

## Respondent Details

Information	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

## 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:**

Some LAs/schools will interpret "may" and "should" as optional. Who will oversee this and make sure their actions are appropriate without these yet s becoming a loophole?

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:**

"Promptly" is vague and open to interpretation. The whole of this needs quantification to ensure consistency across Wales.

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 Response*

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 Response*

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)?

*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:**

This is too long! Why does the LA get longer than the school? It suggests to me that it's because they are not as well equipped- which I would agree with.

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:**

Who decides what is or is not a complex need? If it will be the current statementing officers maintaining the IDPs what qualifies them to do so? What additional training will they receive? How will they implement the PCP approach from their desk in the XXXX? It all well and good to write a Statement of Special Educational Needs based on pile of evidence from various agencies and professionals that has been handed to you having never met the child- but what qualifies them to write an IDP when they have no knowledge of the child, the school, available resources at the school, ergonomics at the school, or teaching qualifications or up-to-date pedagogy training? It is ludicrous! Statementing officers in XXXX are certainly not qualified anywhere close to an appropriate level to be the given the responsibility of maintaining an IDP and if there is any suggestion of my son's IDP being handed to them I will vehemently refuse in these grounds.

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

**Supporting comments:**

PCP fantastic- I can't see it being prevalent in IDPs maintained by LAs though because they are too far removed from children and their families.

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

Yes

**Supporting comments:**

Profile page is excellent- perfect reference point for support staff/supply teachers etc

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:**

Needs further detail. When a child with ALN attends a mainstream school and they need an escort on an existing school bus that transports children (catholic school- large catchment, so all children are entitled to travel on school bus if they live more than 3 miles away) how is this funded? XXXX LA had an internal argument between the transport and SEB departments that I was privy too and resulted in my don being excluded from the bus for 2 months because they couldn't agree on which department should fund his escort! When a CYP with ALN requires support or a reasonable adjustment on existing transport provided by a school hoe do they access this without discrimination?

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

**Supporting comments:**

Please the concerns I have already mentioned regarding LA maintained IDPs. If LAs maintain IDPs their knowledge of budgets will supersede the child! I GUARENTEE that their will be fewer children receiving 1-1 support/reduction of hours of 1-1 support in these cases because the recommendations will be based on cost. It us ludicrous to make the LA judge and jury.

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:**

No, why would they be given longer than a school? This code should not put any extra pressure on teachers!

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

**Supporting comments:**

Who decides whether a need is "complex" enough for it to be transferred?

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

**Supporting comments:**

Who can advocate for a parent when they need it?

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.

PCP approach is excellent step forward but it WILL NOT happen if statementing officers at LAs are maintaining IDPs from their desks at the XXXX

LA staff need some serious training if they are to maintain IDPs (I'm assuming it will be current statementing officers that will do this) it is absolutely ridiculous to suggest that they are anywhere near qualified to do this! (See previous comments please)

Where children are required to move to a Learning Resource Base from School instead of mainstream there needs to be clarification on how this should be implemented. XXX are still being allocating LRB placements based on how close they are to the Childs address instead of how they best meet the child's needs. (XXXX)

How do children with ALN access existing school transport when they need an escort or reasonable adjustment? My son was excluded from the school bus (his sister was allowed on) for 2 months while the LA argued amongst departments about who should find his escort? Clarification about the rights CYP with ALN who attend mainstream schools with regard to accessing transport that is available to their peers without discrimination.

## **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	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

### 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
<b>Supporting comments:</b> Not enough time for ALNCOs to request, receive and compile info

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
<b>Supporting comments:</b> Not clear enough = loop holes in system which will be exploited

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

**Supporting comments:**

There will be inconsistencies between schools and regions

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

**Supporting comments:**

It's not clear or strict enough on what experience is required or the nature of the role. The ALNLO MUST have early years experience. The role is too big for 1 person. They can't be expected to diagnose global delay on a one to one basis with children and manage, train and deploy staff. Is it strategic or not?

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:**

Realistically not enough time. It takes ages to get a response from external agencies. It is at odds with nhs waiting times. The children won't have been referred, seen and a response sent in this 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?

No

**Supporting comments:**

Uncertain which IDPs will be maintained. Each county has different provisions. In counties with STF provisions who is responsible. If county create an IDP and then give it to school to maintain, who is responsible for funding and provision of IDP? Schools could be left paying a bill they don't have funding for

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

No

**Supporting comments:**

It's not clear enough all the detail or structure. The appendix examples don't have all the details shown

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

No

**Supporting comments:**

We need to see examples for different needs.

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?

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:**

It's at odds with waiting lists and doesn't give enough time for schools to act

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)?

No

**Supporting comments:**  
Shoulds need to be musts

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

**Supporting comments:**  
Not clear which needs

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?

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?

No

**Supporting comments:**

What happens in one school will be different to next. Meaning new IDPs will need to be written and could result in disputes because one school can't offer same provision as another

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?

No

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

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:**

The role has become massive. A huge responsibility with no incentive to do it. Too much work for one person who will most likely be a full time teacher as well!!!

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:**

This is the same question as 42?!

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?

No

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:**

This will never happen!!! Nhs won't see a child, write a report and send it back in 6 weeks!

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

### 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:**

They don't go far enough in stating an ALNCO MUST be experienced and Senior Management

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:**

In schools with high numbers of ALN, this is a massive role. Schools have no money to have non-teaching ALNCOs. The role is simply 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?

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?

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?

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 ALNCOs and school staff.  
Massive differences in the provision for ALN between schools and schools not using IDPs unless created by county.  
Schools will create their own version of an IEP so it's not legally bound and they can afford the provision

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?

It's not about welsh language! We need to sort ALN provision in first language whatever that may be!

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	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

## 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:**

Where is the accountability to be had? It seems to me that local authorities will be able to argue that they have neither the expertise nor the money to meet an individual’s needs, and taking them to task will be very difficult (more so than now). The word ‘reasonable’ is a very big cloak for the LA to wrap themselves in!

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:**

There is no differentiation between young people and pupils here. Their needs, helped by clear guidance (which I have concerns about-see below) can often be very different though. Without differentiation, this could lead to limited options for those 16 and over.

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

No

**Supporting comments:**

I have concerns with the use of several words, including ‘institution’ (it harks back to days of yore, and to me has a vaguely sinister connotation). The word ‘independent’ implies a fee-paying, private establishment. ‘Post-16’ to me denotes sixth-form provision? But I thought this was referring to colleges post sixth-form? ‘Specialist’ rather than ‘special’, surely?

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:**

Young people and parents must have access to clear, impartial advice. They must be notified of what options are available to them. I fear that many parents will be pressured into having their child live at home to cut costs, when this will be the least satisfactory option all round. What are the training programmes etc that LA officials will undergo to provide them with the necessary expertise to advise?

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:**

I have very grave concerns about the lack of ring-fencing for the funding here. This will inevitably lead to many young people being failed, and to postcode-lottery provision (local authorities will be judge, jury and executioner so to speak). Many opportunities for these wonderful people (who we all, as a society, are duty-bound to protect and provide for in my opinion) will be taken away.

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 Response*

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)?

*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 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

**Supporting comments:**

I think the learning needs of those with ALN should not be equated to those of mainstream learners. ALN learners often require lengthier periods to absorb and learn, and I do not think they should be compared to those who do not have the same difficulties. The attempts to equate the two groups-mainstream and ALN-is wrong in my view.

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 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)?

*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

**Supporting comments:**

What independent advice will ALN young people and their parents/carers receive?  
How will the quality of arrangements be 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 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.

I have serious concerns that the devolution of funding from central government to individual local authorities will have a severe impact on the availability of further education for many people-especially as the funding will not be ring-fenced. The provision of services are already heavily influenced by the costs of such provision, and this proposal can only make matters ten times worse. It seems to me that there is a great emphasis on 'tick-boxing' achievements via accreditation etc. For many disabled young people however, the acquisition of life-skills are of paramount importance, but they are not as easily measured. The impact of such skills' acquisition on the disabled person, and by extension on the lives of those around them, is often immeasurable however. I am concerned that there is a move towards a more rigid quantification of achievement which will adversely impact many of those with ALN.

## 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	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

## 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?

**Supporting comments:**

PLEASE SEE SUMMARY COMMENTS UNDER 46 BELOW, END OF DRAFT CODE QUESTIONNAIRE

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 Response*

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 Response*

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)?

*No Response*

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*No Response*

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*No Response*

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*No Response*

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

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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*

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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*

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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*

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*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.

I am submitting a response to the Draft ALN Code consultation to represent the interests of my two sons in their early twenties, both of whom are on the autistic spectrum, and both of whom have very different additional learning needs. I have therefore considered the Draft Code from the perspective of both sons, one of whom is high functioning but has very significant communication difficulties, the other of whom has very severe learning difficulties and is largely non-verbal, but understands communication with him in Welsh and requires residential care and a very structured education and communication programme at a specialist college for young people with severe needs. I am therefore ideally placed to consider the implications of the Code for young men who fall at both ends of the spectrum in terms of the support which they require from the local authority, particularly as the more high-functioning son has received no support whatsoever from the local authority despite his needs since he left school for an FE College and has no access even to a social worker – which in itself is an indication of what the future probably holds for parents of children and young people with ALN once the new regime becomes operational.

My ability to respond in detail to the list of questions provided is constrained by my care responsibilities for both sons, as is the case with so many parents in the same position as myself. I therefore request that you take on board and address the following points which I wish to highlight as very real concerns with the content and wording of the Draft Code:

Background

As a general context for my comments, I would note that from the perspective of a parent of two young men with ALN I welcome the principles of the new Act which gained Royal Assent in January 2018. However, I also wish to note my disappointment with the Welsh Government's rejection of the private Member's

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.

Bill on Autism proposed by Paul Davies AM which could have safeguarded children and young people with autism to a degree not possible through the ALN legislation. That provides a context for my comments below.

Risks of devolving budgets and responsibility to local authorities

In times of unprecedented financial constraints on public services, it is understandable that the Welsh Government wishes to devolve more statutory duties to local authority level and to see the Code as a vehicle for reducing the level of its own involvement in and responsibility for the provision required by young people with ALN. However, already overstretched local authorities will face difficulty in adequately providing for those children and young people, and will in fact be compromised by budgetary issues to seek the most financially viable provision rather than seek to ensure that they honour the rights of these young people under the relevant legislation. So many young people with severe ALN are unable to access education provision at local FE Colleges which are not capable of meeting their high level of needs. The current process of involving Careers Wales and Welsh Government in the decision making ensures the involvement of an honest broker in the placement process. The devolving of the whole decision process to cash-strapped local authority level places local authorities in a compromised position of holding the purse strings and the statutory responsibility for the individual. It also means that there will be 22 regimes and 22 approaches to ALN in place throughout Wales. Consistency of approach will become an issue across Wales as the Welsh Government withdraws from the process. Parents of those with ALN can only raise concerns regarding the frequent use of the term 'reasonable' in the Code to guide the decision-making by local authorities – thereby opening the door to cost-led, rather than needs-led decision making. This can be deemed to infringe the rights of young people with ALN to appropriate provision to meet their needs.

Role of specialist colleges

The Code fails to acknowledge the essential role of specialist colleges which cater for young people with additional learning needs whose needs cannot be met by local FE colleges – both their care and educational needs. The use of the term 'Independent Special Post-16 Education Institutions' [sic] verges on the derogatory in describing the role of these organisations, which are so essential to enable certain young people with ALN to thrive and fulfil their potential. I ask the Minister to review the use of this terminology and change it to refer to Specialist Further Education Colleges (Colegau Addysg Bellach Arbenigol) so as to avoid the insinuation that they are private colleges/public schools ('independent') and to avoid the connotations within the context of ALN of using the word 'institution'.

The Code produced by the Welsh Government should acknowledge these colleges for their levels of specialism, which is readily recognised by CIW, the National Autistic Society etc, but which, it seems, has not been fully appreciated during the drafting of the Code. As a parent I strongly recommend that the Minister should visit a few of these colleges for her to see at first hand the excellent provision provided by some in the vicinity of her constituency.

Welsh language provision

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.

It is often challenging for local colleges adequately to provide for the Welsh language requirements of ALN students. The location of a number of specialist colleges means that, unlike many provisions based within local authorities, they are fully capable of providing for young adults with ALN who benefit from provision through the medium of the Welsh language. These specialist colleges are often based in strongholds of the language and are examples of best practice in providing through the medium of Welsh, immersing students in the Welsh culture and fully satisfying the requirements of the Welsh Language Standards with which local authorities must comply, and with which without these colleges they would be unable to comply.

**Acknowledging the differing needs of children and young people**

In reading through the list of those consulted regarding the content of the Code, I noted that the Future Generations Commissioner for Wales was not listed and contacted her to question why, given the relevance of the Wellbeing of Future Generations Act to young people with ALN. I understand that the responsibility for advising on this Code has been given to the Children's Commissioner. However, I note that the Code does not seem to recognise that Young People have different education and training needs from 'children' and 'pupils'. I ask that the Code should include a specific section on the education and training needs of young people, whose needs, I know from experience, are different as they mature – and where those needs, if not met, can give rise to anxieties and behavioural problems unless addressed through appropriate provision. The Code must be seen to provide every opportunity for young people with ALN to progress to post-16 provision when their education and training needs have exceeded those of a school environment. This is a rights issue within the context of the UN Convention on the Rights of Persons with Disabilities, as young disabled people should be able to make choices on their post-compulsory education and training options, much in the same way as able peers of the same age can access provision of their choice.

**Availability of independent advice**

One of the difficulties facing parents of young people with ALN is the availability of independent advice to support them in taking decisions in the best interest of their loved ones. The Code does not address this weakness – in fact, the Code gives rise to concerns that, by putting local authorities in the compromised position of being assessors, commissioners and funders of specialist provision, it will exacerbate the current situation for parents, who may be denied independent advice regarding the options available to their young people, and who may have to seek private expert advice in order to challenge the advice of the local authority which will risk being judge and jury regarding the best options for these vulnerable young people.

**Limiting specialist provision to 2 years**

It is difficult to comprehend how the Code, if it seeks to act in the best interest of young people with ALN, lacks consistency of approach to funding local FE provision (no funding restrictions) and funding of specialist provision (2-year limit). As a parent of young men with autism, I can honestly say that settling into any

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.

new routine at college is challenging for those with ASD, and by definition of ALN they have learning difficulties and take longer to learn. By setting a standard time-limit applicable to every young person who attends specialist college, the Welsh Government is undermining its own recommendation that those with ALN should benefit from person-centred planning, based on their needs. By limiting provision to two years, the young person is therefore denied the provision he/she requires. Young people with ALN do not all fit a standard mould in terms of education needs and the Code needs to apply flexibility to enable them to be placed in the provision which they have a human right to access.

Conclusion

In general, I fear that this is a Code which lacks the ambition I had hoped the Welsh Government would demonstrate at the heart of its vision for young people with ALN, in order to enable them to thrive and develop within a Wales which is committed to the Wellbeing of Future Generations. Despite the right-based principles which provide a basis for the Code, its stipulations are very much focused on accredited learning and employability outcomes as a measure of success of education and training. It is a Code which emphasises financial efficiencies over quality of provision, despite the fact that the Welsh Government is also responsible through CIW and Estyn for the regulation of the educational establishments which will provide for these young citizens. As parent of two young men with ALN, I am strongly of the opinion that the Code requires further reviewing to ensure that it protects the life chances of young people with complex needs who may not be capable of achieving the high learning and employability outcomes outlined in the Code, but whose wellbeing, self-worth and dignity as citizens will stem from developing their independence, self-reliance and self-advocacy skills when placed in the most appropriate provision which fully meets their needs.

## 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?

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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?

SEE COMMENTS UNDER SECTION 46, DRAFT CODE.

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	
<b>Name</b>	Hania Opara-Waters
<b>Organisation (if applicable)</b>	

### 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 Response*

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*

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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*

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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:**

I feel it is paramount for families to have access to reliable, impartial information and advice. I don't believe that local authorities can provide an in house service that will enable families to feel confident. The quality of information will differ in each local authority which means some will have access to excellent resources and some will not, this will impact their outcomes.

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)?

*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 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?

*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:**

Details if transport is required needs to be included in the IDP. Some children are placed in specialist provisions on the recommendation of the local authority. In some cases these provisions are out of catchments areas, in some cases in out of county provisions. Transport in some cases is relied on if children are to access their provisions.

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 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

**Supporting comments:**

If the current plans go ahead I envisage many families either not challenging decisions as they lack confidence and knowledge of how to proceed, OR that they will request tribunals. Families will not feel confident that the mediators who are "in-house" officers are impartial and have an independent stance. The arrangements, while commissioned by the local authority, must be independent of the local authority – no-one who is directly employed by a local authority can provide disagreement resolution services. Professionals who provide disagreement resolution must have sound knowledge and experience of ALN and the systems.

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:**

If independent advocates are to provide expert advice, information and support, provide support to a case friend, or indeed act as a case friend, these advocates will need to have more than understanding the ALN system including the arrangements for avoiding and resolving disputes and Tribunal procedures (25.63). They will need to have expert knowledge of the ALN system and be suitably qualified to give this level of expert advice and support.

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	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

## 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:**

Could the definitions appear in the sub-headings. 1.15 - should the second sentence include Education before tribunal?

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:**

Question over the practicality of timescale particularly in complex cases involving many agencies. It is presumed that timescales takes into account the school year (holidays) and the availability of external agencies.

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:**

Concern that due to legal timescales that important information may not be gathered from all parties and so will not be in the IDP. It would also be helpful to set a statutory timescale on partner agencies responding to a request for a report / evidence, in order to help the LA prepare the IDP in a suitable timeframe.

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:**

Working in the primary sector it is hard to pass judgement. It is presumed that training would need to be given to support management committees in the execution of their powers around the role. Consideration as to how the training will be facilitated and funded is needed.

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

Not sure

**Supporting comments:**

Prevention should be a fundamental principle of the code, as referenced in 8.46. There should not be the presumption that preventative measures have been implemented. This could appear in 2.2.

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 child being at the centre of the process and involved in all aspects is fundamental, and it is known that the starting point for this is good PCP practice. It is felt that there is a need for clearer guidance on how a child should be involved and when it is not suitable. Example proformas / good practice would also be useful. There is a concern regarding a child refusing consent for assessment of ALN should this decision have a negative impact.

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

**Supporting comments:**

Although local authorities are required to keep ALN and ALP under review, it could be helpful to have a requirement to publish a three year plan that would be updated annually. It could be linked to the WGs review in 5.6. In 5.17, ESTYN should also be consulted in the review, e.g. thematic review of ALP .

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:**

How will this be funded/resourced? It would be helpful if Welsh Government were able to produce information on parts of the Code and Act that could be used or adapted.

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 explanation of the definition of ALN provided lacks sufficient clarity and needs revising as a matter of urgency. There is a need for Wales wide clearly defined set criteria to ensure consistency and equity for all.

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:**

In 7.34, could addition of physical or neurological impairment be included. 7.47 -

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?

Schools are very aware of other impacting factors, health and social services including The range of agencies and professionals identified in the chapter highlights the scope of this reform and the extent to which so many professionals need to work in partnership to ensure the successful implementation and delivery of the principles set out in the Act. All of these groups will need to increase their capacity in order to support the increased expectations around partnership working, and ease of access for all across Wales.

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 no standard requirements for schools to provide ALP or any guidance about what ALP is expected in all schools. Therefore, governors and head teachers of individual schools are able to provide what they feel is adequate, which may well be determined by budget and teacher skills, rather than the needs of the school population. Further guidance is required on what ALPs / provision would be expected in a mainstream school. The coordinator outlined in paragraph 8.11 is an indication of the restructuring that will be needed by local authorities to ensure the implementation of the Act and specifically the details included in the Code. As many of the outlined duties are beyond the grade of the existing teams within local authorities, this will have cost implication in order to implement the Act and code details successfully. Paragraph 8.12 onwards, outlines the contents of communication for parents. It would be useful on this occasion and the numerous other occasions where communication is detailed to have sample/ pro formas given in the Annex which could be adapted by local authorities. Additionally a flow chart for the timescales would be useful. Paragraph 9.39 Referrals from a maintained school to a local authority – this point needs significant clarification. The term “adequately determine” regarding ALN or ALP in relation to the referral from schools to the local authority needs for more clarification. The term is open to interpretation by schools and will cause conflict between schools and between schools and LAs. It would be useful to have an agreed understanding of the ALPs that schools should be able to offer, and further clarification around the ALN definition. 9.40 The usefulness of dual registration in maintaining children and a young person in mainstream education is questionable if the IDP is automatically picked up by the local authority. The IDP process should revolve around the pupil, and thus should be written by the mainstream school involving any other institutions where the child / young person is attending. If the mainstream funding is given to the school, it should be the school who maintain the IDP unless the child / young person’s needs are complex. In paragraph 9.44 it is stated that “The

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)?

circumstances of the school (i.e. its location, size, budget, experience etc.) could affect the school's view on whether it would be reasonable for it to secure the ALP. This is unacceptable as it suggests that the level of support that a pupil can expect will vary from school to school. Would a similar rationale be used for the delivery of literacy or numeracy, i.e. there must be an expectation that all schools are able to deliver the same level of provision for all learners.

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

No

**Supporting comments:**

Need for clear ALN criteria and clarification over subjective terms such as "reasonable" 'adequate' and "significant" No standard requirements for schools to provide ALP or any guidance about what ALP is expected in all schools. Therefore, governors and head teachers of individual schools are able to provide what they feel is adequate, which may well be determined by budget and teacher skills, rather than the needs of the school population. Further guidance is required on what ALPs / provision would be expected in a mainstream school. Communication for parents - It would be useful to have sample/ pro formas given in the Annex which could be adapted by local authorities. "The circumstances of the school (i.e. its location, size, budget, experience etc.) could affect the school's view on whether it would be reasonable for it to secure the ALP. Is it suggesting that the level of support that a pupil can expect will vary from school to school? Would a similar rationale be used for the delivery of literacy or numeracy, i.e. there must be an expectation that all schools are able to deliver the same level of provision for all learners. The need for a set of principles to decide who would secure an ALP is clear, however, this would surely be the same for all local authorities and would thus lend itself to national guidance. Without such guidance access to ALP may vary according to where a person lives leading to a "postcode lottery" determining a learning access to support. A parental request to consider ALN, take on an IDP or review an IDP, in terms of time is unmanageable in current systems. The numbers that could be referred to the LA under the Code as it is detailed is concerning considering LA's current capacity.

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:**

Increased capacity needed with schools, health and other organisations needed to

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?

ensure timely communication. It would be very helpful if Health communicated more readily through e-mail and sent reports, letters through email rather than post.

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:**

However, wading is not child/parent friendly. There is a need for clear examples and clarification as to what should be detailed in each part. The document must remain purposeful and clear for the child/young person/ family. Could be difficult to list historical evidence.

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

No

**Supporting comments:**

The standard forms do not sit well within the person centred processes that Welsh Government have encouraged. Further consideration of how the forms will be used, shared and adapted would lend itself towards electronic versions, on apps or similar with additional sections that could be included or left out as appropriate.

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

Not sure

**Supporting comments:**

It would have been useful if some of the content were mandatory, i.e. must rather than should, to ensure consistency.

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

Not sure

**Supporting comments:**

Have to considered this section.

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:**

Concern that schools can't request help or information.

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:**

How will Health be supported in creating such systems?

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:**

The role is very much welcomed, concern regarding the practicalities of the role.

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

No

**Supporting comments:**

Clear precise guidelines needed.

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?

*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?

Yes

**Supporting comments:**

If capacity exists within contributors roles.

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

Supporting comments:  
NA

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?

Supporting comments:  
NA

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?

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

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

**Supporting comments:**

How is this going to happen?

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

**Supporting comments:**

How will this be facilitated within schools?

### 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

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	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

## 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?

Not sure

**Supporting comments:**

Where there is ambiguity or lack of compulsion, then these actions will not be completed. Only "must/must not" carry weight.

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?

No

**Supporting comments:**

The document is bulky, unwieldy and inaccessible. Hard copies could provide ready reference, but if printed from the website then would waste paper and resources. A more user friendly document is necessary.

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

No

**Supporting comments:**

Lengthy explanations do not lead to a practical document. Greater use should be made of tables and checklists.

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:**

2.13 refers to timely interventions. Hearing impairment can be identified through newborn screening and specialist support provided. There are funding implications to support this aspiration adequately. Pre school hearing impaired children are not currently equitably supported across Wales. 2.23 emphasises the increasing expertise of mainstream school staff, but low incidence sensory impairment will require input from a specialist teacher holding the additional mandatory qualification. As well as advice, this teacher may required to undertake a regular teaching commitment to meet the child's needs.

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

**Supporting comments:**

Consistent terminology should be used to ensure references to specialist teachers state that they must have a mandatory qualification to teach children with low incidence sensory impairment

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 Response*

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:**

7.23 is too vague 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?

No

**Supporting comments:**

7.59 suggests a school should CONSIDER seeking external advice from an appropriately qualified specialist IF there is a lack of knowledge and experience. This would serve children better if it stated "must include input from a specialist teacher holding the mandatory qualification to teach children with a low incidence sensory impairment"

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 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?

*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 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)?

*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:**

There is an overemphasis on ALNCoS becoming universal experts and a lack of acknowledgement that they need to draw on expertise outside school. Greater support is required for specialist central services.

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 document is so large and the consultation so lengthy that it appears to have been constructed to dissuade participation and to disengage the very people whom it seeks to support.

## 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?

**Supporting comments:**

ALNCoS must be given time and resources to carry out their duties. Schools require funds to enable this.

### **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.

There is no provision made to ensure local authorities have sufficient funds to carry out their duties.

A strategic overview of specialist provision across regions is required.

Consideration should have been given to fairness and equality of access to appropriate support across the whole nation.

## Respondent Details

Information	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

## 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 Response*

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 Response*

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*

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*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*

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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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*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)?

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*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 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?

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*No Response*

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*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?

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*No Response*

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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?

*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

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 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?

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*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	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

### 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?

No

**Supporting comments:**

Preparing an IDP at the end of the timescale without all evidence being received and therefore not being considered could result in the wrong provision being delivered for the child which could be detrimental to them and their learning.

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:**

There could be issues relating to parents/carers not participating or giving consent resulting in time implications to allow for meetings/reviews between the school and the parents to gain their views. Schools should be afforded extra time and resources on these occasions.

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

**Supporting comments:**

"(a) has a significantly greater difficulty in learning than the majority of others of the same age, or" Who decides what "significantly greater difficulty is"? There needs to be some form of consistency. "(3) A child under compulsory school age has a learning difficulty or disability if he or she is, or would be if no additional learning provision were made, likely to be within subsection (2) when of compulsory school age" Children under school age can develop significantly at this age and many other factors such as environment could have an impact on their development. This could lead to a premature ALN label given to a child.

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:**

Guidance should be given on how long the evidence should be collated for. For example - how long should progress be made in (or not) before it becomes a sign of "significant greater need".

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:**

We agree that the role should be carried out by someone who has the appropriate experience and expertise. However, having seen the job description and person specification in one of the regional consultation events, it is clear that there are many operational duties also. This will affect the individual's ability to achieve the objectives outlined. If no extra budget is available, smaller schools in particular, but not exclusively, will struggle to cover the ALNLO whilst out of the classroom to carry out their duties. It is felt that it will be harder to recruit ALNLO's in the future as the responsibility and work load the role carries is to high.

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 timescales do not allow sufficient time to carry out the necessary steps to produce an IDP. Time will be needed to observe the child, gather evidence from outside agencies, draw up a draft IDP then have meetings with child/parent/carer (as appropriate) and to agree the ALP. 35 school days is not long enough as the ALNLO will be teaching also, unless LA's are given resources and budgets to help.

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?

No

**Supporting comments:**

Who decides the "capacity" of the young person in 1A 12? Or if in the case of a parent giving consent, is the ALNLO supposed to make that decision? It is felt this could lead to a very sensitive and difficult situation to comment on.

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

No

**Supporting comments:**

Clarity is needed on what constitutes a health or education need. i.e. mental health.

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

**Supporting comments:**

Traditionally health bodies are slow in meeting and reporting on cases, this will impact on the school's timetable and deadlines. There needs to be systems in place to make sure this is sped up to allow the deadlines to be met.

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

**Supporting comments:**

Overall content and structure clear but issue with some of the content. 16.1 & 16.11 Use of the word 'regularly' and the phrase 'at least annually' is open to interpretation. More emphasis should be placed on a cycle of monitoring which takes places throughout the year. 16.19 – The given timeframes are relatively short if all relevant professionals are to be available to attend the review.

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:**

Timescales are not appropriate due to the demand this will place on the system. The LA should also work within term time days, as communication with the school /FE and families will be necessary in preparing a LA maintained IDP There also needs to be greater clarity around the exceptions for completing the reviews, including school situations such as absence of key staff. There needs to be strengthening in terms of the responsibility on Health to adhere to these

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?

timescales.

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:**

Timescales not appropriate due to capacity/ resource issues and school holidays need to be given consideration.

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:**

There are budgetary implications if a pupil moves in to a school with an existing IDP and the school has to review and adopt the IDP with its existing resources. There are current systems in place when movers in with a Statement are alerted in advance which allows for preparation and planning in advance. This will be difficult to manage for school maintained IDPs. There needs to be greater clarity around the wording 'well in advance' and when transition planning should start ie year 5 for primary to secondary.

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

**Supporting comments:**

This needs to be made simpler to read and understand.

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?

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?

Yes

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:**

Schools do not have appropriate funding to support this legislation, nor is there any funding attached to the draft code of practice to put in place or carry out the legislation. Current budgets do not allow for clear and sufficient time allocation, which in turn will mean ALNCoS will be unable to carry out their role and responsibilities effectively. It is also likely that people will be unwilling to take on the role in light of this. There is also the issue of how schools will be able to fund the training needed.

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:**

We strongly disagree with 25.44 and feel strongly that parents have to demonstrate they have engaged with disagreement resolution arrangements before appealing to Tribunal. It is almost promoting that parents go straight to Appeal, even though it is stipulating that schools and LA have to demonstrate they have tried disagreement resolution processes.

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:**

See question 42 - its the same!

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:**

The LA deadline of 4 weeks is not clear from when. 4 weeks is too tight a time-scale and does not allow sufficient time for the LA to try to resolve an issue before it goes to Tribunal. LA's would not want to go to Tribunal and would want to meet with parents in order to resolve their issues BUT 4 weeks is not long enough to do so, especially if other agencies are involved. Also why do parents have 8 weeks but LA's have 4 weeks?

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

**Supporting comments:**

Timescales as mentioned previously in question 44 - not long enough.

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

**Supporting comments:**

The timescales are too short to provide quality time to meet and discuss any possible resolutions.

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

**Supporting comments:**

Surely the LA and parents should have the same timescale in the case statement process?

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:**

It is unrealistic to think the NHS will be able to respond within 6 weeks.

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?

No

**Supporting comments:**

Being a registered teacher and having completed the NQT induction period of three terms prescribed in law, does not equip people to perform the role of ALNCo. Initial teacher training needs a greater focus on ALN, there should be further additional high quality training that is provided during the induction period and a mandatory training programme for aspiring ALNCos should be completed before they are able to move on and perform the role. However, the funding implications for schools needs to be considered.

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?

**Supporting comments:**

Agree but again schools need the financial support to allow the ALNCo to carry these tasks out.

### 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?

It is felt that, whilst we agree that the code of practice needs to change as it is far too out of date currently, and that early intervention for children with SEN/ALN is key to maximise their potential progression we feel the draft of the code is unrealistic in terms of timescales and the lack of any funding to put measures in place. ALNCo's will have what pretty much amounts to a part time job added to their current role as teacher. The lack of funding will not help schools give time for the role to be carried out effectively which may result in poor quality, rushed work and to the detriment of the child. Also the wellbeing of the ALNCo may be affected by the feeling of not doing a good enough job. Future recruitment of ALNCo's could well be affected as there would be an avoidance of the role. Also Governors may be harder to recruit as the added responsibility for them also may cause avoidance of the role.

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?

We don't see any relevance between the proposed regulations and to the use of the Welsh language. The proposed regulations would be implemented the same in Welsh as in English.

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	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

## 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:**

There is no mention of how the timescales will be managed. However, a standardisation of timescales will be a welcome improvement.

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?

Not sure

**Supporting comments:**

Will this ensure that the needs of the young person will be met fully?

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

Not sure

**Supporting comments:**

Having experience in mainstream education and special education although the principles may be the right ones it is difficult to see how they will be put into practice. Especially as there are constantly budget cuts which affect the amount of support that can be provided. It will also be necessary for staff to be trained appropriately to ensure the needs and rights of the child are prioritised throughout the education system.

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?

blank

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

blank

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?

blank

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:**

Considering that SENCo's do not always have the appropriate experience and expertise it may be extremely difficult to fill the number ALNO posts that will be necessary to cover all schools in Wales.

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 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?

*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 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)?

*No Response*

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

blank

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?

*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?

There will need to be a lot of training and re-educating teachers and support assistants who currently work within mainstream settings. There will also need to be physical restructuring to ensure mainstream settings are able to meet the physical needs of all the pupils.  
The financial impact will probably have a negative effect, especially as schools are having budget cuts and looking at reducing the hours and pay of support already in place.

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

Having just been on a Welsh Sabbatical course, it would appear that there is a general lack of confidence to use Welsh, along with Senior members of staff unable to use the language themselves does not really support the use of the Welsh language. However, this seems to vary from school to school.

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.

What will happen to the children currently attending Special Education Schools? Is this proposal expecting that all children will attend mainstream schools, with no Special Education schools?  
What will happen to the Special Education schools and the staff currently working in them?  
Where will the Welsh Government find the money when there are currently financial cuts in all schools, which will lead to a reduction in support for children with ALN?  
How will support really be monitored to ensure that schools are utilising the support effectively?  
Having experience of working in both mainstream and SEN schools as a teaching assistant I am uncertain as to how this proposal will actually work in the real world.

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.

While mainstream staff acknowledge that they do not want to work with ALN or children with disabilities it would appear that the Welsh Government have not thought about this issue or the long term impacts it can have.

The real concern is though: How come my school did not inform me about this ALN draft code??? Feedback can only be given if people know about the proposal, however, not many people are aware that this code even exists. To get a true picture of what people think you need to make sure the people are fully aware of documents such as the ALN draft code. It is appalling that I only found out about it less than a month ago, and as it will have significant impact on many families in Wales I am astounded that these families do not really know what this is all about.

It will be interesting to see how this all works in the real world.

**Respondent Details**

Information	
<b>Name</b>	Steve Rees
<b>Organisation (if applicable)</b>	Evenlode PS

**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?

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?

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?

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?

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?

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?

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

**Supporting comments:**

There is simply not enough funding to support this

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?

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?

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?

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?

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?

No

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?

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?

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 is not enough money in school budgets to support this 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?

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.

Given the appalling funding situation faced by schools the ALN Bill is simply a non starter - Some nice ideas - but role of Health is ridiculously limited and expectations of schools unrealistic. I do not have enough money in my school budget to support implementation of this Bill - nor the new curriculum nor the new Professional Standards nor the Welsh Language- Welsh Gvt is completely divorced from reality of the situation

## 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

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?

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:**

Unrealistic - Not enough funding or training or expertise available

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?

No

Supporting comments:  
Too big a 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?

Chaos unless funding to schools is increased

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?

What is the priority in Wales ? Spend on ALN and Mental Health to improve life opportunities for all children in Wales or spend huge amounts of money on the Welsh language - Forcing people to learn Welsh will have no measurable benefits in producing jobs and opportunities- We are in danger of producing adults who have neither mastery of the English or Welsh language - and which is the most likely to provide children with better life opportunities? We are on a fast track to becoming a Third World Country.

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	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

## 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?

No

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 (UNCRPD)?

No

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?

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?

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?

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?

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?

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

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?

Consistent approach and streamlined system

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

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	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

## 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:**

If it is necessary to obtain one or more external agency views on whether a young person has an ALN this timescale is unrealistic not because of effort or desire to clarify and support learners, but due to the reality of insufficient resources and specialist expertise available within such timescales. This is going to put unfair stresses on schools and ALNCoS. In my own personal experience working as an ALNCo in a secondary school, we are allotted 10 sessions of EP time annually on average which is an existing stress factor, particularly when it is a gateway into other avenues of support/assessment.

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

**Supporting comments:**

Structure is appropriate, although language is often complex or too open for interpretation.

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?

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)?

*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?

*No Response*

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:**

Statements such as 'it will usually be necessary to prepare an IDP' (7.1) 'has a significantly greater difficulty in learning than the majority of others of the same age' are unclear and likely to lead to unnecessary and painful conflict for all parties. The Joint Council of Qualifications guidance on Exam Access Arrangements requires a standardise score in a relevant diagnostic assessment of 84 or below unless there are exceptional circumstances for arrangements such as extra time, scribe or reader (85 to 115 being the average range) - experience suggests that lower standardised scores are used to describe 'significantly greater difficulty'. This is a minefield for an ALNCo and others.

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:**

A young person's needs could be supported sufficiently by appropriate use of differentiation by a class teacher, the use of a word processor or computer reader - with such resources commonly available do they have an ALN? An application for Exam Access Arrangements would be required. A young person may have an HI but by wearing Hearing Aids requires no further differentiation and therefore no ALP or IDP'. Will ALNCOs, particularly those in secondary settings still keep them on a register to raise staff awareness?

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

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

**Supporting comments:**

In order to make this process manageable, particularly in large secondary schools where ALNCoS are likely to be writing most or all IDPs (currently it appears that often primary teachers support the ALNCo by writing their pupils IDPs, which is naturally more complex in secondary due to their structure), provision may need to be generalised to comments such as Literacy support. This helps schools to try particular programmes and schemes and change them if necessary without having to formally review the IDP' which is in-line with our normal assess, plan, implement and review procedures.

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?

*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)?

*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

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:**

What is meant by highly qualified? There needs to be a recognition there is often differences between secondary and primary ALNCO - teachers in primary often support the writing of IEPs. 24.10 With the potential volume of meetings and IDPs would it not be appropriate to have Key Workers such as Heads of Year, Heads of pastoral to be able to write IDPs with ALNCo overseeing them? 24.14 Would it not be more appropriate to say ' brought to the attention of the ALNCo - and not reliant on verbal brief chats. 24.15 The expectation that the ALNco Must secure relevant services is unfair when services are under resources. Should this not be - ALNCo ensures records are kept of all attempts to secure relevant services - as it stands this is putting inappropriate stresses and pressure on an already difficult role due in part to lack of resources and services . This will lead to unnecessary conflict with parents which is out of control of the individuals.

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.

I have chosen to be an ALNCo and am extremely passionate about identifying and supporting young people. I live and work in my community and feel strongly about meeting the needs of young people. I agree strongly that the voice of young people should and needs to be heard as part of the process and I see this as a strong strength in this lengthy process.

Unfortunately I am faced by numerous barriers on a regular basis, including LA and wider funding issues, lack of sufficient specialist services such as EP, CAMHS and I am forced to make very difficult decisions about who I prioritise. This is not acceptable as it stands, yet I feel much of these fundamental issues are being overlooked when considering the practicalities of implementing the Bill. I pride myself on building positive relationships with learners and families but conflict often arises due to Social care, health colleagues and others being overstretched. This puts undue stress on ALL individuals involved.

## 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

**Supporting comments:**  
See previous points

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

**Supporting comments:**

Consideration of the difference in the role across phases needs to be taken. It is highly unlikely an ALNCo can be the only professional in a secondary school involved in writing IDPs.

### 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.

Please consider the difference between phases for roles such as the ALNCo. The statement that the ALNCo Must ensure maintain the written records and keep them up to date (24.14) suggests that an ALNCO needs to attend every meeting for a learner with ALN - even if I did one did not teach it is highly unlikely this would even be a possibility. It should be the responsibility of all relevant staff to

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.

keep accurate records of meetings surely?

24.19 Other services (HI, VI EP, ASD services etc) may provide advise on differentiation therefore stating it must be the ALNCo is inappropriate.

24.22 Surely, ALNCo, along with relevant colleagues such as Heads of Learning, pastoral should monitor the effectiveness?

**Respondent Details**

Information	
<b>Name</b>	Beth Tingle
<b>Organisation (if applicable)</b>	

**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 Response*

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 Response*

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 Response*

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*

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*No Response*

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

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

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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?

*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?

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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?

*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

**Supporting comments:**

For the past three years my child with Autism and Dyspraxia has not received the support he needs to access the education. School and the the local authority have responded more positively when we have received independent support from Snap

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?

Cymru. The advice received from Cymru has been valuable and they have been able to facilitate ongoing discussions. I believe that the only way to have meaningful discussion is for them to be facilitated by a fully independent knowledgeable advocate.

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?

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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?

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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?

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*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	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

**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

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## Respondent Details

Information	
<b>Name</b>	Respondent requested anonymity
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Yes

**Supporting comments:**

Whilst I do agree with the timescales, I wonder how this is going to be staffed and are we going to have another body whereby they do not meet these timescales or targets?

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?

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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?

Not sure

**Supporting comments:**

I have reservations about PRU's being separate from the LA.

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:**

I have reservations that we are dealing with vulnerable young people here. Whilst I understand they have rights, I also believe that they could be easily put off (either by staff or their peers) in that for example, I know an autistic child who wants no support (even though she needs it) because she wants to be like the other children in her mainstream class who have no support. I also have reservations about how prepared further education establishments are for this change. Cynically, would they be less than encouraging for a young person to have support because its more work for them and this is all very new to them, unlike schools.

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)?

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*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

**Supporting comments:**

25.11 The Local Authority are not impartial in resolving disagreements. The resolution committee must be independent for this to be both fair and ethical. 25.18 "should" changed to "must" 25.57 not just the child - this should include "the child, young person and their families" as carers need support also. To protect the children and their families - the advocate or advocacy should have some kind of body they belong to and should be Quality Assured to protect the young person and their families to ensure they are getting sound advice.

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*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	
<b>Name</b>	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?

*No Response*

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*

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*No Response*

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?

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

*No Response*

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*No Response*

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*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 Response*

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?

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*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?

*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?

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

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*No Response*

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 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?

*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

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<b>Name</b>	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?

Yes

**Supporting comments:**

must = a requirement and breaking the law if not adhered to should = must but not a legislation

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

**Supporting comments:**

But would be better if cross referenced to relevant areas on IDP to help with writing the content

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

No

**Supporting comments:**

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

Flow charts (visuals) to make processes clear

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?

No

**Supporting comments:**

What's ALN and what isn't? Clarification and 'standard' criteria needed in order to deal with parents

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?

No

**Supporting comments:**

Which ALP's ? - need consistency in equal opportunities for children

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:**

Significantly - varies from area to area/ school to school unclear definitions

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:**

Need National Standards across Wales

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?

No

**Supporting comments:**

Medical input? - can't see all parties engaging at set times Need web based approach / system so that all concerned can access it Need to cross reference IDP form to relevant chapters

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:**

Good for the interest of the child but not for professionals

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:**

Capacity? need clarity of what should be included in each box need consistency - during Cluster trial run, boxes interpreted in different ways cross referenced to areas in Code

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

Yes

**Supporting comments:**

Ensures consistency in documentation , however interpretation from school to school / professional to professional may vary Capacity of parent - not happy making judgements upon parents

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?

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)?

No

Supporting comments:  
Training? Time ?

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

No

Supporting comments:  
Too wordy

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

**Supporting comments:**  
Doesn't reflect level of medical needs

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:**

school holidays - may delay responses / panel dates if LA cant access information

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?

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?

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:**

But lots of support and training will be needed as big changes in ALNCo's role  
Schools must allow adequate time for ALNCo's to fulfil their role - specified time would be helpful here, ensuring ALNCo's receive this - 'statutory'

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:**

10 points of appeal instead of 3 tight timescales how do you determine capacity? - what does it mean? How is it measured?

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:**

Training and support needed for case friends - who's going to pay?

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.

Not an easy read for parents, children or professionals

## **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?

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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:**

Must have QTS - what about NQT's with no experience? Should link to SMT / leadership staff member

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?

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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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?

inconsistencies between areas / schools / professionals  
times to adhere to  
parental issues regarding ALN

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?

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*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:**

Would prefer a separate chapter on LAC, as originally planned.

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*

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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*

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*No Response*

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*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*

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*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*

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*No Response*

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*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?

*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?

Yes

**Supporting comments:**

The Coordinator needs to have formal qualifications relevant to the post and in a bid to have consistency across Wales as the role differs so much currently in terms of job description / pay and conditions. A National Framework of training / CPD for the LAC Coordinator would be worthwhile.

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:**

LAC pupils do not want to be treated differently and a separate form will straight away, make this differentiation. Some LAC pupils move in and out of care regularly and this would mean changing the form each time a care episode ends / starts. By having a different form this could encourage schools to consider LAC pupils to be the LA role and be less inclusive - even if not intentionally. There could be a standard form with a tick box and direction to the PEP / IDP for further information.

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

**Supporting comments:**

Clarity is required as to who reviews the IDP - is this the role of the IRO as part of the CASP? There appears to be some duplication in terms of reviewing with education and social care. It could be very difficult to combine IDP and LAC reviews - a lot more consideration needs to be given to the practicalities of this. It is not appropriate for some birth parents to attend reviews (even though they may have PR) and do not attend LAC reviews. The Code needs to make it clear that LA's can exercise over riding parental responsibility for LAC pupils if this is in their best interests.

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

**Supporting comments:**

There needs to be one PEP document (a National PEP would be very welcomed) for the IDP and CASP process. This needs to be the same, to avoid duplication - a PEP that all parties involved can contribute to (health, education, social services). All parties use different electronic systems, therefore the PEP needs to be stand alone

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

**Supporting comments:**

There is no doubt that the workload of the LAC Coordinator will increase with the reforms. A clearer definition of the role of the LAC Coordinator could help with this. I query why all LAC IDP's are the responsibility of the LA ? This again is making the LAC pupils different and could possibly lead to schools transferring their responsibility completely to the LA - this is not an inclusive approach. LA's need guidance to delegate responsibility to schools (with agreement). Low level IDP's do not need to be held by the LA. LA's holding all the LAC IDP's also means there is limited gradual response. LAC Coordinators would need to be an ALN experienced teacher to be able to identify ALN and maintain IDP's effectively.

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	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

## 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 Response*

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 Response*

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 Response*

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)?

*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 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?

*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 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)?

*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?

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*No Response*

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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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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.

It is disappointing to see that the code is not fully inclusive in its approach to use of specialist provision.

Specialist colleges / ISPIs are not seen as an equivalent alternative to FEIs and are excluded from almost every Chapter in the Code, this is discriminatory against young people with more complex needs for whom FEIs cannot meet ALN needs. It appears that the draft code is seeking to deny specialist provision as an option forcing the Local Authorities to make the decision about education and placement rather than the young person, not equality of opportunity or a person-centered approach.

I am concerned that the code seeks to impose a system that will exclude YP whose ALN cannot be met in a FEI from further education and the access to specialist education will be inequitable across Wales.

It should never be the case that a placement has to fail at a FEI before specialist provision can be considered. These colleges are specialist by design and education should be a right not a fight! Funds from Welsh Government to places at specialist colleges should be both ring-fenced and held nationally. Specialist colleges are far more likely to allow YP to progress and develop the skills that a YP with ALN needs and should be seen as a first choice not a last resort!

## 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	
<b>Name</b>	Blaenau Gwent Parent & Carers Consultation Group (Facilitated by SNAP & SEWC)
<b>Organisation (if applicable)</b>	

## 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 ‘may’ and the ‘should’, it will vary between LEA’s and schools interpretation and where they feel they can get away without doing something they will. It is not clear- making it look good but this is not the case Too woolly, too muddy, not well written. How is anyone meant to be able to understand? Too many repetitions, too many contradictions. Who is able to challenge and police this? Most of us can’t afford to take legal action... If it works it will be good. But who will be there for us parents? It looks as if LEA’s will be able to cover up and not tell us the truth... No statutory requirements on the shoulds – how often will they use exceptions? More routes to appeal in the new legislation and code – this is welcomed. It’s meant to be simpler and less adversarial. I can’t see how. If we go to tribunal we are at a huge disadvantage! The LEA takes barristers to represent them! We need a company like IPSEA in Wales. They help parents go to tribunal. If it works it will be good. But who will be there for us parents? It looks as if LEA’s will be able to cover up and not tell us the truth

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:

Question 2 - Timescales We don’t feel that 12 weeks is good enough for LA IDP’s and this should be reduced. We are very concerned that any provision written will be down to funding. Will children have to wait 12 weeks before they get help?

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?

Identifying ALN - When is the starting point of the 7 weeks? Will we have to write a letter to school. is there a template? will it be to the Governors? It feels like it is reactive and not proactive. Does this mean that schools will not recognize unless we push them into doing so? What about those parents who can't do this? How will parents trust the process? We are told there is no money to support our kids. My friend in Swansea has been to tribunal 3 times! Schools need to put in support straight away and not wait for 7 weeks. Parent said that she doesn't believe anything that comes out of the LEA's mouth, no trust. Concise clear and plain language that the code is definitely isn't. National code and national policy to allow CYP's to move around Wales if needed.

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:**

Question 3 – Timescales Too many ways 'get out' of doing something in time. We agree that it may be difficult to meet the timescales, especially if health are involved or needs are complex. However, this must not stop the child receiving the help they need.

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:**

Who wrote this? Is it meant to be so complicated? Was it checked for the use of good, plain English? is it crystal marked?

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

**Supporting comments:**

Not impartial or independent It should be a must not a should! Should's are meaningless Parents need to be equal partners when making decisions Thank god there are companies like SNAP because this allows parents to be equal to the professionals. Where has the partnership gone in the code? We want to be equal partners. This is going backwards. Having things decided and then we are told rather than consulted and treated equally. Staff don't communicate with each other now. How will we know if what they are proposing is right? Who will help us?

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:**

Also must include the Equality Act. Loads of disabled children are excluded or on short days.

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:**

This will not be impartial and independent if they take this in house. Advice and information: 6.9 is Must - not impartial, must be independent. Parents don't trust the LEA and feel that they would not be given the independent and impartial advice due to long conflicts with the families. Leaflets. Who will produce these? Websites.

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?

The only one I know that's any good is the SNAP one..IPSEA's is good too. Who will make sure that the information will be impartial and independent and of good quality and be accessible to all. Who will police the advice as it doesn't say that they have to. Can't be from another authority as they work closely together. No, cannot have this. We need people to help us who knows what they are talking about. Its more than education.

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:**

This will vary from one area to another. Will my child still have ALN after the changes? Worried that schools will choose not to recognise ALN if they have no money. Worried that some schools will not admit or exclude children if they have ALN

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:**

Will this vary from school to school? Some schools are better able to cope with ALN than others. Some don't want children with SEN in their school

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 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:**

Agree that the IDP should be mandatory and have mandatory parts within it. This may help to ensure that what is in the IDP is put in place and are meeting the child's needs. 25.18- this should be a must otherwise families and CYP's may not be given the independent advice. Shows how it should be completed. What if we disagree? Not much partnership

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

**Supporting comments:**

Much better to have this. Will we know what should be written in? Will SENCO's be happy to write these? Who will help them? Will they have the authority to write what is actually needed?

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)?

*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

**Supporting comments:**

Definitely, do not agree with this. avoidance and resolution must be provided by independent services like snap. the councils work too closely together to be independent of the parties. We can't trust this at all. What if we want to appeal? Who will help us then?

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:**

Parents must be informed of the independent advocacy for the YP that will be available How will children that are not able to voice their concerns know what is best? Why will parents not have advocates? Much more independent help available in Scotland and England

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

Not sure

**Supporting comments:**

Better, but we will need help to go. I can't afford a solicitor. LEA can. They spend my council tax money to provide a solicitor to be against me. Its disgusting. If we can't have one, neither should they. We should be able to take the school to the tribunal. They need to do what is right by our children.

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.

We are told that the code is not for us parents. What will we have?

## **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	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

## 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:**

We agree there needs to be a fixed time period.

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?

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?

*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?

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

**Supporting comments:**

Explanation is too long and we feel it needs to be more to the point so that it is easy to follow.

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

**Supporting comments:**

We agree with the majority of the points apart from 7.45 - see below 7.45 we feel that any child that is not inline with the average and requires support should be seen as having ALP

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?

No

**Supporting comments:**

We do not feel that 35 school days is appropriate given the notice period required for parents and professions to be able to / expected to attend meetings is sufficient. Also taking into account for some children the number of different external agencies that are required to be involved, may be quite considerable. .

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

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

No

**Supporting comments:**

Too wordy too complex, however we do feel that a mandatory standard form is appropriate so that all are covering the same information.

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 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?

*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

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?

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

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?

*No Response*

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?

*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

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?

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?

No

**Supporting comments:**

Don't see why it should need to be any different from any other IDP form

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?

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?

Clearer guidelines for all bodies

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

as long as everything is bilingual i cant see a problem.

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 idea

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	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

## 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?

Not sure

**Supporting comments:**

The young person may not be capable of self-determination. The parents or guardians of the young person must be involved in any decisions affecting the young person, and it may not be appropriate to encourage or pressurise the young person to give more credibility to other advisors, e.g. social workers or educationalists who may have a different agenda, or be under financial pressures, and who therefore do not put the young person's interests first.

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

**Supporting comments:**

Will there be sufficient ring-fenced funding for local authorities, so that pressure to divert money away from the education and training of those with additional learning needs will not come under pressure?

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?

Not sure

**Supporting comments:**

Young people with learning difficulties develop and learn at different rates and in different ways. There is a danger in the "one size fits all" approach that will discriminate against some young people with complex needs.

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?

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?

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?

No

**Supporting comments:**

The need for transition to preparation for adulthood is not clear, and there is not enough attention to those with complex needs and or severe learning difficulties.

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?

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.

We welcome this initiative,; our only concern it that in the case of severely autistic young people and others with complex and multiple needs similarly unable to determine their own best interests there is not sufficient flexibility and too much emphasis on financial efficiency. If we are to live in a true welfare society there are some people who are so vulnerable that their needs should not always be determined by cost-cutting, or generalised one-size-fits-all solutions.

## 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?

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's a concern that giving too much responsibility to local authorities will lead to what is known as a "postcode lottery" - as this funding does not appear to be ring-fenced for people with ALN

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

They should have a positive effect

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	
<b>Name</b>	JD
<b>Organisation (if applicable)</b>	

## 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?

*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:**

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:**

Ch 1 5. Specialist Further Education Colleges are referred to as 'Independent Special Post-16 Education Institutions'. 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?

*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

**Supporting comments:**

Ch 3 8 Lack of impartial advice and guidance for young people with learning difficulties and disabilities on Post-16 options. Young people and their families are not informed that a placement at a specialist college is an option. Young people remain in Special Schools aged 16 to 19 when an FE college may be preferable. Local Authorities close IDPs rather than consider a placement at a specialist college. 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 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?

*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?

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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?

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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 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

**Supporting comments:**

This is discriminatory against young people accessing Specialist Provision. There are NO funding restrictions on young people attending mainstream colleges. Hence to reference a two-year norm in mainstream FE Colleges as a rationale for two year placements at specialist colleges is mis-leading, incorrect and unsubstantiated. Young people with learning difficulties and disabilities especially those with complex autism require extended time periods to learn. To make comparisons with the learning needs of

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

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)?

*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

**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 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 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*

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*No Response*

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*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?

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*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.

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.

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.

*No Response*

## Respondent Details

Information	
<b>Name</b>	T COLES
<b>Organisation (if applicable)</b>	

## 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:**

Ch 1 1. Lack of accountability mechanisms for ensuring individuals’ additional learning needs are met. Young people’s additional learning needs will not be met. 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?

*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:**

Ch 1 1. Lack of accountability mechanisms for ensuring individuals' additional learning needs are met. Young people's additional learning needs will not be met. 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 5 – Is the draft ALN Code's focus on describing and explaining the functions and processes appropriate?

No

**Supporting comments:**

Ch 1 5. Specialist Further Education Colleges are referred to as 'Independent Special Post-16 Education Institutions'. 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

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

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?

*No Response*

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*No Response*

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**Supporting comments:**

Ch 3 8 Lack of impartial advice and guidance for young people with learning difficulties and disabilities on Post-16 options. Young people and their families are not informed that a placement at a specialist college is an option. Young people remain in Special Schools aged 16 to 19 when an FE college may be preferable. Local Authorities close IDPs rather than consider a placement at a specialist college 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?

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**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 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.

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*No Response*

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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?

No

**Supporting comments:**

Ch 12 The code proposes a two-year placement norm for placements at Specialist Colleges (ISPIs) Due to financial restraints there is a danger the Local Authorities will only commit to funding on an annual basis LAS don't fund for more than 2 years This is discriminatory against young people accessing Specialist Provision. There are NO funding restrictions on young people attending mainstream colleges. Hence to reference a two-year norm in mainstream FE Colleges as a rationale for two year placements at specialist colleges is mis-leading, incorrect and unsubstantiated. Young people with learning difficulties and disabilities especially those with complex autism require extended time periods to learn. To make comparisons with the learning needs of non-disabled peers is wholly unacceptable.

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*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	
<b>Name</b>	s lavery
<b>Organisation (if applicable)</b>	

## 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:**

Ch 1 1. Lack of accountability mechanisms for ensuring individuals’ additional learning needs are met. Young people’s additional learning needs will not be met. 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?

*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?

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*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:**

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:**

Ch 1 5. Specialist Further Education Colleges are referred to as 'Independent Special Post-16 Education Institutions'. 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?

*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

**Supporting comments:**

Ch 3 8 Lack of impartial advice and guidance for young people with learning difficulties and disabilities on Post-16 options. Young people and their families are not informed that a placement at a specialist college is an option. Young people remain in Special Schools aged 16 to 19 when an FE college may be preferable. Local Authorities close IDPs rather than consider a placement at a specialist college. 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 people's 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 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?

*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 Response*

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:**

This is discriminatory against young people accessing Specialist Provision. There are NO funding restrictions on young people attending mainstream colleges. Hence to reference a two-year norm in mainstream FE Colleges as a rationale for two year placements at specialist colleges is mis-leading, incorrect and unsubstantiated. Young people with learning difficulties and disabilities especially those with complex autism require extended time periods to learn. To make

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

comparisons with the learning needs of non-disabled peers is wholly unacceptable.

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 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?

*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 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)?

*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

**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 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 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.

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.

*No Response*

## Respondent Details

Information	
<b>Name</b>	j coles
<b>Organisation (if applicable)</b>	

## 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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**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.

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*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:**

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.

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**Supporting comments:**

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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?

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**Supporting comments:**

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*No Response*

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*No Response*

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*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 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?

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*No Response*

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*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

**Supporting comments:**

Ch 19 30 Transitions 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 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 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.

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

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.

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.

*No Response*

## Respondent Details

Information	
<b>Name</b>	j lavery
<b>Organisation (if applicable)</b>	

## 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?

*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:**

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:**

Ch 1 5. Specialist Further Education Colleges are referred to as 'Independent Special Post-16 Education Institutions'. 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?

*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

**Supporting comments:**

Ch 3 8 Lack of impartial advice and guidance for young people with learning difficulties and disabilities on Post-16 options. Young people and their families are not informed that a placement at a specialist college is an option. Young people remain in Special Schools aged 16 to 19 when an FE college may be preferable. Local Authorities close IDPs rather than consider a placement at a specialist college. 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 people's 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 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?

*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 Response*

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)?

*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 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

**Supporting comments:**

This is discriminatory against young people accessing Specialist Provision. There are NO funding restrictions on young people attending mainstream colleges. Hence to reference a two-year norm in mainstream FE Colleges as a rationale for two year placements at specialist colleges is mis-leading, incorrect and unsubstantiated. Young people with learning difficulties and disabilities especially those with complex autism require extended time periods to learn. To make comparisons with the learning needs of non-disabled peers is wholly unacceptable.

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?

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)?

*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

**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 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 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?

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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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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.

*No Response*

## Response 148

### Respondent Details

Information	
<b>Name</b>	Caerphilly Parent & Carers Consultation Group (Facilitated by SNAP & SEWC)
<b>Organisation (if applicable)</b>	

### 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, should, may and may not etc - Can be misunderstood, and needs explanation. Who would ensure that the code is delivered as per the expectations? The local authority is so far removed they have no idea what the schools are doing. The LA says the school has the money, and schools say they don't have the money to deliver. This is the message most parents are receiving. Too many kids with SEN being excluded here in Caerphilly. Lots of children in for only an hour a day. We can see this getting better with this new way of doing things. More ways to appeal in the new legislation and code – this is welcomed The ‘may’ and the ‘should’, it will vary between LEA's and schools interpretation and where they feel they can get away without doing something they will. They need to be transparent or we will not believe them. Need more inspections. If it works it will be good. But who will be there for us parents? Will there be extra money for schools? We are very unhappy that these consultation events has not been taking place within other counties across Wales. We have had to come here from Merthyr and Cardiff. We really need to respond to the consultation as we need to have a specialist help that can support us through the processes as they change. What if my school says my child can't have an IDP?

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:**

Waiting 12 weeks for an LA IDP is too long. We are very concerned that any provision written will be down to funding. Will children have to wait 12 weeks before

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?

they get help? Identifying ALN - When is the starting point of the 7 weeks? Will we have to write a letter to school? Does this mean that schools will not recognise that a child has ALN unless we parents push them into doing so? What about those parents who can't do this, or don't know what to do? Schools need to put in support straight away and not wait for 7 weeks. I can't see that PCP will be a must? We were told it would be. Parent said that she doesn't believe anything that comes out of the LEA's mouth, no trust. Concise clear and plain language that the code definitely is not. National code and national policy to allow CYP's to move around Wales if needed. Has it been sent for checking for the good use of language?

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:**

Too many ways 'get out' of doing something in time. We agree that it may be difficult to meet the timescales, especially if health are involved or needs are complex. However, this must not stop the child receiving the help they need.

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:**

Not at all! Very hard to read. contradictions all through.

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

No

**Supporting comments:**

Too complicated.

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

**Supporting comments:**

Not impartial or independent It should be a must not a should! Should's are meaningless Parents need to be equal partners when making decisions - this has gone. Thank god there is SNAP because this allows parents to be equal to the professionals. What will happen when they close down? Who will help parents? Nobody, unless you have plenty of money for a lawyer! Where has the partnership gone in the code? Staff do not communicate with each other in school. How will this work? We are to be told what is happening rather than be consulted? not good.

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:**

Lots of schools don't know about disability discrimination. The equality act needs to be here too.

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:**

Independent information and advice should be organised and funded directly by the Welsh Government. We want an independent service which has national coverage so everyone gets the same information. help on the phone too. Some LA's will retain SNAP thank goodness our is for now. LEA's information on their websites should be clearer and accessible. If local authorities can, some will not give any help. Who will help those parents? There will not be anything out there for

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?

them unless they can pay or get legal aid. We are pleased that we have SNAP, but what about other families in Wales? Do we know who will help them? We need help, especially with the changes. Will my child's statement automatically be turned into an IDP? Will it be school-based or LA? Who can help with 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 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)?

*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 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:**

Happy it has mandatory sections. It needs to be a working document. The IDP will mean nothing if there aren't the staff or the skills to implement. There is a gap with the transition from 14 ½ to 16 years of age within the code. It is very disjointed with the link between professionals and teaching staff.

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 to be welcomed. As long as schools do not cut sections out it should work. Will SECO's be responsible. it will be a legal document. will they be accountable if things go wrong?

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:**

Transport issues are a nightmare. We need clear guidance.

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?

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

**Supporting comments:**

25.12 needs to be amended – this function should be independent and not just impartial. Cannot be done in-house, lack of trust, and a skilled role. We know that the staff from SNAP are very well trained and skilled. They are independent which means they can explain not only local processes, but what the law says. Both functions need to be combined and need to be independent of the LEA. What we mean here are sections 025.12, 25.34, 25.35, and 25.36.

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:**

You mean advocacy? Will they (advocates) know what to do? You need to know a lot about the law to do this. Here, the advocates contact Teresa from SNAP to help them. What if we parents don't agree? Will we have advocacy too?

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

**Supporting comments:**

Pleased with the increased rights to access tribunal, and other complaints. Felt that we would need to have help from a solicitor to make an appeal and attend tribunals. LA's prepare and attend with help from legal departments and barristers. Need a Welsh legal advice and tribunal help service like they have in England. IPSEA. Worried that without independent people like SNAP around, we will be kept in the dark and not told the truth about what our children needs really are. Why will LA's tell us how to appeal or make complaints against them? Most of us can't afford solicitors fees. Why will we have to pay for independent advice? Does it cost much to pay for good advice like snap? The big thing is why? Why don't they want us to have help? All this stuff is a nightmare. We are constantly being told that our kids can't have the help they need. Simpler? I don't think so. I guess they are hoping most of us will give up. What about our Children?

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.

**Individual Development Plans**

We hope the IDP will be a working document, so we will be able to see success and where there are gaps. Hopefully, it can be updated more frequently.

We like the one-page profile as they can see at a glance what works.

PCP approach works really well for my son. It needs to be stronger in the code.

Another parent said that she thought the changes are working well where there are PCP approaches and good advice and support for parents from Snap.

## **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?

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	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

## 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:**

Clarification would be helpful to understand if the timescales are working school days.

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:**

what would the impact on school if there is a delay in support from outside agencies which would prevent compliance with the timescales?

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:**

training on understanding the legal aspects of the language would be useful for staff.

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:**

In relation to ALN it is totally appropriate for the management committee to have a strengthened role, however it creates wider tensions around the perception of a PRU as a school and will have an impact on local authority processes regarding registration status. Further clarification on dual registration and impacts on the code would be helpful. Further clarification on the role of the Management committee in relation to the code would be helpful. E.g. updating the Management Committee statutory guidance

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 clarification on acceptable methods of communication would be useful.

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

**Supporting comments:**

There are limited resources for the PRU and LA to achieve this. It would be helpful for guidance on how constant review is achievable in practical terms.

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' is ambiguous and open to interpretation. In our opinion 'significantly greater' needs quantifying to ensure that pupils with ALN across Wales have the same access to ALP. 7.21 attempts to clarify but doesn't give quantifiable data i.e standardised score below 70. • Use of the term 'majority' is also open to interpretation. Is there a percentage that quantifies 'majority' ie. Significantly greater difficulty than 80% of children of the same age? • 7.32 requires clarification - is medical home tuition classed as ALP? • ALN Services have traditionally referenced SS 70-75 as a benchmark this works

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:**

Further clarity would be helpful in section 7.35 regarding the 'persistent emotional and behavioural difficulties'. What if the schools behaviour management techniques are flawed? Where does the challenge come from? Concern for PRU's may see increased referrals from school on the basis of 7.35 – accountability of the schools ability to manage pupils in main stream How do we record the decision that ALN is not present and it is down to environmental factors (7.49) and is this open to 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)?

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

**Supporting comments:**

The only aspect that needs clarification is if the timescale is dependent on advice from external sources. For example if a SALT referral is required and is made at the start of the 35 days but the SALT waiting list is 6 months, can we stop the clock and can we put the IDP in place and amend when the recommendations are supplied or do we wait for the information thus breaching the 35 day deadline? It is a concern as we have no control over external service waiting times! Majority of our referrals to external agencies take significantly longer than 4 months to put into place.

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

**Supporting comments:**

We feel that the proposed timescale needs to take into consideration the strain on resources and outside agencies. 6 weeks sounds appropriate if it is merely a response that the case is being considered is all that is required to satisfy the timescale..

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

**Supporting comments:**

However we have significant concerns regarding a pupil requesting a review in terms of the notification that Must be included in the response as the time it takes to prepare the necessary information a-e. It would be helpful to provide a standard response provided to issue to pupils/parents if a review is unnecessary?

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:**

It is problematic for the code to refer to assigning 'priority' to attendance of professionals when dealing with parents who are sensitive to the ALN of their child. It is not appropriate to suggest that all agencies involved with a pupil have an important role in providing 'wrap around provision' for the child.

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

**Supporting comments:**

Further discussion is needed in terms of registration of pupils and status of PRU. If we are regarded as a maintained school in relation to ALN is there a strategic plan to gradually turn PRU's into schools?

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:**

Please could further guidance be provided on information required to be published by Governing bodies.

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

**Supporting comments:**

It would be helpful to provide a proposed timescale of implementing an advocacy service?

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.

Is there going to be a code of practice published alongside this document to aid schools and local authorities with examples of best practice?  
It is essential that all authorities across Wales adopt the same approach due to the issue around tribunal cases becoming case law. Robust legal training should be provided to ALNCo's to ensure that precedents are not set that impact services across Wales.

## **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

**Supporting comments:**

The role will vary from school to school which is unavoidable, however it would be useful to apply/provide a formula for working out reasonable time to carry out the duties effectively. For example this could be 30 minutes per week per IDP or similar based on the average time that they are going to take to maintain. there is a resource implication for PRU'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?

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 are several areas of PRU services that will be impacted by the proposed regulations.

- Many pupils are dual registered with mainstream schools. This will mean that all pupils attending the PRU in future will have a local authority maintained IDP. This will impact on time constraints of the ALNCo and may lead to having to appoint a

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

separate ALNCo which will have a significant cost pressure.

- Delegating functions of governing bodies to management committees could lead to pupils being permanently excluded from PRU's. As a local authority service this is at odds with the statutory duty to educate children who are EOTAS.
- Regarding PRU as a maintained school has potential ramifications in terms of the definition of a PRU. Currently the definition of 'both a school and not a school' is potentially ambiguous but allows for a flexible approach to educating pupils who are EOTAS. Is there a strategic plan to re-register PRU's as schools?
- Keeping provision under constant review could be problematic for the PRU. Every pupil who is referred to the PRU comes for different reasons. The cost pressure on changing provision frequently could be massive and lead to an inability to provide services due to funding issues.
- The document could lead to the admissions process for accessing a PRU changing. If the PRU is a maintained school, and the management committee has a strengthened role, will this lead to the PRU handling its own admissions?
- Is the PRU classed as ALP if they are regarded as maintained setting?
- Resource implications for the PRU will be seen across settings.

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

Positive. We think that it will encourage more Welsh speakers due to the need to provide ALP 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?

Support for ALNCo's to be fluent Welsh speakers by providing subsidised Welsh language courses.

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.

Is there any additional need for more able and talented pupils? We feel that they have an additional learning need and at times can require ALP

**Respondent Details**

Information	
<b>Name</b>	Sharon Poloha
<b>Organisation (if applicable)</b>	Central South Consortium JES Early Years Working 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?

*No Response*

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 Response*

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 Response*

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)?

No

**Supporting comments:**

Central South Consortium Early Years Working Group Response to the WG Consultation Document – Draft Additional Learning Needs Code Question 14 - Early Years ALN Lead Officer

- It is important to note that the draft code states that the role is a strategic one, however there is no allocation of funding to accompany this role within the local authority budget
- If the role is a statutory role to fulfil the LA's responsibilities within the Act, then financial implications exist.
- If the role is a strategic role ensuring that the functions of the LA are met then some of the wording in 8.45 and 8.46 refers to an operational role – 'supporting providers'. Perhaps the wording could include 'ensure systems are in place to...'
- The word 'should' in chapter 8 indicates that the statement is desirable and not essential in terms of a job description.
- There needs to be further clarity around the definition of the role regarding strategic and operational responsibilities. The responsibilities should be split into sections in the Code, this would make the role clearer.
- The role at present is a midway between a training role and a strategic role. The role should feed upwards to senior leadership and ensure systems are in place downwards, not an operational one.
- The code needs to state that the EY ALNLO role will include liaising closely with the DECLO.
- Transition – possibly the EY ALNLO role should ensure all transitions from home to setting, setting to school are collaboratively undertaken not just into school.

Guidance on the experience and expertise of the EY ALNLO

- The EY ALNLO must have experience of early years and ALN as the securing of the ALP will need knowledge of the sector
- The code does not mention anything on mediation or dispute resolution training. The EY ALNLO must have experience of the rights of appeal and mediation which forms a significant role within the code
- The EY ALNLO will also require experience of working with children in schools to ensure smooth transition processes
- The EY ALNLO will require experience of working with IDP's and a knowledge of

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)?

person centred practices or equivalent, in order to ensure systems are in place to review and revise appropriately

- The EY ALNLO will require change management experience, experience of leading multi-agency discussions with health, social services and third sector colleagues.
- The EY ALNLO must be able to provide appropriate information to inform strategic priorities and future objectives of the LA.
- The EY ALNLO must have experience in managing teams and performance management
- The various strategic responsibilities require the EY ALNLO to be able to deliver appropriate training to a variety of audiences so excellent presentation skills are an essential part of the role.

General additional information

- The term ‘children under compulsory school age who are not yet in a maintained school’ is interpreted differently from local authority to local authority. It would be good to improve clarification of this descriptor. What is meant by this and does it include children in hospital, at home, elected home educated, and children in receipt of the 30 hour childcare offer, etc.?
- In 8.41 2nd bullet point ‘be able to act as a source of expertise for providers of childcare and non-maintained nursery education is this only Registered Education Providers?
- In 8.44 the third sector should be added to the list of any other agencies or services.
- 8.46 ‘The Early Years ALNLO should have a pro-active role in working with and supporting providers of childcare and non-maintained nursery education (not all non-maintained settings offer nursery education)
- Clarity is needed regarding the terminology ‘Non-maintained nursery education’ as local authorities vary in their interpretation.
- In chapter 7 in 7.16 where the ALP is identified - ‘for those aged under three can take many forms; for instance, group work or individual support - where it is educational provision of any kind. This might include educational provision in the form of mother \*and baby groups, educational provision in Flying Start or specialist health, physical, communication or sensory support. This can take place in an education setting or elsewhere. \*The word mother here is usually replaced with ‘parent/carer and baby groups or just baby groups

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 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?

*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 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)?

*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?

*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	
<b>Name</b>	Janice Sharpe
<b>Organisation (if applicable)</b>	

## 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:**

Cannot argue with the 'must' and 'must not' but 'may' and 'should' give Local Authorities and Governing bodies licence not to work in the best interests of children and young people with Special Educational Needs. This draft ALN Code has obviously been written by a number of people as there is no uniform style and results in unclear information which sometimes contradicts itself.

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:**

Action required SHOULD ( not MUST ) be done promptly Is the Person Centred Planning Meeting within the 7 weeks ? Unclear. Gathering information from other sources than education eg NHS may not fit in with suggested time scales. Is it reasonable for colleagues in schools to write an IDP within 35 school days? How is the beginning of the IDP to be monitored - when does the clock start ticking?

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 Response*

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

No

**Supporting comments:**

It is a basic interpretation of the law and not a practice guide. There will need to be a simpler different guide for parents and Young people.

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:**

The LA should always be legally responsible - NOT any school or special unit

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

**Supporting comments:**

The reason that this system will not work is because it puts the responsibility for creating the IDP on the ALNCO in schools and FE settings except in exceptional circumstances. The IDP is a legal document and no ALNCO will feel comfortable in this situation which replaces a system of Statements ( legal documents) issued by the LA. There is no independent support for parents and Young People as there is no Parent Partnership - only from family support officers employed by the LA. In my opinion there will be a mass exodus of ALNCOs from schools and FE settings ( FE Has never had to do this and are not equipped or experienced to cope with ALN students to the age of 25 ). Also as soon as parents realise that they cannot access a Parent Partnership service they will go straight to Tribunal.

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:**

A simplified version will need to be written . I do not believe that parents and young people will be happy with the changes that are replacing a system which works perfectly well. If the Welsh Government thinks that it is going to save money by bringing in this new system they are sadly mistaken - it is a 'car crash'

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:**

None of the ALN CODE is clear because it is written only to cover 'legal backs' LA must publish a set of principles - but what are these going to be ? - WILL THEY BE DIFFERENT IN EVERY LA IN WALES ! Legal responsibility rests with LA to provide appropriate ALN support as it should but there is no parent partnership so problems will not be solved at a lower level and parents will go straight to Tribunal.

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:**

Legal requirement for LA to review ALP to record findings but NOT TO PUBLISH - therefore no transparency

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:**

Families do not believe that advice and information can be provided by local authorities themselves - they feel that it would not be independent and impartial - unlike the advice and support they receive from current parent partnership services.

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:**

But the LAs will be looking to schools to solve their own problems in relation to identifying ALN and providing ALP. Schools will claim that they do not have the expertise or resources and will 'kick the problems upstairs' - tge increased work for LAs will be enormous.

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:**

Yes but the time scales will be inappropriate for collecting the evidence.

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 but no one will want the job

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

Yes

**Supporting comments:**

But FEIs are not prepared for this change to ALP up to the age of 25 either in terms of appropriate courses or teachers having the expertise to teach young adults with ALN.

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

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

**Supporting comments:**

Doubt they have the expertise

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?

No

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

No

**Supporting comments:**

There is no obligation to put transport provision into the IDP

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:**

IDP should incorporate a Health care Plan when appropriate with Health having a legal responsibility - otherwise when cases go to Tribunal there is no compulsion on Health to implement the findings

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

**Supporting comments:**

Timescale may be unrealistic

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

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?

**Supporting comments:**

FEI s have no experience of this - it will come as a huge shock

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?

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?

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?

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:**

No one will do the job - especially when staff realise that they are being asked to create an IDP which is a legal document - no longer the responsibility of the LA

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:**

Because LAs are allowed to do this 'in house' parents and young people will NOT feel that they are being given impartial advice. The avoidance of disagreements and disagreement resolution is so much more than the activities described in Chapter 25. Parents and young people ( and schools ) will feel let down when they realise that they do not have access to impartial advice and support from a parent partnership service - as at present. If parents are not satisfied they will go straight to Tribunal - THESE IN MY OPINION WILL ESCALATE You have produced a document which is essentially a 'car crash'

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:**

Advocates will need to have an EXPERT KNOWLEDGE of the ALN system and be suitably qualified to give this level of expert advice and support. Most advocates currently working with children and young people in Wales rely heavily on advice and support about ALN issues from Parent Partnership services - there is 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?

provision for this in the draft code

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:**

Often parents need support to appeal decisions - they do not have funds for lawyers and rely on the support of parent partnership services - these will not be available under the new code - denying families a basic human right of 'legal' support and impartial advice.

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.

The Welsh Government needs to 'listen' and to amend this draft code significantly to avoid a 'car crash'.  
The Government needs to look at what has happened in England and learn from the mistakes which have caused Tribunal numbers to go through the roof.  
To not include an independent Parent Partnership service which supports children, young people and their families is a serious omission .

## 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?

Not sure

**Supporting comments:**

PROBABLY -but the number of cases will escalate

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?

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?

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:**

How many will have these qualifications and WHO will want the job ?

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:**

Definitely non teaching role which will put pressure on school budgets. I would not recommend any ALNCO writing a legal document (IDP )

### 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?

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?

Increased number of cases going to tribunal.( Increased cost to LA and central government ).  
Very few teachers applying for ALNCO jobs.  
Increased pressure on schools.  
FEI totally unprepared for the change of ALN to 25 years  
Dissatisfied parents who have no access to advice and support from impartial Parent Partnership service.  
Poorer provision of support for children and young people with ALN

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

As above

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	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

**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:**

But need to ensure it is made clear as and when it is appropriate to developmental stage done children functioning would make this impossible

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

**Supporting comments:**

I think it is extremely important to highlight that it is a must for other agencies such as nhs to attend ids meetings, observe children and take a role rather than itsllvring on education which it seems to be at oresent

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?

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?

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

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?

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?

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?

Not sure

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?

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?

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:**

It is important that training is given and the role is valued and workload requirements are being taken into consideration particularly with the added workload and in light of teacher wellbeing also need to be aware of workload pressures on other teachers within 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?

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?

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.

Please carefully consider workload and incentive as many teachers and those in ALNCO roles are wanting to leave the profession and things only seem to be getting worse

## **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:**

Initially there was going to be training for masters level but this does not now seem to be the case, how much is the role valued?

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:**

Extreme workload and not much incentive to be an ALNCO anymore

### 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?

Organisational problems within education  
Stress on teachers because of lack of funding

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	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

## 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

**Supporting comments:**

just incredibly long to read. for any online version hyperlinks need to be continued and strengthened to allow easy movement within the document. all schools will need a printed copy provided by WG due to the length as searching such a lengthy document online is not good for staff wellbeing

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:**

This may need further overseeing since the pupils in a PRU are placed there by the LA

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:**

The involvement of pupils is key, however there needs to be an acknowledgment of the fact that supporting children and young people needs a member of staff to be able to do so. In the current financial climate in small and medium schools (primaries especially) there needs to be financial support to be able to do this vital work. It cannot be met from current settlements to schools.

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:**

again a very long section , suggest the use of a simplified flow chart overview

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:**

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 timescales given however! At least every xx years needs to be specified. again would benefit from a flow chart overview

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

**Supporting comments:**

it starts well with a clear definition of additional to and different from , it then gets a little vague. I understand the need not to be specific and to define ALN as significantly - there is work that needs to be done to define this. I welcome the move to make it clear who does not have ALN - healthcare that doesn't impact on learning, MAT, language, differentiated work and short term intervention programmes available to all etc. This provides real clarity.

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

**Supporting comments:**

Not sure if it achievable by one person though across a whole LA!

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

Yes

**Supporting comments:**

Massive role at school level , when is this work to be carried out if the ALNCo is not a funded post . It is simply not good enough to expect schools to be able to carry out their increased duties with no way of releasing staff. In Primary schools the only available non teaching time is with the head teacher. There is no provision in any funding mechanism for significant classroom release for ALNCo. If you are making the role statutory then there needs to be a guaranteed funding stream direct to schools to allow the work to be done effectively for the best outcomes for pupils.

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:**

this again links back to funding - being able to release an ALNCo from their teaching duties to undertake this work will limit timescales. WG should not be making timescales statutory without considering the impact on staff and wellbieng

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

**Supporting comments:**

Seems clear and straightforward

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

Yes

**Supporting comments:**

but again very long - the salient summary information needs to be at the beginning of the chapter. all this information is necessary but having to wade through long detailed descriptions means that vital points could be missed.

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?

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

**Supporting comments:**

But again very long. As part of a working code the core info needs to be in the form of an infographic or flow chart. No-one can be expected to read all this to find the key information

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?

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:**

again due to time pressures at school level this could be problematic

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?

Not sure

**Supporting comments:**

some of the suggested actions/ review stuff is vague and will be very time consuming - again all about the capacity of schools to undertake this work needs to be considered. ALNCo will need to meet with teacher and any support staff beforehand , this happens anyway but for this to be done well it needs to be given sufficient time for staff to gather information. At a secondary level there will be sufficient non teaching and admin staff as well as timetable release for this to happen , in primaries this could be very difficult. Sometimes PPA, ALN time and management time are covered by the same person not allowing the ALNCo and teacher to be out of the class at the same time. To do that then requires additional funding. when there is not spare capacity in schools this could be detrimental to the full functioning of the code. Being mindful of teacher working time regulations consideration needs to be given as to how and when these meetings happen

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?

*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?

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?

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?

*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:**

the expectations are wide ranging and clear . It is what we would want for our children in an ideal world, however the idea that you can share an ALNCo across settings when they are responsible for day to day management seems a little ludicrous! The complexities of liaising with many staff, co-ordinating support staff, physically getting to different schools, being at the beck and call of many head teachers - this would prove a nightmare and result in a significant detriment to the ALNCo's wellbeing. Simple solution , money cannot be found from the current settlements to schools to do this appropriately then this needs to be backed up by statutory funding, not from current education budgets but additional to.

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?

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.

Generally this is an excellent idea - however I have grave concerns that such a weighty document will become a doorstop rather than a handle to open doors for pupils and staff alike. It needs some streamlining of core info which needs to be upfront in each chapter with the detail behind it.

Whilst it is not the function of the code to deal with costs and finances it needs to be recognised that there will be an ongoing cost to schools long past the transition period. A permanent post of ALNCo on the structure needs funding, it needs to come with statutory non contact time. This is not possible from current budget - if the Welsh Government want it then it needs to be directly and fully funded - for the sake of all children! It cannot be appropriate that an additional responsibility is met by reducing support to the whole school in order for this to be implemented successfully.

## 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?

*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

**Supporting comments:**

Qualified teacher seems to be the only qualification - whilst that is correct then surely additional qualifications should be developed by WG if it want the best support for all. In a similar way to any NPQH training

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

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?

**Supporting comments:**

again I draw you to the expectation of staff to undertake this work in a managed supported way that is properly funded. A stressed ALNCo is of no use to vulnerable pupils!

## 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 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?

Not sure

**Supporting comments:**

There needs to be built in statutory time and funding to ensure this work is carried out properly . The expectations have massive impact for workload

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?

Workload and staff wellbeing will be negatively impacted if no funding is put in place

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

Challenging to put this support in place -,expertise may not be there

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	
<b>Name</b>	J Simons
<b>Organisation (if applicable)</b>	Primary 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?

*No Response*

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:**

What happens if timescales can not be kept? The role of ALNCO is going to be such a highly skilled and pivotal role - what happens if the school's ALNCO is off sick. As schools will maintain most of the IDPs and budgets tightly squeezed, most ALNCOs have full time teaching commitments. Workload and responsibilities will be greatly increased. Work overload will impact upon imposed timescales. As WG consider this to be cost neutral, steering away from timelines would probably be the best idea. Flexibility needs to be built in the system.

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:**

Reads like a legal document. Not user friendly

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?

**Supporting comments:**

Categorizing a young person as 16 to 25, this has made an already expensive system, even more costly with increased responsibilities for Local Authorities in this time of insufficient funds for the public sector (especially for education).

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:**

Duties need to be explicit. Non negotiable involvement - same as schools

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:**

The demands and costs of the duty to keep the ALP under review is fraught with difficulty

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:**

The LA will need funding and guidance. The kind of advice and information offered by the LA needs to be consistent across all 22 authorities. It can not be a post code

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?

lottery in terms of levels of reliable and accessible support.

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:**

WG will need to produce explicit and reliable (tried and tested by legal) when to create or end an IDP. What will be the criteria? How will schools judge the level support required? How will this be consistent across each school, cluster, local authority & region. A complicated system which has in built variation will become even more complicated, with a greater risk for system variation. It is obviously untried and tested (legally) and schools will be struggling to try not to fall foul of the system. Schools will be face to face with the demands of parents, this leaves us all more vulnerable to claims than we were before. Attracted teachers to become ALNCOs will be a massive issue.

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:**

This needs so much more thought. This needs to be able to be applied fairly and reliably across the 1000+ schools.

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:**

Has WG considered the huge pressure on Educational Psychologists? Has this been costed. Will there be fairness in terms of schools access to EPs or will this vary from LA to LA (also a threat to timescales)

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

No

**Supporting comments:**

The impact of the duties placed on school is not included. This really needs to be

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)?

thought through. Surely no one really thinks this is going to be cost neutral. The sheer volume of the increased workload & responsibility, including increased administrative burden on schools means that at the very least, schools will need to fund an ALNCO without a teaching commitment, they will need to be remunerated commensurate with this increased responsibility including drawing up legal documents. There will need to be additional funding to pay for increased admin hours at each school to. There will be a lot of agencies to liaise with and it will fall almost entirely to the school to do this. There needs to be an in-depth consultation with schools about perceived impact. WG need to sample the Readiness Surveys and Implementation plans to see what the impact will be at all levels. It would be very naive indeed to think that this won't have a massive impact on schools and LAs Schools will need a lot of support around assessment.

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:**

7 Weeks is very worrying indeed. If schools can't get access to EPs, Health, LA support etc, If other agencies do not cooperate, if staff go off sick, deadlines will not be met. If a school can not appoint an ALNCO, it would not be reasonable to say that the HT and GB have to meet these deadlines. ALNCO is about to become a fulltime job and a half - HTs won't be able to pick up this slack. Schools will in effect need and ALN team to carry out a range of functions (see implementation plans to begin to gather what these might be) including admin member of staff. ALNCOs will be drawing up legal documents which could end up being scrutinised, they will need time, training and admin support for this or else WG are placing schools in a vulnerable position. Schools may need access to emergency ALNCOs but this would need to be funded as this would be very expensive as these staff will be highly skilled, drawing up legal documents and managing conflict/ parental demand on a weekly basis. A few hours of a supply ALNCO would not help in most schools. Perhaps this post could be insured due to the high stakes that are being passed on to schools. Do timescales include weekends? When does the timeline begin? External agencies - will they be held to the same timescales - what consequences will they face if they treat as a goal rather than a non negotiable deadline? What is the case is very complex? What is the timescale in terms of ALNCO hours, some schools won't be able to pay for the same number of hours (due to such variation of funding) so will timescales alter accordingly for those schools or will it be tough luck for being in a poorly funded school. Are school holidays included in timescales

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:**

There is no criteria. The danger is that with LAs and schools with limited resources, LAs will likely need to pass most of these onto schools. Schools will appeal and so the cycle will go on. Not sure how this helps pupils and families really. The guidance from LAs across the 22 authorities will be crucial and must be consistent. This a role for WG

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

**Supporting comments:**

WG need to produce an IDP format for all of Wales

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

**Supporting comments:**

Associated guidance & criteria to begin and end the IDP along with the training needs to be considered.

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

**Supporting comments:**

As the ALNCO needs to be on the Leadership Team, there does not seem to be the same demand placed on health for the DECLO - why? Considering resources is wooly and is not about the needs of the child. this needs to be explicit.

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?

**Supporting comments:**

Duty placed on Health is not as robust as the duty placed on schools. This is not equitable and will not foster good working relationships between both services for the benefit of the child. Duty placed on health must be non negotiable.

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:**

Needs to ensure that this role is as important in health as ALNCO's role is in schools

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

No

**Supporting comments:**

Clear criteria to assess consistency across Wales has not yet been considered. A costed model for moderation needs to be considered

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?

**Supporting comments:**

mechanisms for managing parental dissatisfaction needs to be well thought through, explicit in an All Wales ALN policy, clear processes, support for schools readily available. Lots of training needed. This must be costed. concerns about managing 2 systems at the same time 2020 - 2023 Workload What will happen to SA pupils? Sharing responsibility is an issue When do targets end and IDPs begin? Transport - what happens when a school is responsible for an IDP that requires transport? Who provides and pays for the PCP training for all services. GDPR concerns

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:**

Concerns about managing 2 systems at the same time 2020 - 2023 Workload  
What will happen to SA pupils? Sharing responsibility is an issue When do targets end and IDPs begin? Transport - what happens when a school is responsible for an IDP that requires transport? Who provides and pays for the PCP training for all services. GDPR concerns

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:**

Considerations for organizing specific transition workshops for children with ALN during school holidays is not appropriate. Staff will not be available for this.

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

No

**Supporting comments:**

Fraught with difficulty. If one LA provides a service to its schools eg Welcomm which is an a transferring IDP and the other LA does not provide the support, the prospect of conflict and dissatisfaction will increase. If WG have thought about every possible issue and ironed out consistency, this may not be such an issue but as there will be variation between schools in the same area in terms of the provision they can afford and therefore include on the IDP, transferring IDPs will cause many problems for the receiving school and LA.

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

**Supporting comments:**

Criteria needs to be explicit and consistent across Wales WG needs to set up a help line for ALNCOs. This should not be at LA level due to inconsistencies of advice from one authority to another. If WG commit to 6 regions instead of 22 LA, then there is a greater chance of consistency.

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:**

Steer clear of inflexible deadlines for all the reasons previously raised in my 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

**Supporting comments:**

Steer clear of inflexible deadlines for all the reasons previously raised in my 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:**

This role is about to become huge. As we understand WG consider this to be cost neutral, then clearly WG are not aware of the impact that the huge burden of responsibility placed upon schools will have upon this role. WG need to draw up a role description which then needs to be job evaluated and workload assessed. The role will be both operational and strategic - huge. Requiring an ALN team in each school. Expensive and needs to be costed

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:**

WG I'm sure intend to develop clear and consistent flow charts, an All Wales ALN policy which includes explicit process for conflict resolution. Support for schools will need to be made available. Expectations for parental conduct will need to be made explicit as the decisions will not be made by a faceless and uncontactable panel, they will be made by teachers that parents know. Care will need to be taken to protect schools from vexatious parents. The potential for increased cases of harassment of school staff will likely increase, WG will need a strategy to mitigate this and protect school staff. It is highly likely that schools will face a recruitment crisis in terms of this role, remuneration will need to be appropriate and attractive. HTs will not be able to pick up the slack and continue to lead and manage schools.

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?

**Supporting comments:**

I am worried that as WG think this is cost neutral they are not aware of the extreme pressure schools are under. There will be resignations (from the role) The statutory context of writing IDPs is overwhelming This must be costed Qualifications moving forward Experience and knowledge of ALN is a minimum requirement of carrying out this role TIME must be given to the ALNCO Supporting schools in being the new face of ALN panels that, especially in a primary school, are accessible and open to harassment unlike faceless LA panels who can not be identified. LAs and WG have a duty to protect these staff

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?

**Supporting comments:**

As this is now untried and tested, it will be interesting to see how this newly introduced greater variation in provision and experience is picked off at tribunal

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?

**Supporting comments:**

See comments about timescales

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?

**Supporting comments:**

Going forward, they will need a knowlegde of the legal language and implications of the code Expertise in conflict resolution Chair meetings, organise meetings (with support of admin - hopefully funded) This is a highly skilled role and will need to be remunerated as such

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	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

**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

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?

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 (UNCRPD)?

No

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 Response*

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

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 Response*

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 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

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

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

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

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.

As illustrated by the complexity of this response document, the draft Code is inaccessible to both professionals and parents/carers. It proposes a system that will be immensely complex and confusing and will not meet the needs of all pupils and young people with ALN in an adequate and appropriate way. Budget and funding concerns are also a significant factor in meeting the needs of individuals with ALN in our schools.

## **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?

*No Response*

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?

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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?

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Not sure

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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?

See previous response.

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

Improved accessibility to Welsh within the process.

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	
<b>Name</b>	Anna Vrahimi
<b>Organisation (if applicable)</b>	DCYP

**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 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*

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*No Response*

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*No Response*

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*No Response*

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

**Supporting comments:**

The whole section on Service children needs to begin with DCYP, which is the Directorate of Children and Young People. DCYP provide a single Ministry of Defence (MOD) focus for all issues related to service children and young people. CEAS are part of DCYP and provide advice, support and guidance regarding the educational well-being of the children and young people belonging to families in all 3 services and eligible MOD civilians who are based overseas. 23.19 - SCE (Service Children's Education) no longer exists. This is now called MOD Schools. We want to strongly emphasise a change from 'should' to 'must'. Service families have been disadvantaged by other Codes of Practice due to the 'should' terminology being used. 23.20: Generic descriptor of Service lifestyle but offers no guidance on how needs should be met. 23.21: Transition between countries needs to be included and how vulnerabilities can be exacerbated if additional consideration is not given. A Service family/ Veteran indicator to be added within the mandatory IDP form Foreword: All learners are provided with the “right to a statutory plan for all learners with ALN regardless of the severity of need...” IDPs will be prepared for all ALN including high incidence needs which are routinely met in MOD schools overseas. This could potentially lead to increased requests for

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

MASOs or clearance not being provided if staff are not fully aware of the changes. This can then impact on the overseas postings of families. Consultation of a placement of a Service child with SEND needs to occur prior to the arrival of a family to the area. On transition out of Wales, arrangements need to be made to support the Service child with SEND into their new placement. This will mitigate the effects of mobility on Service children.

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?

*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	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

**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 Response*

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 Response*

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 Response*

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)?

*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 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?

*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 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)?

*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?

Yes

**Supporting comments:**

The role is clearly set out in this part of the code and is very straightforward to read and understand. But as an ALNCo in a small rural school, i am also a class teacher. There's a big worry over whether someone who teaches would be able to cope with all the responsibilities. If it was not possible to do the two roles (teacher and ALNCo) then funding is also a big worry, as being able to pay for an appropriate person to come in and take responsibility for these duties would be incredibly difficult on the already stretched school budget.

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?

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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*

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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*

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*No Response*

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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

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*No Response*

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*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	
<b>Name</b>	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?

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:**

Setting out clear timescales is very important to children and their families. However what is more important is that the correct advice to support an IDP is collated and quality advice should not be sacrificed in order to provide an IDP. I support 1.34 where an IDP cannot be held up whilst waiting for some advice. Provision can and should be put in place to support need whilst waiting on further specialist advice and shouldn't be used to block provision. The worst experience previously was receiving a statement of educational need that was clear cut and pasted from a standard set of phrasing where the child's needs was lost.

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?

*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

**Supporting comments:**

3.23 Needs a little clarification. Some parents have read this to mean they have a duty to involve and support children and young people. I am assuming that this was meant that parents have to be supported and involved in the same way children are to be supported and to be involved. 3.24 Don't start a sentence with 'So'. 3.26 This should be a 'must'. LA are already removing independent support provisions for parents by removing funding for SNAP support who currently fulfil this function. A 'must' will give status to this really important obligation. 3.32 I am concerned that there is little balance here. It feels very patronising. It diminishes the role of parents at a certain stage of their education when socially and emotionally these young people may not be as mature as their peers. Professionals who encounter a child for but a brief period in their life are given more weight during this period. Parents should be supported to support their young person's own voice rather than speak for them but should not be sidelined at such a critical period in a young persons life.

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:**

Completely support this ESPECIALLY UNCRPD.

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:**

I am deeply concerned that parents and young people will not have access to independent advice. My LA has already removed funding from SNAP in preparation for this Code and parents in our areas are finding it increasingly hard to contact them for impartial advice whilst trying to navigate current and soon the new systems for supporting children with ALN. I have experienced over the years very poor advice from schools and LA which largely is concerned with what they offer and what they do than my child's protection under the law. Parents MUST have access to independent advice which is well publicised and accessible to both carers, children and young people.

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:**

It MUST be made clearer that ALN is not just about academic ability. As I read the definition, I can see all the children in Primary who are reaching literacy, numeracy and reading targets who have considerable social and emotional difficulties will not be picked because they are 'academically' achieving. These children have a significantly greater difficulty in learning in personal and social development. These children go to be school refusers, significant behavioural issues or have considerable mental health difficulties as they enter secondary education.

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)?

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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

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Not sure

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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

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Not sure

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

Not sure

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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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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

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Not sure

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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?

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?

*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?

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?

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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

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 provision to allow unqualified teachers to be ALNCO must be time limited and phased out. The ALNCO must be part of the senior leadership team to ensure that ALN provision is part of a schools strategic vision.

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:**

If I could change just one thing, this would be it. Aspects for arrangements to resolve disagreements MUST be independent of the LA. You are IN disagreement, potentially heading to tribunal and your advice and support is being given by those you are in disagreement with. Trust has almost certainly broken down by this point so there must be someone independent that parents and carers can go to. Section

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?

25.11 and 25.12 are just ridiculous propositions. I fear solicitors will be busier than ever and huge financial and emotional cost to families.

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:**

Same question as above? Question 42 and 43 are asking exactly the same question.

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?

*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?

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?

*No Response*

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:**

But non qualified teacher SENCOs should be phased out.

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

**Supporting comments:**

Small schools will find the ALNCo role particularly difficult to support. Resources are incredibly tight at the moment and teachers with an ALNCo role will need to be released to meet their duties and considerably cost to under resourced schools.

### 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?

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?

There will be a financial impact if schools are to support this code well. Falling budgets mean now that many schools struggle to meet the needs of the most vulnerable children. Schools are very concerned at how they will meet this legislation under the current financial climate which is a huge shame as the principles of the act could foster an important cultural change.

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

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<b>Name</b>	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?

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:**

These times scales need to be accountable. There needs to be a system in place that prevents exceeding these time scales.

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 current wording allows for local authorities to interpret circumstances themselves. There needs to be more specific language and a complaints or tribunal procedure for families who disagree with a local authorities decision to delay due to exceptional circumstances.

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?

No

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

Yes

**Supporting comments:**

But there are fundamental principals missing.

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 majority of this section is commanded by the term 'should'. This means that children and parents will fundamentally be ignored and the local authority choosing what they want to use to save money. There needs to be more regulation and compulsory use of parental and child views.

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:**

The wording and phrasing of the sentences make this extremely difficult to understand. It also assumes an understanding of the two UNC documents but does not include them or even sign post to them for persons who are not aware.

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:**

Again there is over use of the command 'should'. Local authorities will be responsible for investigating and regulating whether the additional needs provision is sufficient. This includes a conflict of interest. The provision may be insufficient but it's up authorities to decide. There should be an independent body, to decide this information. Local authorities are commanded by their financial situation. Not the needs of children, parents and families.

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:**

Section 6.8 uses 'should', this needs to contain the term 'must'. Again there needs to be accountability or complaints procedures of a local authority does not comply and provide the information. A better solution would be to have the advice and guidance written by an independent body for everyone. Again local authorities have a conflict of interest providing impartial advice and information.

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:**

As Wales decided against an Autism Act, this section needs improvement. Autistic children will still be discriminated against under this wording.

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 Wales decided against an Autism Act, this section needs improvement. Autistic children will still be discriminated against under this wording.

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:**

The Early Years ALNLO role is again full of 'should'. Someone in this incredibly privileged and important role 'must' have experience and expertise. Not just of a single disability or difficulty but a range of physical, mental and cognitive ones. Again this role needs to be more strictly regulated with 'must' not should. This is about identifying early issues and supporting difficulties.

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?

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?

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?

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

**Supporting comments:**

Autism, down syndrome, dyspraxia, ODD, ADHD, PDA, SPD are all spectrum conditions, which all require a specialist to understand the difficulties fully. No one person can be an expert and experienced in all conditions which lead to ALN. Again due to the decline of an autism act, children with autism are highly likely to not have their ALN understood. Unless there is an additional role for a DECLO experienced in neurodiverse conditions then children will continue to be discriminated against.

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?

Not sure

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?

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?

Not sure

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?

*No Response*

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

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:**

Local authorities have a conflict of interest in providing resolution. This should be done through an informant provider, such as, SNAP or another independent body.

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:**

Local authorities have a conflict of interest in providing resolution. This should be done through an informant provider, such as, SNAP or another independent body.

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

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.

Post 16 provision is not mandatory for those with ALN. There is almost no point in this document referring to 16-25 education and training due to the numerous exclusions.

The money for post 16 placements will now be given to local authorities but this money will not be ring fenced for that use. This is a huge error and will unduly disadvantage the already disadvantaged in society.

Training for staff on ALN will not be mandatory, although schools will now have a greater roll in Additional Needs Provision and deciding if children have ALN and need ALP. If staff are untrained and unaware of disabilities and differences, how will they be able to make the decisions being asked of them. This will lead to

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.

children being discriminated shaky, especially those who are autistic or have other neuro diverse conditions.

There is no extra finding available for local authorities to aid with the introduction of this new legislation, with most cutting ALN provision and support already for this financial year. Where is the financial backing for this?

The complaints procedure needs be a single one for educational and health care aspects of an IDP. Currently if it is education based you have the education tribunal but if it is health care you have to follow your local health board complaints procedure. However, they have no guidance or legislation to cover this new aspect. This also means that parents may have to undertake two separate procedures for the same child, and many parents have more than one child with ALN.

## 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

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?

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?

Lack of funding and financing.

Greater difficulty for parents to get the support needed for their children with ALN.

Lack of support 16-25.

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.

There is a lack of content pricing the guidance needed to sort those with neuro diverse conditions, especially autism. As Wales does not have an Autism Act this issue needs to be addressed promptly and thoroughly.

## Respondent Details

Information	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

### 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 Response*

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 Response*

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:**

Can be done by LA - currently have to fund out & done by SNAP Cymru How can we guarantee we get all the information ? Surely if done in house - will it be selective ?? Currently have impartial, accurate advice - how can this be promised Also wHt about people who don't use internet & websites ?

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:**

Think school will have too much power No way of challenging decision & no access to early support

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 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?

*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 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)?

*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

**Supporting comments:**

How can this be done in house What happened to early intervention & support Also impartial- has to be to be fair & equitable! While will oversee this if in house- patients wont trust it They will see hidden agendas

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:**

Needs to be impartial & at the earliest point possible - why at tribunal stage & advocacy- where is the promoting voice of child & parent partnership gone

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.

I feel the focus is lost here with promoting involvement- current code shares access to parent partnership / involvement etc

New code seems all a bit late in the day & tailored to be on the hands of the LA

How does this promote trust / fairness / involvement

## 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?

Confused parents with less support

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	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

## 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?

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 Response*

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?

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

**Supporting comments:**

Absolutely delighted about the inclusion of UNCRPD - could be a gamechanger! Although article 24 is the right to inclusive education system so really there shouldn't be ALN at all as this in itself is segregatory as it is a separate system and not included in the general education of all children regardless of ability. Also the mention of the social model of disability is encouraging. Most school and LEA staff I have spoken too haven't heard of this. I would like to ask about the training of professionals in equalities and human rights - will this training be co produced with disabled people and parents of disabled children? There should be an assumption that ALL children regardless of ability can go to the school that their siblings go to in their local community. This will require teacher training to be values robust as well as big plans for school buildings that are fit for purpose. Teachers also need to be teachers of all pupils regardless of ability. Research shows that Inclusive Education is the best by far for society and at worse it's 'break even'. Inclusive education hasn't happened in the UK - what we call inclusion is actually integration.

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:**

As with ALL children regardless of ability learning provision should be under review.

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:**

It will NEVER work as it stands for the LA to be giving advice and information. Most advice that comes from the LA is inaccurate and rarely in the best interest of the child. Even see this in health services. Everything is rationed because our children with additional learning needs are seen as lesser humans. I would never trust the LA to give advice and support that was in my child's interest.

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:**

ALL children regardless of ability should be part of the same general education system and be able to access the same school as their siblings and local community. It should be assumed that ALL children can get what they need at that school so the aim should be to make the curriculum and education system inclusive.

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?

*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?

blank

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:**

Who are making these decision worries me as I see so many bad decisions due to lack of training and expertise.

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?

*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?

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?

*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?

Not sure

**Supporting comments:**

I have 3 children. The youngest has a range of impairments. I still struggle to understand why he needs to transition as my older 2 just grew up! - That in itself is inequality! We have struggled to keep him in a mainstream school as nobody wanted him there - the only school he was wanted was special school which was with a load of other children who all had additional learning needs - away from society, segregated, out of his community.- How was this ever going to be in his best interest? The professionals were like an army with this decision and the power imbalance was startling!

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?

Not sure

**Supporting comments:**

Power imbalance and lack of co production is what we are experiencing at the moment - I cannot see this changing.

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?

Not sure

**Supporting comments:**

I think that if we decided that all children were entitled to an education locally regardless of ability. Needing tribunals and resolutions is part of a game of excluding and segregating children

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

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?

*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	
<b>Name</b>	
<b>Organisation (if applicable)</b>	Ysgol Uwchradd Glan Clwyd

## 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
<p><b>Supporting comments:</b>  Mae 1.65 yn glir ynglyn a dyletswyddau ymarferwyr addysgu. Mae'n bwysig cydnabod yr hyfforddiant fydd ei angen ar rai ymarferwyr i gyflawni hyn i safon</p>

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

uchel.

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

**Supporting comments:**

Cymeradwyo'r pwyslais ar gael system ddwyieithiog sy'n gynhwysol..

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

**Supporting comments:**

Credwn bod angen edrych eto ar y defnydd o'r gair 'mwyafrif', i lawer ystyr mwyafrif yw dros 50%. Y gair arall ym mharagraffau 7.6 a 7.13 sy'n agored i ddehongliad ydy 'sylweddol'. Byddai'n fuddiol petai cyfeirio yma at feini prawf mwy gwrthrychol fydd yn gallu cynorthwyo gyda diffinio 'mwyafrif' a 'sylweddol'.

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

**Supporting comments:**

Croesawu bod cyfnod penodol yn cael ei osod ar gyfer hyn.

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?

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

**Supporting comments:**

Mae'n hollbwrsgin bod 24.5 yn cael ei sicrhau

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?

*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?

Bydd plant a phobl ifanc a'u rhieni yn cael lle canolog.

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

Gall fod yn gymorth i sicrhau darpariaeth addas i bob plentyn a pherson ifanc gyda ADY sy'n dymuno derbyn eu haddysg trwy gyfrwng y Gymraeg.

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	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

### 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?

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 (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?

Yes

**Supporting comments:**

However provision will be very difficult to provide without appropriate funding and training.

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:**

However without appropriate funding and training this may be unmanageable.

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?

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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

**Supporting comments:**

It is a significant amount of work. If this is expected, time to create them needs to be appropriately funded.

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

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?

Not sure

**Supporting comments:**

Is there a way to ensure NHS and other bodies provide appropriate provision?

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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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?

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?

Not sure

**Supporting comments:**

Are the realistically possible? Will cover be provided for ALNCOs who are teachers?

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?

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

**Supporting comments:**

The workload will significantly increase however. Will this be appropriately funded?

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?

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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?

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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

**Supporting comments:**

While I agree, there is an increased workload on 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

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?

Parents will have clearer recourse when they are unhappy.  
Provision will be more detailed and it will increase the priority of the provision.  
ALNCOs have a much increased job role. There could be many experienced ALNCOs may leave the position and many new ALNCOs will be significantly overwhelmed.

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

Increased provision and priority however are resources available for such an increase?

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 resources are available

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	
<b>Name</b>	Caroline Rawson
<b>Organisation (if applicable)</b>	SNAP Cymru (Question 43 Independent Advocacy. Please addend to SNAP Cymru's earlier response)

### 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 Response*

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 Response*

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 Response*

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)?

*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 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?

*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 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)?

*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

**Supporting comments:**

Independent Advocacy supports and enables people who have difficulty representing their interests, to exercise their rights, express their views, explore and make informed choices. Independent Advocacy supports the person regardless of the demands and concerns of others. It challenges the causes and effects of injustice, oppression and abuse and upholds human rights. This is one definition. There are others. The type of advocacy described in the code is issue based advocacy. I.e. advocacy provided by an expert in a particular field. In this case quality assured specialist education advice. The Code: 25.57 states that independent advocacy services provide expert advice. 25.58 says that advocates will provide information, advice and support; understand relevant processes; give information to the child or young person. 27.22 states advocacy services will be available to a child's case friend and that local authorities must refer a case friend to an independent advocacy service provider if the case friend has requested this service. Case friends acting on behalf of children may need support from someone with a detailed understanding of the ALN system. 27.33 says there may be circumstances when a child requires a case friend but not have someone they know to ask to act as their case friend. In this situation, independent advocates provided by the local authority can apply to be a child's case friend. This will allow case friends to be assigned to a child who does not have someone to act as their case friend. If independent advocates are to provide expert advice, information, advice and support, provide support to a case friend, or indeed act as a case friend, these advocates will need to have more than understanding the ALN system including the arrangements for avoiding and resolving disputes and Tribunal procedures (25.63). They will need to have expert knowledge of the ALN system and be suitably qualified to give this level of expert advice and support. Independent advocacy services working with eligible children and young people do not currently have the capacity to support them prepare a case for disagreement resolution or tribunal. They do not unpick and explain reports. They do not write detailed case statements. Most advocates currently working with children and young people in Wales rely heavily on advice and professional support about ALN issues from Parent Partnership Services – SNAP Cymru and CAB. If independent advocacy services are to fulfil this role they must hold an externally audited quality assurance mark and be working towards WG's information and advice quality framework for Wales (IAQF).

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	
<b>Name</b>	Heidi Lorenz
<b>Organisation (if applicable)</b>	

## 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?

Not sure

**Supporting comments:**

Difficult to "unknow" what you already know.

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?

Not sure

**Supporting comments:**

Would be helpful to include a caveat re. 5.20 which accepts there may be very specific circumstances which mean the LA is not able to FULLY meet pupil need straight away - an example of this would be for a pupil who requires support from a BSL Level 3 TA - if there are no qualified staff to be found locally in spite of very best efforts, there will be a delay in providing what has been agreed is required in the IDP. 5.22 - regional working can be of benefit, but is very difficult to provide, equitably, across vast rural areas - host LAs inevitably experience more favorable provision. This should be reflected in the funding arrangements for rural LAs, where it costs more to deliver the expected and required level of low incidence services. 5.22 - Whilst third Sector organisations are often significant partners in support of pupils with ALN, they should not become seen as providers of core 'educational' provision.

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

**Supporting comments:**

There is a need to have Habilitation provision specifically named or this may be overlooked. Really pleased that the draft code recognises there will be some pupils who are achieving well academically, but who still require support (as a result of their disability).

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?

Not sure

**Supporting comments:**

Part 2 should include a box for the CYPs aspirations straight after the description of the CYPs ALN (seeing as this is fundamental to PCP) Section 2B might be clearer (and more in line with the PCP training many of us have already undertaken) if it were set out: Outcomes. Actions Who? Will do what? By when? Should this be provided Review? In Welsh (OR BSL?) 1. a b c 2. a b c d The standard form for health professionals should be mandatory as well - LAs are often put in situations of conflict due to a health-led requirement not being fulfilled. This new code aims to provide holistic provision for CYP. If supporting partners of the code have different statutory requirements placed upon them, it can only surely cause confusion and dissatisfaction?

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

Not sure

**Supporting comments:**

PCPs encourages the opportunity to strive for aspirational, and creative outcomes for CYP who have ALN. Accepting that targets SHOULD be specific, measurable, and time-bound, surely then stipulating they should be "achievable" and "realistic" sits in opposition with the aspirational goal?

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?

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?

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?

No

**Supporting comments:**

18.4 unless stated that the coordinator MUST take a person centred approach, things will drift back to old systems - already seeing this. If all meetings follow the same format CYP will become more confident with the system as they will know exactly what will happen.

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:**

Would just like to comment that whilst "planning 2 years in advance" might be good from planning and organisational viewpoints, parents and children can feel pressurised at having to make a decision (because of required building adaptations for example) long before other families are having to do so... this can result in a child transferring to one high school and their friends to another - until EVERY school is fully accessible, not sure what can be done about this, but we should at least be aware of the potential difficulty this causes.

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

**Supporting comments:**

Insufficient experience in this area to comment

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:**

Insufficient experience in this area to comment

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

Not sure

**Supporting comments:**

Insufficient experience in this area to comment

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

Not sure

**Supporting comments:**

Insufficient experience in this area to comment

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

Not sure

**Supporting comments:**

Insufficient experience in this area to comment

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

**Supporting comments:**

Insufficient experience in this area to comment

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

**Supporting comments:**

Insufficient experience in this area to comment

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:**

Insufficient experience in this area to comment

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

No

**Supporting comments:**

What about pupils who are in the area of a LA in Wales and registered as pupils at a maintained school or enrolled as students in England?

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:**

24.5 The head of the education setting MUST ensure that the ALNCo is supported in this way. 24.7 The role is a strategic one within the education setting and MUST therefore, either form part of the SLT... 24.10 "ALNCoS are not expected to be directly involved with the day to day process of supporting every learner with ALN. This is the responsibility of the class teacher" Who should this be in high schools? Form tutor? Head of Year? Pupil identified staff member? The role of ALNCo will be pivotal to the success or otherwise of pupils with ALNs in high schools. It is hard to see how anyone will be able to fulfill the duties of ALNCo if that person also has a teaching responsibility for a subject(s) in the school. They will need to be able to carry out lesson observations, teach alongside subject colleagues to model specific teaching strategies, monitor the in-class support provided by their learning support teams to best identify their required training needs and all of this in addition to the other roles and responsibilities as identified.

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?

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?

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 ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Yes

**Supporting comments:**

3.8. TIME to do the role effectively is essential if the new legislation is to have the desired effect on the lives of CYP with ALN. Without sufficient time, the role becomes unmanageable and CYPs needs will not be met.

## 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?

An impact we have already seen through the adoption of PCPs is the increased participation of the CYP themselves ... They have more of a voice, they are more involved in target setting/review of their own learning and situations. We especially like the fact that by asking CYP about their aspirations (and therefore opening ourselves to possibilities previously overlooked) we allow them to dream about

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

their possible futures - not something that, historically, people with (any) differences were given opportunity to do. It is allowing us (in fact, it is compelling us!) to think more creatively, more holistically. Parents/carers appreciate the fact that their children's voices are being listened to and this in turn supports improved working in partnership to common goals.

An undesired impact may well be that the inclusion of CYP with ALN in mainstream education actually diminishes - ever stretched resources combined with increased parental expectations of what can be delivered is a volatile mix. There will also be a period of additional complexities as is inevitable when two (separate) systems are run alongside.

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

Minimal.

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?

They won't have the desired positive effects unless the availability of Welsh medium resources in support of CYP with ALN through the medium of Welsh - whether literacy/ numeracy programmes/web based learning/apps etc are as numerous and varied as those in the English language.

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.

Whilst not appropriate to be specified in an ALN code, the following is necessary to support it's successful implementation:

A requirement that publishers of all educational materials used in Wales make them available in digital format

An acknowledgement that speech to text is as acceptable a way of recording work as pencil and paper

For test and examination papers to be available on-line

Equal value should be placed on vocational and academic qualifications AND on "no qualifications" (for that is the position that some of our CYP will be in)

For different measures to be used (i.e. something OTHER than cognition results)

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.

to assess the "value" of a school. (As a support service working across all schools in support of CYP with ALN, school "ratings" can be interesting).

## Respondent Details

Information	
<b>Name</b>	Respondent requested anonymity
<b>Organisation (if applicable)</b>	

## 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 <b>Supporting comments:</b> not clear and also does not deal with all needs
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?
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?

Not sure

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

Yes

**Supporting comments:**

Principles and practise are different - practise will show what is 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

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

**Supporting comments:**

Needs more evidence and examples

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:**

Appropriate but not necessarily sufficient support

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?

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?

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?

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?

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?

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?

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?

No

**Supporting comments:**

Always underestimated

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?

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?

Yes

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:**

Too much pressure on this 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 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?

Not sure

**Supporting comments:**

Needs more accountability such as the law would have given

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.

Power to examine after having several complaints not as rights-based as an enforceable law. Fails to truly support UNCRC

## **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

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?

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 ALNCo must carry out or arrange to carry out as set out in the draft ALNCo regulations?

Not sure

**Supporting comments:**

HUGE pressure on this role - unrealistic

### 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?

Chaos as it is not being appropriately funded

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?

*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*