Yes

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

No Response

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

No Response

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

No Response

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

No

Supporting comments:

Mae'r cyfnod o 7 wythnos yn dynn iawn ar gyfer cyflawni'r hyn sy'n ddisgwyledig o fewn y cod ac mae aneglurdeb ynghylch pryd mae'r cyfnod yn dechrau. Mae amser gweithwyr proffesiynol dynn ac yn aml mae apwyntiadau yn llenwi calendrau misoedd o flaen llaw. Pryderaf nad oes digon o staff e.e. seicolegwyr addysg, i fedru cyflawni gofynion o cod fel yr argymhellir yn nherfynnau amser.

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

No Response

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

No Response

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

No Response

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

No Response

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

No

Supporting comments:

I sicrhau eglurdeb ac osgoi amwysedd yng nghyswllt cludiant dylai'r cod nodi fod rhaid cynnwys cofnod o drafodaeth ar gludiant yn y CDU.

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

No Response

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

No Response

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

No Response

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

No Response

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

No Response

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

No Response

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No Response

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No Response

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

No Response

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

No Response

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No Response

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No Response

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

No Response

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

No Response

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No Response

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No Response

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No Response

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

No Response

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

No

Supporting comments:

Nid yw'n briodol i Gydlynnydd lunio a chytuno dogfen gyfreithiol heb fod y ddogfen yn cael ei gwirio gan ymarferydd cyfreithiol. Heb y gefnogaeth yma, mae peryg y bydd ysgolion yn cael eu rhoi dan straen dybryd ac y gellid wynebu sefyllfa o fethu recriwtio Cydlynnyddion yn y dyfodol.

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

25:12 - I fod yn ddi-duedd i 'outcome of events' mae rhaid i'r person sydd yn rhoi y cyngor ymddangos yn ddi-duedd. Mae cael cymodwr annibynnol sydd ddim yn ddibynnol ar 'daliad yn unol a chanlyniadau' yn hanfodol.

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

No Response

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No Response

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No Response

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

No Response

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

No Response

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No Response

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

No Response

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

No Response

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

No Response

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

No Response

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

No Response

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

No Response

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No Response

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No Response

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

No Response

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

Question 65 – 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.

No Response

Respondent Details

Information	
Name	Clwstwr Ysgolion Cymraeg - ALNCO's Bro Morgannwg
Organisation (if applicable)	Bro Morgannwg

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Supporting comments:

1.13 Eisiau enghreifftiau o amgylchiadau eithriadol

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

Yes

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

Yes

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCPRD)?

Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Supporting comments:

5.3 Yn cytuni a'r pwynt ond consern nad oes darpariaeth cyfrwng Cymraeg ar gael ym mhob Sir na chwaith yw'n flaenoriaeth i ambell awdurdod

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

Supporting comments:

Hyn yn bositif

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

No

Supporting comments:

-Angen criteria clir o beth yw ADY -Beth yw disgwyliadau clir ym mhob Cyfnod Allweddol -Egluro yn union beth yw 'significant greater difficulty'

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

No

Supporting comments:

-Rhy gyffredinol, angen i asesiadau fod yr un peth i bawb- asesiadau ar hyn o bryd yn amrywio'n sylweddol rhwng ysgolion Cymraeg a Saesneg. Dim adnoddau asesu addas pwrpasol ar gyfer y sector Gymraeg.

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Supporting comments:

N/A

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

Yes

Supporting comments:

-Cyfarwyddiadau clir Defnydd da o 'gorfod' ac 'angen'

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Yes

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Supporting comments:

N/A

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Yes

Supporting comments:

1A ac 1B yn briodol - dyddiadau adolygu angen arweiniad pellach 2B angen enghrefftiau o CDU ar gyfer gwahanol anghenion Geirfa yn gymleth i ddeall

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Yes

Supporting comments:

- fformat yn aneglir -gosodiad yn gwneud yn anodd i ddarllen - oes angen bocs ar gyfer cofnodi adolygiad

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Yes

Supporting comments:

Rhy gymleth - gor-eiriol efallai angen symleiddio

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Not sure

Supporting comments:

Gor-eiriol- cymleth ac aneglir

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Not sure

Supporting comments:

N/A

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Not sure

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Yes

Supporting comments:

Yn glir wrth ddefnyddio'r gair 'RHAID'

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

Yes

Supporting comments:

'Dylai gynnal adolygiadau mor aml ag sy'n ofynnol yn ol yr amgylchiadau'- rhy agored

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Not sure

Supporting comments:

'anymarferol i'r ysgol'- eto rhy agored

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

Not sure

Supporting comments:

ail-adroddus iawn cyleth i ddarllen gormod o wybodaeth

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Not sure

Supporting comments:

'anymarferol'- eto rhy agored

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No Response

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

Yes

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Yes

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Yes

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Not sure

Supporting comments:

angen criteria ADY pendant i allu penderfynu os oes ADY neu beidio

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

Yes

Supporting comments:

ydy e'n ymarferol i drafod efo'r llywodraethwyr ? Bydd angen llawer o hyfforddiant i'r llywodraethwyr. Angen criteria pendant a tystiolaeth

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes

Supporting comments:

22.32 A ddylai 'dylai' gael ei newid i 'rhaid' fel bo ieuencid ddim yn mynd trwy'r rhwyd

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Not sure

Supporting comments:

cwestiwn yn aneglur a thrwsgwl

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

Yes

Supporting comments:

24.5 Er mwy gweithredi gofynion y ddeddf mae'n allweddol bod ALNCo yn cael amser penodol wythnosol i gylawni gofynion y rol - felly dylid newid 'dylai' i 'rhaid'
24.10 Angen ychwanegu bod cynorthwywyr yn cefnogi'r ALNCo a'r athro dosbarth ac nid yr ALNCo yn unig

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

Yes

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Yes

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Yes

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Yes

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

Yes

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Yes

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No Response

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

Yes

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

Yes

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

Yes

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Yes

Supporting comments:

-Teimlwn ni fydd y pethau yma yn bosib i weithredu yn iawn heb amser penodol i'r ALNCo Bydd cael mewnbwn ariannol - ALNCo yn derbyn wybodaeth am gyllid - Mwy o wybodaeth am ALN

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

No Response

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No Response

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No Response

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

- Mae'r ddeddf yn ateb gofynnion ar gyfer plant ag anghenion dwys ond rydym yn pryderu am y plant sydd yn GY ar hyn o bryd.
- Mi fydd anghysondeb o ysgol i ysgol achos nid yw asesu yn gyson o ysgol i ysgol
- Mi fydd llawer o bethau yn dibynnu ar sefyllfa ariannol yr ysgolion

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

- Mae'r penderfyniad i nodi bod angen i siroedd i ddarparu yn Gymraeg yn galonogol ond eto mae hyn yn dibynnu ar gyllid a mewn rhai achosion- agwedd y Sir tuag at y Gymraeg. Byse arolwg or ddarpariaeth Cymraeg o fudd.

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

Sicrhau bod 2.24, 2.26 yn cael ei cyflawni yn drylwyr.

Question 65 – 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.

Criteria pendant ar gyfer sicrhau cysondeb rhwng bob ysgol a phob Sir er mwyn diogelu ysgolion. Fwy o wybodaeth am hawliau ALNCo's i sicrhau diogelwch nhw yn y broses.

Respondent Details

Information	
Name	Victoria Cox-Wall
Organisation (if applicable)	The Bridge Alternative Provision Portfolio PRU

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Supporting comments:

We felt the use of "may" was subjective and didnt need to be included.

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

Yes

Supporting comments:

Promptly could be subjective.

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

Yes

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

Yes

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

Yes

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Yes

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

Yes

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Yes

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Yes

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Yes

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Yes

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Yes

Supporting comments:

The use of the word "might" could be subjective.

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Yes

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Yes

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Yes

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Yes

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

Yes

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Yes

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

Yes

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Yes

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Yes

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

Yes

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Yes

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Yes

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Yes

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

Yes

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

Yes

Supporting comments:

The ALNCO should be a senior member of staff and part of the school's senior leadership due to the level of responsibility.

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Supporting comments:

This is positive and a step forward.

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

Yes

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Yes

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

This is a positive step forward, particularly the mandatory IDP. We feel there are changes to the role of the EP service. The element of subjectivity remains to a certain extent - because of school to school variance and the relative nature of pupils in different schools. There is an element of risk that schools won't "identify" ALN as there is a cost to provide ALP.

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Yes

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Yes

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

No Response

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Yes

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Yes
Supporting comments:
If this is doable!

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

Yes

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Not sure

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

Yes

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

Yes

Supporting comments:
Strongly agree.

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Yes

Supporting comments:

There is a high level of accountability for high level decision making, these decisions could end up in a legal arena.

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No

Supporting comments:

The IDP should be the same, good practice applies to everyone. There is also the PEP document so this would be overload, one document should suffice.

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Yes

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

Schools will find the new level of accountability very challenging, there is potential for disagreement between parents and schools over ALN that leads to ALP. NHS timescales will be hugely challenging and knock on to IDPs and Health Care plans. LAs will need to refine their processes to ensure there is a clear pathway to progress to LA IDPs and decide where their own provision (eg.PRUs) fit. The timescales for transferring statements to IDPs will not be achievable.

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

This could be challenging in areas of low Welsh speaking population.

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

Ensuring the choice of language is clear.
Positive recruitment of Welsh speaking staff.

Question 65 – 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.

None

Respondent Details

Information	
Name	SWASSH Deputies
Organisation (if applicable)	SWASSH deputies

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Supporting comments:

Schools need to be aware that if a school does not do something that 'should' be done, they need to have very good reasons as to why they are not doing so.

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No

Supporting comments:

As this process will depend on the actions and contributions of many other external agencies eg social services, health, educational psychologists, and resources are currently very limited in these departments the general approach to the timescales means that all agencies need to be fully on-board and appropriately resourced to meet the timescale. Otherwise the purpose of having a document that is effectively person centred is at risk of being rushed and not adequately completed to the standard that is required or deserving of the individual. Current statementing processes are a case in point because it will be the same professionals involved.

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

Not sure

Supporting comments:

What constitutes "circumstances beyond its control"? These need to be clarified

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Not sure

Supporting comments:

Information is unclear in 1.13 to 1.19. The funding systems need to be clarified and reflect the responsibility placed on the PRU.

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Yes

Supporting comments:

The role of pupil voice, parents and advocates is essential in this chapter.

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Supporting comments:

The pupil, regardless of capacity, being at the heart the whole process will ensure the outcomes will be appropriate, meaningful and essentially more successful.

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

Yes

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

No

Supporting comments:

There needs to be further detail in what comparisons to other peers looks like.

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

No

Supporting comments:

There are a lot of 'should' rather than 'must' which could possibly play down the importance of early intervention. What training will be provided to ensure that the ALNLO is an expert source of knowledge?

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

Yes

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

No

Supporting comments:

As this process will depend on the actions and contributions of many other external agencies eg social services, health, educational psychologists, and resources are currently very limited in these departments the general approach to the timescales means that all agencies need to be fully on-board and appropriately resourced to meet the timescale. Otherwise the purpose of having a document that is effectively person centred is at risk of being rushed and not adequately completed to the standard that is required or deserving of the individual. Current statementing processes are a case in point because it will be the same professionals involved.

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

No

Supporting comments:

12.23 should be a 'must' not a should. What happens to the pupils who make very small almost immeasurable progress?

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Yes

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Yes

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Yes

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Yes

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Not sure

Supporting comments:

It is welcomed that there is a shorter time scale for health bodies to be included however this needs to be resourced appropriately by the health boards for this to be a reality.

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Not sure

Supporting comments:
see above

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Not sure

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

Yes

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Yes

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

Yes

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Yes

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Yes

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

Yes

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Yes

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Yes

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

Yes

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

Yes

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes

Supporting comments:

Yes it is clear if a child is transferring within Wales but it is not clear if a pupil is transferring into Wales.

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Not sure

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Not sure

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Not sure

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Not sure

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

No

Supporting comments:

ALNCOs "MUST" be part of the SLT ALNCOs "MUST" have designated time to carry out their duties ALNCOs "MUST" be provided appropriate training to warrant the importance and importance and be able to facilitate the role

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Not sure

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

Not sure

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No

Supporting comments:

What exactly is a case friend? Who can it be?

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Not sure

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Not sure

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

Not sure

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Not sure

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Not sure

Supporting comments:

This is dependent on appropriate funding and prioritising of other agencies eg health and what will be happening that is different to the statementing process?

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

Yes

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

Not sure

Supporting comments:

Don't know enough about case friends?

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

No

Supporting comments:

Yes need to be qualified teachers but we believe there should be further training to carry out of the role of ALNCO effectively given the importance and level of responsibility. They need to be part of the SLT

Question 56 – Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Not sure

Supporting comments:

They were differ from mainstream to special setting

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Not sure

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Not sure

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Not sure

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Not sure

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

Impact on mainstream will be far greater than special schools. Impact on careers wales resources as they are in longer reviews. Impact on SLT structure

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

not sure

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

not sure

Question 65 – 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.

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

No

Supporting comments:

What accountability measures will be in place for Local Authorities who fail to meet individuals’ additional learning needs? For example, by not having the expertise to assess them or making judgements based on cost rather than need? – If a mainstream FE College says it cannot meet the individuals’ additional learning needs, what measures are in place to prevent a cash-strapped Local Authority ending an individual’s Individual Development Plan instead of seeking a placement at a Specialist Further Education College? – The repeated use of the phrase ‘reasonable’ to guide the decision-making of Local Authorities opens the doors to cost-led rather than needs-led commissioning or lack of commissioning. This is unacceptable and discriminatory. – Young people with learning difficulties and disabilities unable to attend mainstream FE colleges end up not in education and training rather than needs being met by the Specialist Further Education sector – Cohorts of learners at specialist colleges will be determined by the ability of parents/carers to ‘fight’ the system rather than based on the education and training need of young people with learning difficulties and disabilities.

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

Not sure

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?

Not sure

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

No

Supporting comments:

The Code fails to recognise the important differences in education and training needs as young people mature. We believe it should have a section for young people, that shows the duties on various bodies, wherever they are educated. As the code currently stands mixing young people into the schools section runs the risk of treating young people inequitably depending on whether they are at a school, a mainstream College or educated elsewhere (e.g. Specialist Further Education College or home) or Not in Education or Training (NEET). It is important that young people are given every opportunity to progress to Post-16 provision and are not 'held' in special schools until they are 19 when their education and training needs have exceeded a school environment. This is discriminatory as non-disabled young people are able to make choices on their post-compulsory education and training options.

Question 5 – Is the draft ALN Code's focus on describing and explaining the functions and processes appropriate?

No

Supporting comments:

A priority should be given to making sure any system can be readily understood by young people and their families. Parents/Carers and other stakeholders are likely to be confused in an already overly complicated system by the use of term 'Independent Specialist Post-16 Education Institutions (ISPIs)' to describe Specialist Further Education Colleges. Arguments against the use of this term include: 'Independent' Many Specialist Colleges are charities. The word independent implies that the organisation is privately-owned and profit-driven. It also implies that placements are privately funded. Placements at Welsh Specialist Colleges, like those at mainstream Further Education Colleges are funded with public money. The use of the word independent infers the same category as Public Schools. This is very misleading. 'Special' The word 'Specialist' is more descriptive of the education and training on offer. 'Post-16' This term is concurrently used to describe school 6th form provision. Specialist Colleges are post-school environments of Further Education 'Institution' We believe that this is an outdated term that has negative connotations unhelpful and necessary for parents and carers.

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Not sure

Question 7 – Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

Not sure

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

No

Supporting comments:

The code must be stronger on ensuring young people and parents have access to impartial advice and guidance. It is vital that parents of young people with low incidence high needs are supported to understand Post-16 education and training options across Wales and the UK as appropriate. Some young people may be ready to move on to Further Education before the age of 19. It may be limiting to individuals growth and maturity to keep them in Special Schools when they are ready to move on. Parents need to know this. They should not be presented with limited and biased information. What expertise will LA professionals have in understanding all Post-16 education and training options? What expertise will relevant LA professionals have in understanding and supporting young people's communication needs? Without any clear guidance on what does and does not constitute education and training for young people with learning difficulties and disabilities, LA professionals may make mis-guided assumptions that a young person's IDP should be closed so denying them the education and training they need. What reassurance can be given that Local Authority professionals who are unlikely to personally know the young people for whom they may be responsible for their IDP will have the expertise to implement their duties in relation to supporting young peoples' communication needs?

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

No

Supporting comments:

In particular Articles 5, 8, 9, 12, 17,19,21 & 24 are problematised by Local Authorities being placed in the compromised position of being assessors, commissioners and funders of specialist provision placements. Articles 5 & 9: Young people with learning difficulties and disabilities will be discriminated against

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

in relation to the Post-16 education and training offers available to no-disabled peers. Article 8 & 21: Without access to independent advice and guidance young people and parents will not be aware of the Post -16 options available to them. Article 12: There are no funding restrictions on the tenure of placements at general FE colleges. However, the code advises a two-year limit to the funding of specialist provision. Articles 17 & 24: The code offers no reassurance that the decisions to end IDPs by Local Authorities will be made by professionals with the skillsets to decide when a placement at a specialist college (ISPI) should not be considered for a young person with complex additional learning needs. Article 19: There is danger of the code resulting in LAs placing undue pressure on parents to keep young people at home and limiting individuals' opportunities to live independent lives away from parents.

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Not sure

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Not sure

Question 12 – Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

Not sure

Question 13 – Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

Not sure

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Not sure

Question 15 – Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

Not sure

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Not sure

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

No

Supporting comments:

This is discriminatory against young people accessing Specialist Provision. 12.22 asserts 'The local authority must consider whether there is a realistic prospect of the young person achieving a desired objective within a reasonable period of time by undertaking a course of education and training'. Much greater clarity is required for when Post 16 or perhaps more importantly, Post 19 education and training might be necessary. The considerations for a local authority in respect of whether to maintain or cease an IDP for a young person with ALN should be the same as the considerations for FEIs set out in paragraph 21.4. It is here that the inherent conflict of interest in local authorities having responsibility for assessing, commissioning and funding provision for young people with ALN again comes to the fore. In England, these conflicting functions have led to local authorities focusing on provision rather than need, and commissioning what is affordable rather than what is needed. Many are overwhelmed by the administrative burden of fulfilling all the functions required of them and the lack the resource to do so effectively. In addition, some local authorities are struggling to understand further education for young people with ALN, an area for which they have not traditionally been responsible. Moreover, Local Authorities' decision-making is often focused on short term outcomes and heavily influenced by budgetary constraints. I believe that 12.27 is both disappointing and contradictory. Again, none of these requirements are made for FEIs who are maintaining IDPs for young people at FEIs, and therefore they should not be considerations for young people who are not being educated at an FEI. There are currently no funding restrictions for young people with learning difficulties and disabilities attending FEIs. The reference to a two-year

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

placement norm is thus inaccurate and misleading and we argue should that this inaccuracy is thus removed from the code. Moreover there is a lack of recognition that those people with multiple and complex learning difficulties will by their very nature require additional time to successfully complete programmes of education and training.

Question 18 – Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

Not sure

Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Not sure

Question 20 – Is the guidance in Chapter 13 of the draft ALN Code clear?

Not sure

Question 21 – Is the guidance on transport in paragraphs 13.74 – 13.76 of the draft ALN Code appropriate?

Not sure

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Not sure

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Not sure

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Not sure

Question 25 – Is the content and structure of Chapter 16 of the draft ALN Code clear?

Not sure

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Not sure

Question 27 – Is the content and structure of Chapter 17 of the draft ALN Code clear?

Not sure

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Not sure

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No Response

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

No

Supporting comments:

This chapter fails to recognise the needs of young people with multiple and complex learning difficulties and disabilities. It also fails to recognise the differences inherent to Post-16 provision and preparation for adulthood. What expertise will schools-based ALNCo's have on Post – 16 education and training? What independent advice and guidance will be given to young people and their

Question 30 – Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

parents/carers. How will the quality of arrangements be measured and monitored?

Question 31 – Is the content and structure of Chapter 20 of the draft ALN Code clear?

No Response

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No

Supporting comments:

Without a robust guidance on operational infrastructures, Local Authorities are being compromised through the ALNET Act to make inescapably finance-driven decisions rather than uphold their duty to promote and protect the best interests of such disabled young people.

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No Response

Question 34 – Is the content and structure of Chapter 21 of the draft ALN Code clear?

No Response

Question 35 – Is the period of time for making a reconsideration request (described at 21.18 of the draft ALN Code), appropriate?

No Response

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No Response

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No Response

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No Response

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

No Response

Question 41 – Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

No

Supporting comments:

The ALNCO role is clearly a different and more senior role to that of the SENCO. However, 24.26 conflates the two roles in relation to schools at least. From my perspective, it is imperative that there is a clear remit that schools-based ALNCOs understand further education and training and the options available to young people. They should also have a responsibility for ensuring that young people are not ‘held’ in special schools when it may be in their best interests to progress to a FEI or Specialist Further Education College (ISPI).

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

Question 44 – Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

No Response

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No Response

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

The devolution of funding for Specialist Placements to Local Authorities is in danger of creating an adversarial funding system resulting in an unequal and postcode lottery-based system.

Clarity is required on the parameters of what constitutes education and training, particularly in relation to young people with complex learning difficulties and disabilities.

The structure of the code as it stands exemplifies an inherent lack of ambition for young people with learning difficulties and disabilities, particularly those with multiple and complex needs. It consistently emphasises financial efficiencies over quality of provision and fails to recognise the education and training of this group of Post-16 learners.

In direct contradiction to the rights-based principles of the code, its stipulations are overly focused on accredited learning and employability outcomes as a measure of success of education and training. This is likely to be of significant detriment to the life chances of young people with complex needs whose education and training outcomes should focus on the development of independence, self-reliance and self-advocacy skills.

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No Response

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

No Response

Question 49 – Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

No Response

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No Response

Question 52 – Are the timescales relating to compliance with Education Tribunal orders appropriate?

No Response

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

No Response

Question 54 – Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

No Response

Part 3 of 5: Draft ALNCo regulations

Question 55 – Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

No Response

Question 56 – Do you agree with the tasks that ALNCos must carry out or arrange to carry out as set out in the draft ALNCo regulations?

No Response

Part 4 of 5: Looked after children

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

No Response

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No Response

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No Response

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

No Response

Question 63 – What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

Question 65 – 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.

Yes

