

Responses to the 'Draft of the additional learning needs Code consultation – email/post responses

Response 167

Respondent Details

Information	
Name	Anonymous
Organisation (if applicable)	Fitzalan High School

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Timescales

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Structure of the draft ALN Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>It seems sensible for a pupil educated in a PRU to have the same levels of response as a pupil in another educational setting, making distinct the role(s) of the LA.</p>

Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 3 - Involving and supporting children, their parents and young people

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

In reviewing ALP it is important that all stakeholders are appropriately consulted and that any such reviews are done with schools and not to them. It is important also that there is a clear accountability on the part of the LA and robust mechanisms for ensuring that this duty is enacted.

Chapter 6 - Advice and information

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

Duties on schools, FEIs and local authorities

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Deciding whether it is 'necessary' for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 13 - Content of an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>Is it useful to use the phrase national curriculum in light of Successful Futures- would the phrase Curriculum in Wales be more appropriate?</p>
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Question 19 – Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The flexibility allowed in terms of a standard form is not helpful. While the example in Annex A is not especially attractive or “child-friendly”, the overwhelming advantage of a form that is common across Wales is not to be underestimated. For professionals, parents/ carers and children/young people a common form across education settings and LAs would soon become familiar and would be highly beneficial. A standard form for Wales is desirable.

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transport

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

The Designated Education Clinical Lead Officer (“DECLO”)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

Chapter 16 - Review and revision of IDPs

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Generally, the principles and guidance are appropriate. However, the list of things to be considered in terms of person centred practice, could usefully be linked with the “signs of safety” model employed by social services.
It is also worth noting the importance of restorative approaches to ensure that all relevant people have their voice heard and that the pupil needs are met.

Chapter 19 – Planning for and supporting transition

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 20 - Transferring an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It is very important that any planning is in place prior to release/ discharge.

Chapter 23 - Children and young people in specific circumstances

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 25 - Avoiding and resolving disagreements

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Use of restorative approaches to avoid and resolve disagreement should be emphasised.

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 27 - Case friends for children who lack capacity

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Any other comments

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.

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Part 2 of the consultation: 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Is there scope for a specialist qualification demonstrating expertise in ALN?

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

In view of the changes from the SEN code to the ALN code, particularly in terms of 0-25 then it is especially important that the role of the LACE Co-ordinator fully encompasses this including unaccompanied asylum seekers, children who are designated looked after in one LA but live and are taught in another, young people who are in care post 16 and care leavers still in education.
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(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

For children who are looked after but do not have an ALN then a separate form seems prudent. However, for a child who is both looked after and has an ALN then one form would be beneficial and contribute to a person centred approach to meeting needs.

(c) Proposed revisions to the Part 6 Code

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 5 of the consultation: Impact of proposals

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

- **More effective way to meet pupil needs**
- **Less bureaucracy**
- **More child/ young person focussed**
- **Better outcomes**

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

No adverse impact.

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?;
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

None but allowance for communication in other languages and media is important. All communication needs to be accessible.

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.

Respondent Details

Information	
Name	Ruth Richards
Organisation (if applicable)	Dyfodol i'r Iaith

Dyfodol i'r Iaith

Mae Dyfodol i'r Iaith yn fudiad amhleidiol sy'n gweithredu er lles yr iaith Gymraeg. Nod y mudiad yw dylanwadu drwy ddulliau cyfansoddiadol ar sylwedd a chynnwys polisiau cyhoeddus a deddfwriaeth er mwyn hybu twf a ffyniant y Gymraeg ym mhob maes polisi. Bydd yn gweithredu er budd Cymru a'i phobl, gan ennill cefnogaeth a pharch i'r iaith a sicrhau bod y Gymraeg yn fater byw ar yr agenda gwleidyddol.

Mae Dyfodol i'r Iaith yn croesawu'r cyfle hwn i ymateb i'r ymgynghoriad ar y Côd Anghenion Dysgu Ychwanegol.

Cefndir

Fel mudiad sy'n gweithredu a lobio dros y Gymraeg, byddwn yn canolbwyntio'n benodol ar gwestiynau 63 a 64

Cwestiwn 63.

Pa effaith y byddai'r cynigion yn y fersiwn ddrafft o'r Cod ADY a'r rheoliadau arfaethedig yn ei chael ar y Gymraeg yn eich barn chi?

Mae Dyfodol i'r Iaith eisoes wedi cynnig sylwadau fel rhan o'r broses ymgynghori ar y Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018. Bryd hynny, mynegwyd ein siom na roddwyd ddigon o bwys ar y Gymraeg.

Nodwn fod elfennau o'r Cod yn cynrychioli gwelliant; yn egluro rôl y Gymraeg a'r dyletswyddau tuag ati. Rydym hefyd yn falch bod y Cod yn symud tuag at gyfarch yr angen ddwysaf, sef sicrhau gweithlu sy'n gymwys i ymdrin â'r gwaith drwy gyfrwng y Gymraeg.

Croesawn egwyddorion craidd y Cod, sy'n rhoi dymuniadau ac anghenion y plentyn neu'r person ifanc yn gyntaf, a da yw nodi bod sefydlu system sy'n gallu diwallu'r anghenion drwy gyfrwng y Gymraeg ymysg yr egwyddorion hyn. Siomedig fodd bynnag yw'r cymal sy'n datgan mai ar sail "pob cam rhesymol" y disgwylir hyn, yn enwedig o ystyried yr egwyddor a ymgorfforir yn y fframwaith, *Mwy Na Geiriau*, sef mai "angen" ac nid "dewis" yw'r Gymraeg i nifer o bobl. Credwn fod yr egwyddor hon yn hynod berthnasol i blant a phobl ifanc gydag anghenion dysgu ychwanegol. Credwn y dylid dileu'r cymal hwn (2.2 e) neu o leiaf ei ddiffinio'n llymach.

Croesawn yn ogystal yr awgrym i wella'r ddarpariaeth ieithyddol at y dyfodol – "[c]aniatáu ar gyfer cynyddu DDdY drwy'r Gymraeg dros amser." Fodd bynnag o ystyried y sefyllfa bresennol a nod y Llywodraeth i greu miliwn o siaradwyr Cymraeg erbyn 2050, credwn fod "caniatáu" yn gwbl anaddas yn y cyd-destun hwn. Byddai "cynllunio" yn fwy rhagweithiol, a byddai'n sefydlu cyswllt rhwng y Cod ac un o amcanion Strategol y Llywodraeth.

Mae 2.24 yn gosod rheidrwydd i "ystyried" cyflwyno'r DDdY drwy gyfrwng y Gymraeg, gan gymryd "pob cam rhesymol". Unwaith eto, o gofio angenrheidrwydd y Gymraeg, byddwn yn argymhell diddymu'r amwyseddau hyn, a chydabod bod y Gymraeg yn angen digamsyniol.

Dywed 2.24 bod rhaid nodi os cyflwynir y DDdY drwy gyfrwng y Gymraeg. Buom yn pwysu am hyn, ond nid yw nodi iaith yn gwarantu gwasanaeth a chefnogaeth gyson a di-dor, yn enwedig pan fo'r gefnogaeth yn ddibynnol ar fewnbwn sawl awdurdod neu gorff. Byddwn yn pwysu ar i'r Cod egluro angenrheidrwydd cysondeb ieithyddol a pharch at iaith y DDdY i bawb sy'n ymwneud â'r plentyn neu'r person ifanc.

Un o'n prif bryderon mewn perthynas â'r system Anghenion Dysgu Ychwanegol yw diffyg gweithlu addas ac arbenigol all gynnig gwasanaeth teg a chydadd i siaradwyr Cymraeg a'r sawl sy'n dymuno cael addysg drwy gyfrwng y Gymraeg. Rydym yn falch iawn o nodi felly'r rheidrwydd i adolygu digonolrwydd DDdY a gyflwynir drwy gyfrwng y Gymraeg, ac yna i ystyried maint a gallu'r gweithlu sydd ar gael. Credwn fod rhaid ymestyn hyn, a phwysu am newid y "dylai" ystyriaeth o'r gweithlu Cymraeg fod yn rheidrwydd (5.3 a 5.4). Heb ofynion pendant i unioni unrhyw fylchau gwasanaeth, gall y broses adolygu droi'n ymarfer papur. Croesawn y gofyn i Weinidogion Cymru asesu'r adolygiadau, gyda phwyslais ar ddigonolrwydd y gweithlu sy'n gallu'r Gymraeg. Dymunwn nodi mai

sicrhau staff addas a chymwys yw'r angen pwysicaf; ni ddylid caniatáu trefn sy'n gorfodi plant a rhieni ddewis rhwng addysg Gymraeg ac addysg sy'n addas i'w anghenion dysgu.

Er bod y trefniadau adolygu hyn yn gam cadarnhaol, nodwn mai awdurdodau lleol sy'n ddarostyngedig iddynt. Gwyddwn fod diffyg staff arbenigol dwyieithog dirfawr o fewn y Gwasanaeth Iechyd yn ogystal. Nid yw'n glir os yw'r adolygiadau'n cynnwys anghenion staffio tu hwnt i'r awdurdod lleol. Gan mai'r awdurdodau lleol sy'n gyfrifol am yr adolygiadau hyn, byddwn yn pwysleisio bod angen i'w cwrdd ymestyn tu hwnt i'r gwasanaethau a ddarperir yn uniongyrchol ganddynt, a chynnwys bob corff partner yn ogystal. Os am broses adolygu ystyrlon, rhaid monitro a mynd i'r afael â'r holl ddiffygion er mwyn sicrhau gwasanaeth cynhwysfawr a chynhaliol.

Nid yw'n glir pa mor bell mae gofynion ieithyddol y Cod yn ymestyn i gyflenwyr trydydd parti. Ym Mhennod 6 (Cyngor a Gwybodaeth) er enghraifft, ni cheir gyfeiriad penodol ar baratoi cyngor a gwybodaeth drwy gyfrwng y Gymraeg nac ychwaith at unrhyw amod ar ddarparwr allanol i wneud hynny. Daw'r cwestiwn hwn yn bwysicach fyth yng nghyd-destun unrhyw wasanaeth wyneb -i- wyneb a gyflenwir gan drydydd parti.

Testun pryder arall yw addasrwydd ieithyddol Eiriolwyr Achos, a Chyfeillion Achos pan nad yw'n bosib i'r plentyn neu'r person ifanc ddewis rhywun i'w gynrychioli. Mae cynrychiolaeth addas o'r fath mewn Tribiwnlys yn gwbl allweddol i barchu hawliau, safbwyntiau a theimladau'r plentyn neu berson ifanc. Dylid nodi'n glir bod iaith yn ystyriaeth hanfodol yn y cyd-destun hwn. Yn amlwg, byddai'r un yn wir am gynnal unrhyw wrandawriad drwy gyfrwng y Gymraeg.

Cwestiwn 64.

Sut ydych chi'n credu y gellid llunio neu newid y cynigion yn y fersiwn ddrafft o'r Cod ADY a'r rheoliadau arfaethedig er mwyn:

- i) **cael effaith gadarnhaol neu fwy o effaith gadarnhaol ar gyfleoedd i bobl ddefnyddio'r Gymraeg a sicrhau nad yw'r Gymraeg yn cael ei thrin yn llai ffafriol na'r Saesneg?**
- Croesawn y gydnabyddiaeth o'r angen am staff sy'n gallu'r Gymraeg. Mae hwn yn gam gwbl sylfaenol ar gyfer sicrhau cyfleoedd i ddefnyddio'r Gymraeg a pharatoi gwasanaeth sy'n addas a theg.

- I'r perwyl hwn, byddwn yn argymhell mwy o arweiniad a phendantrwydd o fewn y Cod-gweler ein sylwadau uchod ynglŷn â chymalau 2.2e a 2.24
- Credwn yn ogystal y dylai ystyriaeth o anghenion y Gymraeg fod yn rhan orfodol o adolygiadau'r awdurdodau lleol, a'i bod yn rheidrwydd arnynt fonitro'r sefyllfa a dangos cynnydd yn unol â'r anghenion.

ii) **sicrhau nad oes effaith andwyol ar gyfleoedd i bobl ddefnyddio'r Gymraeg ac ar sicrhau nad yw'r Gymraeg yn cael ei thrin yn llai ffafriol na'r Saesneg?**

- Mae'r Cod yn gosod sylfaen ar gyfer gwella'r ddarpariaeth, ond rhaid i'r drefn sicrhau gwasanaeth cyfrwng Cymraeg cynhwysfawr a di-dor. Byddai unrhyw fethiant i wneud hynny'n cael effaith andwyol ar blant, pobl ifanc a theuluoedd sydd angen defnyddio'r iaith. Mae'n sefyllfa lle nad yw'n dderbyniol cynnig gwelliant mewn rhai manau yn unig. Er mwyn osgoi effeithiau niweidiol, rhaid i'r holl ddarparwyr gydweithio i ddarparu cysondeb ieithyddol.
- Gyda hyn mewn golwg, mae angen i'r Cod nodi'r gofynion yn glir mewn perthynas â'r holl wasanaethau statudol, trydydd parti, Eiriolwyr a Chyfeillion Achos.

Respondent Details

Information	
Name	Anonymous
Organisation (if applicable)	Independent reviewing officer in Carmarthenshire

To whom it may concern

I am an independent reviewing officer in Carmarthenshire. While I do not feel able to comment on the whole document I would like to comment on the following.

In the paragraphs 8.12, 8.16, 8.28, 9.57, 9.64, 9.79, 11.4, 11.11, 11.21, 16.16, 16.38, 16.39, 21.14, 21.15

it says that “ ...in the case of looked after child, the independent reviewing officer should be informed...”

I'm not sure whether this should be 'named social worker' or IRO (or both?).

Respondent Details

Information	
Name	Anonymous
Organisation (if applicable)	Castell Alun cluster

Feedback on code Castell Alun Cluster 16th January 2019

1. What is a learning difficulty – how do we clarify this? Clarity of significantly greater difficulty in learning than majority of children of the same age . What does educational provision for general children of same age mean?
2. 0 -25 college and universities - If the young people who are in both work and college - Who writes IDP? For 0-3 who reviews the 3 year old when they are in school nursery? How will we ensure consistency from LA to LA.
3. A major concern as to how schools will ensure that parents are fully involved in the development of the IDP. How are schools going to be expected to manage the consultations with parents – if you had e.g. 30 IDPs as current it can be difficult to get parents to sign current IEP's . Time for 30 reviews and further development will be onerous at least 1 hour approx meeting per pupil. What is a legally enforceable document – who comes to school to check? What is sufficiently robust? We are not lawyers we are teachers – when will we receive training? Too many grey areas.
4. How much support will schools get from LA when something goes wrong? Are there enough personnel to help out if required?

Why LA should be allowed 12 weeks to write IDP when schools have 7 school weeks. We understand LA will be writing about more profound difficult IDPs however ALNCoS are also class teachers and it is not the only job on their list – shouldn't it be the same timescale for both? A concern around 6 week period for Health to respond as the school only has 7 weeks to assess and complete the IDP, hence the cluster have suggested it should be 12 weeks for schools. Who do we go to for support if parents disagree with IDP?

Extending age to 25 will require more advocates – who is providing these? As the Code will be new some staff may not be as well aware and parents could take advantage of this and make more complaints. Parents will try to push appeal more due to it being new code. More staff will be required in LA ALN departments to cope with complaints as it will be from 0 - 25– are the Las prepared for this?.

Grey areas with who requires IDP – schools require more guidance and training. School specific for provision as small schools do not have the staff for intervention.

Currently other agencies are stretched and schools are unable to get health professionals to meetings. Who will be responsible for co-ordinating IDP – will it be school who are expected to co-ordinate meetings and IDPs, especially if the child's need is not an academic need but health? More pressure will be placed upon all agencies due to the age being extended to 25.

The reluctance to share information from health professionals could delay the development of IDP. Information from CAMHS is always difficult to obtain – this could be vital in providing an accurate IDP

Who are the health professionals expected at IDP reviews e.g. CAHMS, Doctor and School Nurse etc?

There needs to be a National ALN model policy that schools can adapt

P215 chapter 19 Planning and supporting transition. Why has Year 6 to High school been omitted?

Training Needs

Training needs – legal side? Who do we go to?

Disagreement resolution arrangements.

What support will LA provide us?

What is universal – clarification

Model ALN policy

More time for key people to attend PCP training

Interventions used in the cluster

IDL – YE / Pentrobin

Write from the start YE / Leeswood/ Penyffordd.

Dandelion readers YE

Rapid readers - All

Phonic code x

Catch up Numeracy

Word Ways Kin

Stairway to Spelling Kin

Numicon – Kin

Breaking barriers

Be Smart Be Cool Positive – Penyffordd

Alice Kelly – Talkabout

Toe by Toe – all except Penyffordd

Power of 2 – all except Pentrobin / Abermorddu

Lifeboat – Leeswood and PYLI

PAT – all

Paired Spelling / Precision – all but Abermorddu / Ysgol Estyn/ Kinnerton

Unearthing – all except Ysgol Estyn

RM Maths – all

Read Write Inc – fresh Start Penyffordd / Leeswood
Direct Phonics – not Kinnerton/ Pentrobin/ Leeswood
Catch Up Library – Leeswood
The 3 Good Things (social)- Abermorddu
Time to Talk – Kinnerton / Ysgol Estyn / Leeswood
Socially Speaking – Kinnerton / Ysgol Estyn / Leeswood
Plus 1 – Kinnerton / Penyffordd/ Ysgol Estyn

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Concerns that “should” s misleading and of lesser importance to “must”. It suggests a judgment or flexibility based on individuals. However during the regional event it was clear that actually “shoulds” are in fact required.

Timescales

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It is not entirely clear how or who would be able to control the compliance if for examples schools are reliant on assessments/appointments with Health or external services. A 7 week turnaround could be very challenges with the potential of more than one in process at any one time.

It is understood the need to place timelines, what would constitute “impractical”?

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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Structure of the draft ALN Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 3 - Involving and supporting children, their parents and young people

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 6 - Advice and information

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

It states advice from EP must be sought- is there capacity for this to happen?

Schools can make necessary referrals but it will be very challenging to control the speed at which these are actioned within the current capacity.

Deciding whether it is ‘necessary’ for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 13 - Content of an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

I welcome a standard format

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The Designated Education Clinical Lead Officer (“DECLO”)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 19 – Planning for and supporting transition

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 20 - Transferring an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

ALNCo “must” secure relevant services- this is impossible to control- referrals can be made but involvement or access cannot be guaranteed.

Emphasis is on strategic management, financial planning- this will require the role to be held in high profile among SLT with influence over whole school planning. The role is vast and most in school have additional responsibilities. This should be a non-teaching role.

Chapter 25 - Avoiding and resolving disagreements

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 27 - Case friends for children who lack capacity

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Any other comments

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.

Part 2 of the consultation: 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(c) Proposed revisions to the Part 6 Code

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 5 of the consultation: Impact of proposals

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

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

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?;
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

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.

Respondent Details

Information	
Organisation (if applicable)	Governors Cymru Services

Part 1 of the consultation: The draft ALN Code**Chapter 1 - Introduction**

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This is useful to clarify the various interpretations.

Timescales

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Structure of the draft ALN Code

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 2 - Principles of the Code

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The principles of the code are to be commended. Having unified statutory processes across Wales will ensure greater consistency and transparency. There are however practicalities and challenges that will inevitably need to be overcome when a new system is introduced.

Chapter 3 - Involving and supporting children, their parents and young people

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 6 - Advice and information

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Whilst the definition of ALN is relatively clear – it would be useful to include case study material – be at training sessions based around the definition. Some concerns have been raised around the wording ‘a significantly greater difficulty in learning than the majority of others of the same age’, and how this could be interpreted in different settings.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The Act gives the statutory responsibility to the governing body to decide whether a child or young person has ALN. Whilst this work will be delegated to the professional staff, governors need to be fully aware of their overarching responsibility and clarification is needed on the extent of their role in community schools, VA, VC and foundation schools.

It would be beneficial to include information on the necessity for the governing body to set up a committee etc for this purpose of their ALN duty. We suggest a committee of three governors. It is therefore crucial that ongoing training is readily available for governors sitting on this committee, particularly during the transition phase of the ALN legislative framework.

Effective reporting mechanisms to the governing body will be essential, in order for the governing body to monitor and evaluate successful implementation.

Whilst the code provides detailed information on the defined roles, a more user-friendly summary guide for governors would certainly be of benefit. The provision of e training modules on the framework would also be a good way forward.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The timescales seem reasonable. Templates of letters will be useful to provide consistency across Wales. Additional workload and capacity issues of staff both at school and LA levels should also be taken into consideration, where potential timescales cannot be met due to unforeseen circumstances.

Effective communication with parents will be key throughout the process.

Deciding whether it is ‘necessary’ for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 13 - Content of an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The Designated Education Clinical Lead Officer (“DECLO”)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 19 – Planning for and supporting transition

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Excellent transition arrangements will be key to support children and young people effectively. Information on current effective practice would be useful to share.

Chapter 20 - Transferring an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The information provided is very detailed. The ALNCO role is a major role within schools which will undoubtedly require significant time and resourcing to ensure all the role functions are fulfilled effectively.

In the present economic climate, this will be certainly be a challenge for some schools and could present major issues in implementation. This needs to be looked at.

Current effective practice in schools would also be useful to share.

Chapter 25 - Avoiding and resolving disagreements

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

As per Q24, LAs are facing significant capacity and financial constraints. We need to be mindful of all these factors and ensure that adequate resourcing is available if the changes are to be successful.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 27 - Case friends for children who lack capacity

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Any other comments

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.

Part 2 of the consultation: 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(c) Proposed revisions to the Part 6 Code

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 5 of the consultation: Impact of proposals

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

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

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?;
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

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.

Respondent Details

Information	
Name	Hayden Llewellyn
Organisation (if applicable)	Education Workforce Council

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Timescales

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

We agree that timescales should be imposed. However, with multiagency working, it is important that timescales and monitoring should take into account that different agencies will have very different 'pinch points'. Education providers work around the academic calendar, health services, especially services for children, will often have considerable waiting lists for assessment and diagnosis. There are many variables which could impact the responsible body's ability to comply with set timescales.

In general, the timescales need to be realistic enough to reflect resource and capacity in all elements of 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Structure of the draft ALN Code

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

We have concerns that the draft Code as a document is unwieldy and off-putting in length and complexity.

We hope that, once agreed, perhaps a suite of shorter and simpler summary publications will be provided for all stakeholders, including learners and parents / carers.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

See our response to question 4. We think the focus is correct but suggest that the presentation and language used could be made more accessible.

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The Council supports the principles set out in chapter 2, believing these to be clear and succinct.

Chapter 3 - Involving and supporting children, their parents and young people

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The Council agrees with this explanation.

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The Council notes both the detail and underlying purpose of the guidance and considers it to be largely helpful and appropriate in this regard.

Chapter 6 - Advice and information

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

As with question 10, the Council notes both the detail and underlying purpose of the guidance and considers it to be largely helpful and appropriate in this regard.

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Please see our answer to question 2.

Deciding whether it is 'necessary' for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 13 - Content of an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The Designated Education Clinical Lead Officer (“DECLO”)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 19 – Planning for and supporting transition

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 20 - Transferring an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Page 261, paragraph 24.2. We know from work undertaken for Welsh Government in 2017, that there is a high proportion of primary schools who share a SENCO.

Page 261, paragraph 24.5. We agree that sufficient time is crucial. Time away from teaching comes with a cost, however, sufficient financial resource in the system, is therefore key to enabling teaching staff to be released from the classroom.

The duties placed on ALNCo's seem onerous especially when we know that professionals undertaking this role will have other responsibilities. For example, in primaries, the ALNCO will likely either be the headteacher and / or have a teaching load, while in secondary schools, they are likely to be members of leadership teams.

Page 263, paragraph 24.20. Making ALNCO's responsible for supervising and arranging training for colleagues, could potentially be unreasonable. Many of the variables will usually be outside of the individual ALNCO's authority, we are thinking, in particular that training is contingent on the availability of appropriate training, in addition to the time and possible financial resource needed to release staff for training.

Page 264, paragraph 24.23 '**Other ALNCO responsibilities**':

We would reiterate that the requirements of ALNCOs as set out in the consultation document are very demanding. We know from the 2017 national education workforce survey undertaken by the EWC on behalf of the Welsh Government that workload was reported as the least rewarding aspect of school and FE teacher roles (78.1% and 61.8% respectively). Link:

<https://www.ewc.wales/site/index.php/en/policy-hub/national-education-workforce-survey.html>

Given the other system-wide reforms taking place in education, we are concerned about workload issues among the workforce in general, the proposals for ALNCOs add another layer of responsibility to already very stretched professionals.

Chapter 25 - Avoiding and resolving disagreements

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 27 - Case friends for children who lack capacity

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Any other comments

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.

About the Education Workforce Council (EWC)

The Education Workforce Council (EWC) is the independent regulator in Wales for teachers in maintained schools, Further Education teachers and learning support staff in both school and FE settings, as well as youth workers and people involved in work-based learning.

The principal aims of Council are to:

- contribute to improving the standards of teaching and the quality of learning in Wales;
- maintain and improve standards of professional conduct amongst teachers and those who support teaching and learning in Wales;
- safeguard the interests of learners, parents and the public and maintain public trust and confidence in the education workforce.

We have limited our response to those areas within our remit.

There are a number of points we would like to raise that are not covered in the consultation questions:

1. As the professional body for those involved in youth work in Wales, we note that these professionals are not referenced in the Code or consultation. This seems odd given the valuable contribution made by this sector in supporting learners with ALN.

2. Page 10, paragraph 1.49 '**Welsh Government**':

The proposal makes reference to the role of Welsh Government on FE provision. In light of the ongoing PCET reforms, we would simply highlight that the ALN Code and supporting legislation and regulations need to be future-proofed as far as is practicable.

3. Page 13, paragraph 164 '**Teaching practitioners**':

'All teaching practitioners ought to undertake regular professional learning in relation to ALN, regardless of previous experience, qualifications, or the education setting in which they are based. Teaching practitioners have responsibility for their own professional learning and development; in addition, professional learning requirements ought to be identified as part of the education setting's planning process and practitioners' professional learning profiles. Teaching practitioners who need to improve their knowledge and/or skills in relation to different types of ALN will be able to access information, guidance, tools and professional learning opportunities, which have been developed by the Welsh Government working in partnership with the regional consortia and schools. A wide range of support will be available in digital form, as well as through professional learning events and programmes.'

We have a number of concerns around the assumptions in this paragraph. Firstly, this seems to be proposing different requirements on professional learning for staff in schools compared to those in FEIs (page 12, paras. 1.61-1.63). In addition, we think the term 'teaching practitioners' is unclear, does the paragraph include teaching assistants as well as qualified teachers, and those employed by supply agencies?

As a professional body, we support the concept of individuals being responsible for their professional learning. However, we also believe that alongside such a responsibility there also needs to be a high quality learning offer which is available to all. Access to training can often be contingent on leadership, resource, location and employment status. The supply workforce (supply teachers and supply learning support workers) will also require support and access to learning opportunities.

4. Page 14, paragraph 1.71 ‘Independent schools and independent special post-16 institutions’:

‘Many children and young people with ALN attend independent schools or independent special post-16 institutions (ISPIs). Independent schools and ISPIs are not required to have regard to the Code and no requirements are imposed on them by it. Nevertheless the Code provides guidance and information which may be useful to independent schools and ISPIs to inform understanding of the ALN system and the part they might play in ensuring the best outcomes for learners with ALN.’

As the consultation document says, ‘many children and young people with ALN’ attend these settings we therefore, think it is a missed opportunity to not include these institutions within the requirements of the Code. The inclusion of FEI’s, as private corporations, makes it difficult to establish a rationale for keeping the independent sector outside of the Code.

Part 2 of the consultation: 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

In 2017, the EWC undertook a data collection exercise on ALNCOs / SENCOs in maintained schools in Wales. This provided valuable intelligence to policy makers regarding the qualifications of those currently undertaking ALNCO/SENCO responsibilities.

We are not aware of a similar exercise in the FE sector, however, we think that a mapping exercise should be undertaken in FE. The EWC would be pleased to assist the Welsh Government in gathering similar information for FE.

The regulations present clearly the disparity between registrant groups, for example, school teacher registration requires QTS, while there are no minimum qualifications for registration as a FE teacher. Similarly there are no statutory arrangements for Induction for FE teachers. Is it fair to have the same expectations of these two different groups when there is such divergence in the support available to individuals?

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Please refer to our comments under question 41.

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(c) Proposed revisions to the Part 6 Code

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 5 of the consultation: Impact of proposals

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

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

The EWC’s Register of education practitioners holds valuable information about the Welsh language ability of the education workforce. As at 1 March 2018, 33.3% of registered school teachers indicated that they were Welsh speakers. Whilst this is higher than the general population according to census data, this figure has remained relatively static over several years. In terms of school teachers able to teach through the medium of Welsh, 27.3% have this ability. Again, this figure has shown negligible change over several years despite efforts to upskill the workforce in this area (e.g. via sabbatical schemes, etc.). In order to meet the need for increased demand for Welsh language education provision, there needs to be a clear and focused strategy to ensure there is a sufficient supply of teachers with these skills.

The demand for ALNCOs with Welsh language skills will also have to be factored into workforce planning. Difficulties in recruitment and retention of Welsh speaking staff is obviously not limited to education settings, we know, for example, about shortages in speech and hearing specialists in the health service.

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?

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.

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of the consultation: The draft ALN Code**Chapter 1 - Introduction**

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Timescales

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Structure of the draft ALN Code

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

We fully agree with the principles of the document.

Chapter 3 - Involving and supporting children, their parents and young people

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 6 - Advice and information

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The definition of ALN and ALP are far too vague and a more specific criteria is needed. What is meant by 'significant difficulties'? This could be interpreted differently by different schools. In order to ensure consistency throughout Wales further guidance is needed.

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Again further detail is needed to ensure that children are currently identified.

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

As mentioned earlier deciding on what is an ALN and what an ALP looks like is too vague.

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The timescale of 35 days is not realistic or appropriate e.g. if you have a large number of children in this process. Additionally, ALN is not the only responsibility of teachers – they cover numerous areas and it will be difficult for them to dedicate the time needed to ensure that the correct evidence is collected and that the correct identification of ALN is made. Often schools are waiting on responses from those outside of the education system and this will delay the process.

Deciding whether it is 'necessary' for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 13 - Content of an IDP

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The level of paperwork is very high. In order for these documents to be effective they should be briefer and simplified. This will also ensure that they are more easily understood by parents. It is important to ensure that the paperwork does not take over and prevent staff from identifying pupils with ALN in order to not fill in onerous paperwork.

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Further guidance, training and worked examples are needed to ensure that this document is consistently completed by staff throughout Wales and to ensure that it is effective and purposeful e.g. what does an ALP actually look like?

Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The Designated Education Clinical Lead Officer (“DECLO”)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 19 – Planning for and supporting transition

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 20 - Transferring an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This is a very large role for one person. Teachers already have numerous areas and roles that they are in charge of. There is also the issue of budgetary constraints in terms of providing ALPS and releasing staff to complete paper work. The role outlined in the document could be a full time out of class role but school budgets will not allow for this.

Chapter 25 - Avoiding and resolving disagreements

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 27 - Case friends for children who lack capacity

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Any other comments

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.

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Part 2 of the consultation: 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(c) Proposed revisions to the Part 6 Code

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 5 of the consultation: Impact of proposals

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

Less children will be identified as ALN due to the excessive paperwork and the identification of an ALP for this child. There will be increased pressure from parents especially if the criteria for ALN is not clear. Some parents may even move their child from school to school until they get the provision that they want. Again the workload placed on the ALNco is considerable and the wellbeing and work/life balance of staff must be considered.

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?

None!

Question 65 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Respondent Details

Information	
Name	Anonymous
Organisation (if applicable)	Brackla Primary

Part 1 of the consultation: The draft ALN Code**Chapter 1 - Introduction**

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Timescales

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Structure of the draft ALN Code

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 2 - Principles of the Code

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 3 - Involving and supporting children, their parents and young people

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Introduction – Clearly states the local authority’s role and responsibilities.

Conducting a review – Sections 5.7 – 5.19 contain clear guidance as to how to conduct a review and provide information such as what the intention of a review is.

Outcomes following review of ALP – Detailed information is outlined in relation to arrangements made for learners’ ALP.

To improve clarity additional details could be added in relation to ‘what is deemed insufficient’ and the header on page 44 amended to reflect chapter 5.

Chapter 6 - Advice and information

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Very thorough explanation regarding advice and information. On completion of the chapter the reader had a clear grasp of the information provided within the guidance.

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There are inconsistencies between schools around the term ‘significantly greater difficulties’. Some define it as a standardised score of below 85 and others below 80. There needs to be consistency.

- Who will diagnose ‘significant difficulties’? Will they be based on national tests, teacher assessments or through assessment from a specialist teacher or EP? What to use as a measure for children below y2 where National testing begins?
- Significantly greater difficulties would be different in different cohorts/schools/catchment areas if clarity is not provided.
- Would school staff with a level 7 SEN qualification who complete exam access arrangements be able to determine ‘significantly greater difficulties’? If yes, what will happen in primary schools as most ALNCOs in primary schools do not have the specific Level 7 SEN qualification and there is no mandatory SEN qualification/training planned.
- Will assessments be specified for consistency?
- Do pupils need to have a significant difficulty in ALL areas or in specific areas to be considered as having an ALN?
- How long do pupils need to demonstrate that they have a ‘significantly greater difficulty’?
- The term ‘majority’ also needs clarification as it is currently open to challenge; ‘Significantly greater difficulties in learning than the *majority* of others the same age’. The term ‘majority’ will differ depending on schools, clusters, catchments etc. Cohorts vary in ability.

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Similar to the responses above in question 12 there needs to be clarification on

- Timescales- how long do the pupils need to display these difficulties?
- The difficulties outlined in 7.34 are often co-occurring and they are related to a number of other circumstances that are not always as a result of a learning difficulty. **Who** will then determine/ diagnose whether these pupils have significantly greater difficulties: e.g. CAMHS, EPS, specialist teachers, ALNCOs?

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Deciding whether it is 'necessary' for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 13 - Content of an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The content is comprehensive and provides sufficient detail as to the requirements of an IDP.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The proposed IDP is appropriate

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Transport

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Transport can be a cause for parental anxiety. Including it in the IDP is useful.

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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The Designated Education Clinical Lead Officer (“DECLO”)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The information regarding compliance with timescales in the Code would be better reiterated in 16.19 (preferably in flow diagram or chart form). Currently this vital information is referenced in a footnote, which is not sufficient considering the impact that this information will have on the review and revision of IDPs.

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

16.18 - The 7 week timeframe in relation to the proposed period for the local authority to complete a review in response to a child, child’s parent or young person or an NHS body’s request, is contrary to the PCP approach as it does not specify, as in the case for schools and FEIs, that these should be 35 term time days.

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 18 - Meetings about ALN and IDPs

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 19 – Planning for and supporting transition

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 20 - Transferring an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 22 – Children and young people subject to detention orders

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Clear expectation of what is and is not expected of the ALNCo are set out in this chapter. The role and responsibilities can be completed effectively with the proviso that adequate mandatory non-contact time is allocated.

Chapter 25 - Avoiding and resolving disagreements

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 27 - Case friends for children who lack capacity

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Any other comments

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.

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Part 2 of the consultation: 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Qualifications are appropriate, however a commitment to complete additional ALN CPD should be essential. All new to role ALNCos should be required to complete training such as an online CPD programme leading to a recognised award/qualification as has been a requirement in England since 2008. Existing ALNCos would also benefit from officially recognised opportunities for support, for example, via online e-learning modules or professional learning communities.

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

All tasks are clearly set out and are appropriate to the role of an ALNCO, however it is unrealistic to expect ALNCos to complete them in a timely manner if sufficient mandatory non-contact time is not allocated.

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(c) Proposed revisions to the Part 6 Code

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 5 of the consultation: Impact of proposals

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

Capacity to effectively complete the role would depend upon the mandatory non-contact time allocated to ALNCos.

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

The following should be considered:

- The ability for the authority to provide staff that are specialists in their field and are also able to communicate appropriately through the medium of Welsh will be a challenge when conducting formal meeting. If parents and schools have clearly stated their language preference in line with the Welsh Language Standards this would need to be adhered to.
- There will be a cost implication in the translation of IDPs.
- Currently there are insufficient formal assessments available through the medium of Welsh to appropriately assess ALN needs.

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?

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.

Respondent Details

Information	
Name	Nikki Lawrence
Organisation (if applicable)	Careers Wales

Part 1 of the consultation: The draft ALN Code**Chapter 1 - Introduction**

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Timescales

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

We agree that actions should be taken promptly and at least within a fixed period of time to help manage expectations and to provide interventions in a more timely way.

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

We agree that there will occasionally be circumstances that are beyond a person's control and that in those instances there may be delays.

Would there be an expectation that young people/families are kept up to date regarding these delays and could there be a time after which further action would be required to ensure that young people are not kept waiting indefinitely? This would be particularly relevant for those who are in key stage 4 or 5 for example and may be entering a transition stage.

Structure of the draft ALN Code

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

We would very much support a person centred approach where the child/young person’s views are central to discussions.

Chapter 3 - Involving and supporting children, their parents and young people

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Careers Wales would also be able to provide a useful overview for local authorities of the needs and aspirations of young people with ALN.

Chapter 6 - Advice and information

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

<p>Whilst the definitions and evidence sources are clear we have some concerns that the threshold for being considered as having a “significantly greater difficulty in learning than the majority of others of the same age” will be raised where schools are concerned about their capacity to fully implement the Act. This could result in some young people who would currently have been identified as School Action or School Action Plus not being identified as having ALN based on capacity of staffing rather than need</p>

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Duties on schools, FEIs and local authorities

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The chapters are clear but are quite repetitive. One possible way to reduce repetition would be to have a separate section for pupils in English areas or from England so that these would not have to be repeated throughout the 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Discussion has outlined that health boards in particular have different WG set timescales for activities. To avoid conflicting priorities it would be helpful if all timescales placed upon organisations were consistent.

In most situations 7 school weeks should be sufficient to determine if a young person has ALN. However where circumstances mean that this timescale needs to be extended then there may be a need for further guidance to avoid ongoing delays.

Deciding whether it is ‘necessary’ for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

We have some concerns regarding the use of terms such as “realistic prospect” and “reasonable need for education and training” as these can be viewed as subjective terms and could impact on the options made available to young people. There is potential tension between this concept and the need to take account of the views, wishes and aspirations of young people when the decision makers are also the purse holders. It is important that decisions are made in the best interest of the individual and not on a financial basis.

Within the current system there is an element of impartiality as WG officials view evidence and make a judgement. This impartiality will not be there within the process in future and so it is important that young people have impartial advice and guidance on all options.

Mental capacity issues may need further coverage in this chapter as a young person’s wishes and those of their family may be different and local authorities need clear guidance when taking this forward.

The considerations for additional time for a person already attending FE is only based on negative experience e.g. the examples given are that a young person has been deprived of education. There is no provision made for young people who have made exceptional progress during their time in FE and who could still make progress if afforded additional time.

Chapter 13 - Content of an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

We would support a standard form as this helps with consistency of approach and ensures that elements are not excluded.

Whilst there is a requirement for responsible bodies to complete the form in a person centred and user friendly way using plain English and no jargon the headings themselves do not conform to that premise and use terms that are not likely to be familiar to a child or young person.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transport is a significant issue for young people leaving compulsory or post 16 school education. We would welcome a strengthening of the code for young people in transition from school in relation to transport to change “may” to “should” when looking at whether or not this should be considered when reviewing the IDP. Whilst this wouldn’t guarantee any provision of transport it would ensure that the issue is discussed with all parties present as this is often left unresolved and can prevent a young person accessing provision.

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The Designated Education Clinical Lead Officer (“DECLO”)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 16 - Review and revision of IDPs

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Whilst the content is clear we have some concerns regarding the lack of clarity around the role of Careers Wales. The current wording could result in Careers Adviser attendance at a review being based upon the experience and knowledge of an ALNCo rather than the needs of a young person and could therefore result in a postcode lottery. We would welcome some additional guidance for schools and local authorities in this area to underpin the code.

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

We fully support a person centred approach to meetings. Timescales for notification of reviews or meetings would be helpful as “sufficient” time can be interpreted in many ways.

We assume that the reference to professionals attending reviews i.e. “should” make every effort to attend only applies to those professionals directly named as having to follow the code. It may be useful to reaffirm that in this section if that is the case.

Chapter 19 – Planning for and supporting transition

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

We fully support the need for smooth transition planning and agree in principle with the code.

There are, however, likely to be issues with capacity however given that the numbers with IDPs will be greater than that of those with statements. Where post 16 transition occurs local colleges may have to attend a significant number of reviews for school leavers and in large local authorities or those with tertiary systems there will be capacity issues and clashes of review meetings that will impact on attendance.

Chapter 20 - Transferring an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This section of the code refers to a young person having an IDP until they leave education or training but work based learning providers have no requirement to maintain an IDP. The code doesn't appear to be explicit in relation to this which could be misleading to young people and may impact on their decision making. This is also not explicit in the chapter on transition planning.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

However we would like to see some requirements for CPD that are specific to the role both in terms of ALN work and leadership skills. The role is varied and requires a good level of

understanding of the issues faced by young people with ALN as well as liaising with professionals dealing with those young people.

Chapter 25 - Avoiding and resolving disagreements

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 27 - Case friends for children who lack capacity

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Any other comments

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.

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Part 2 of the consultation: 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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(c) Proposed revisions to the Part 6 Code

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Part 5 of the consultation: Impact of proposals

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

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

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?;
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

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.

Respondent Details

Information	
Organisation (if applicable)	Chair and ALN Governor of the Hafod Federation in Flintshire

1.13 The term ‘must have regard to’ - I don’t understand the caveat to ‘**must**’, in the phrase ‘**must** have regard to’. This phrase was used in the Code and I was always confused by its ambiguity. The new Code says about the phrase ‘have regard to’ that it means: *When taking decisions, they must give consideration to what the Code says which is relevant to the decision.* This appears to mean that having considered what the Code says; the person involved can then do what they judge to be correct, even if it does not do what the Code appears to want them to do. This lack of precision is then compounded by what the Code goes on to say about the word **should**, which is far more precise and less conditional:

*Where this Code says that a relevant person **should** do something, the person must consider this and follow it unless they can demonstrate that they are justified in not doing so. Similarly, where this Code says that a relevant person **should not** do something, unless there are exceptional circumstances, the person **should not** do it. A relevant person will be expected to explain any departure from the statutory guidance.*

This language is stronger than that used for *must*, yet in normal usage ‘should’ has a lesser imperative than ‘must’: *must* means there is no option to doing a thing, whereas *should* means you ought to do it, but you don’t have to? Thus, as it stands in the Code there seems to be more of an imperative to the word **should**, than the word **must**, which seems semantically inconsistent.

The problem would be easily resolved by dropping the phrase *have regard to*, so that a **must** is a **must**. This will not only make the Code’s meaning clearer, but strengthen its impact on policy and practice in schools, colleges, Las and the other agencies involved in its implantation.

Chapter 26 Appeals to the Tribunal

As a member of those early working parties, I remember when the concept of opening up access to the Tribunal for all learners, regardless of the degree of severity of their ALN, was first raised. Those of us with experience of the Tribunal system were alarmed by this concept and I remain so now. This is because of the potentially significant rise in numbers of appeals that could be occasioned by this arrangement.

Currently access to the Tribunal is restricted to pupils either with a statement or being considered for assessment for a statement. Looking at the latest StatsWales figures, there are 21,800 pupils with statements in Wales, but 105,000 pupils with all degrees of SEN/ALN. That constitutes a fivefold increase in the number of appeals to the Tribunal. Such a rise would involve significant extra cost in the number of appeals to the Tribunal. Such a rise would involve significant extra cost to the government, schools and Las,

considerably increased school and LA personnel time. Is this really justified at a time of national austerity, when LA education departments, which bear the brunt of any increase in appeals, have been pared to the bone? With no-one knowing how much demand will increase, should this not have been trialed first? (Forgive me if it has been).

I appreciate and applaud the aim of the new system to avoid conflict and disagreement via learners and their parents'/carers' access to information, advocacy and disagreement resolution services.

However, while potential appellants are encouraged to use the disagreement resolution arrangements available to them, they do not have to do so. They can go straight to Tribunal (25.44). In my experience some parents – a few admittedly, but a very vocal few – usually the ones you would most like to use a resolution service, are also the ones most likely to refuse to do so. This is because their minds are firmly made up and they won't listen to any contrary argument. Put simple, they want their time *in court*. If going to disagreement resolution cannot be made compulsory, surely, at the very least, this paragraph could be amended to read something like *the Tribunal would view unfavorably a decision by parents/carers not to use the local resolution service?* This would greatly enhance the aim of resolving issues locally without resort to the Tribunal.

Measuring the outcomes for learners with ALN

My working group was concerned with this issue: seeking to devise measures which would allow schools and LAs to measure how well groups of learners with ALN were progressing. This was with a view to both identifying best practice and where intervention is required, owing to unsatisfactory progress being made. We have never been able to do this on a sound data led basis in Wales, because the comparative national data has not been there.

This issue, which seems so important, appears to have become lost. Two LAs were involved with this work, Flintshire and Caerphilly. It may be that the WG officers who received the outcome of our work were unhappy with it. I was too close to objectively judge the assessment tool for measuring outcomes that we devised in Flintshire, but the Caerphilly system was widely recognised and admired and our assessments were deigned to slot neatly into it.

However, the quality or not of this work is not the issue. Being able to measure the learning outcomes of learners with ALN at school, LA and national level, for the purposes described, seems of critical importance and it is very disappointing to find it does not form part of the Code. If our systems were judged inadequate, others need to be devised to replace them. Hopefully this need will re-emerge as part of Wales' broader education transformation programme?

I hope these comments are of some use.

Respondent Details

Information	
Name	Anonymous
Organisation (if applicable)	Glan Usk Primary School

Part 1 of the consultation: The draft ALN Code**Chapter 1 - Introduction**

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Timescales

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Structure of the draft ALN Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Concerns I have relate to complications of 1.54 1.64 and 1.65.
For full details please refer to separate written concern sheet.

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 3 - Involving and supporting children, their parents and young people

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 6 - Advice and information

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Concerns relate to 7.10, 7.11 and 7.43, 7.47. Universal Provision introduced recently by LA.
For full details please refer to separate written concern sheet.

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Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Concerns relate to implications of 9.3(e) 9.19(a) 9.23, 9.45, 9.46, 9.55

For full details please refer to separate written concern sheet

Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Deciding whether it is 'necessary' for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Concerns over 12.69.

For full details please refer to separate written concern sheet

Chapter 13 - Content of an IDP

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Massive implications time/financial. Concerns relate to 13.44 13.49.

For full details please refer to separate written concern sheet

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Massive implications for schools/ALNCo

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Transport

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Concerns relate to 15.1. Good idea in practice, but in practice very difficult to implement. 15.16-delays in referral-Health Service need to change approach.
For full details please refer to separate written concern sheet

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

15.34-15.36 workload implications for ALNCo! Regarding additional review implications. How are schools to manage time implications

The Designated Education Clinical Lead Officer (“DECLO”)

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Annual target conflicting/impracticable. Over anxious parent. Reduced control of school. Concerns 16.1 16.2 16.3.

For full details please refer to separate written concern sheet

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

**16.23 compliant implications so these work both ways!
16.33 Time implications for schools again**

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Concerns 17.17 Financial implications for schools if this decision is reached

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Concerns relate to 17.22 17.30 & EP implications.

For full details please refer to separate written concern sheet

Chapter 18 - Meetings about ALN and IDPs

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

18.8, 9, 10, 11, 12, 13, 15 not descriptive enough, very wooly and open to interpretation.
18.24, 18.26, 18.28- *please refer to separate written concern sheet*

Chapter 19 – Planning for and supporting transition

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 20 - Transferring an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Concerns- 24.5

For full details please refer to separate written concern sheet

Chapter 25 - Avoiding and resolving disagreements

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 27 - Case friends for children who lack capacity

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Any other comments

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 refer to attached information

Part 2 of the consultation: 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(c) Proposed revisions to the Part 6 Code

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 5 of the consultation: Impact of proposals

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

Not known.

See implications/concerns I have identified.

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

Not known.

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?;
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

Not known.

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.

Concerns/Implications of ALN Bill

Concerns relating to 'Draft Additional Learning Needs Code for Wales'

Page 11, 1.54

'In case of children looked after by a Welsh local authority, however, it will generally be the duty of the local authority that looks after the child, to identify any ALN, prepare an IDP and secure the ALP'

PEP are often not addressed so will IDP's be addressed? How is LA best placed to identify ALP!?

Page 13, 1.64

Please refer to 1.64

This has a big implication for all teachers and ALN professional development. What about other SDP priorities, e.g., Curriculum Reform?

Page 13, 1.65

'Health bodies have a critical role in identifying ALN and providing information or other help to LAs. Furthermore, NHS bodies have a direct role in providing ALP in instances where that ALP is a treatment or service normally provided by the NHS and likely to be of benefit in addressing a child or young person's ALN.'

Very difficult to engage with them to attend reviews-at best provide programmes for school to implement.

Page 57, 7.10

'ALP will encompass additional or different educational or training provision, which goes beyond that generally made available.'

Is this referring to Newport's 'Universal Provision' list which is actually identifying areas of training undertaken by TA's as Universal Provision. Consequently, how will this be funded?

Page 57, 7.11

'ALP can take many forms; it might include any support that takes place inside or outside the mainstream classroom, where it is additional to, or different form, that made generally for others of the same age. ALP might also be delivered in settings outside of school or FEI in some circumstances and/or by external professionals.'

This does not correspond to proposed 'Universal Entitlement' as identified by Newport City Council.

Page 64, 7.43

'Slow progress and low attainment do not necessarily mean that a child has ALN and should not automatically lead to a decision that either learner has ALN. Equally, it should not be assumed that attainment in line with chronological age means that there is no ALN.'

Confusing statement, surely schools need to address issues to support progress?

Page 64, 7.47

'Consideration will need to be given to whether there are alternative and more appropriate ways to support the child's access to learning such as referral to an educational psychologist, education welfare services, social services or health bodies.'

Less EP's to refer to and support individuals, how can schools do this? And further implications through budget cost in authorities.

Page 65, 7.48

Please refer to 7.48

Child may not have ALN but needs ALP which has implications for needing IDP for monitoring purposes.

Page 87, 9.3

*'the pupil is a child who is looked after by local authority in Wales and the pupil is not in the area of a local authority in England. The school **must** refer the matter to the local authority that looks after the child.'*

Is this suggesting LAC pupils IDP are written by LA?

Page 90, 9.19

'the school considers that the pupil has ALN that may call for ALP it would not be reasonable for it to

secure, or that it cannot adequately determine the extent or nature of the ALN, or that it cannot adequately determine the ALP; and the school refers the pupil's case to responsible local authority to decide'

Present system does not allow this due to deadlines for referred reviews, as stipulated by LA. Funding only now accessible once annually.

Page 91, 9.23

'The school must prepare the IDP. Before it is finalised the school should give the child, child's parent or young person an opportunity to comment on a draft of the IDP before it is finalised and should encourage them to raise any concerns as soon as possible. The school should consider any concerns and act upon them as required, which may be to update the IDP, or explain decisions or other matters further'.

This is a very lengthy process and could lead to multiple meetings.

Page 91, 9.26

Please refer to 9.26

Is this during every review also?

Page 96, 9.45

Please refer to 9.45

Is this universal targeted provision, not all maintained schools consulted!

Page 96, 9.46

'Before referring a case to the local authority under paragraph 9.39, the school should consider consulting an educational psychologist to see whether this is appropriate'

Reduction in EP's makes this impossible under present system of EP referral and possible reduction.

Page 98, 9.55

Please refer to 9.55

Massive workload implications for already overstretched EP's.

Page 108, 9.103

'Also, a local authority should not direct a school to prepare an IDP unless it considers that:

- The pupil has ALN that calls for ALP it would be reasonable for the school to secure;'*

The term 'reasonable' very concerning in light of universal provision 1 and 2!

Page 109, 9.107

'A local authority may name a maintained school in Wales in an IDP it prepares or maintains for the purpose of securing admission of the child to the school (for more information see Chapter 11). Where a maintained school in Wales is so named it must admit the child regardless of its duty in relation to the statutory limit on class sizes for infant classes. However, this does not affect and power to exclude a pupil from a school'.

LA have the right to override admission and allocate children to over populated schools? Is this fair?

Page 157, 12.69

'If a young person for whom the local authority maintains an IDP subsequently becomes a registered

pupil at a maintained school in Wales, the local authority may direct the schools governing body to maintain the IDP’.

Once establishing an LA IDP subsequent responsibility could be transferred to schools if name writing IDP by LA? Is this fair-implications overpopulation and under-funding?

Page 166, 13.44

Please refer to 13.44

Massive implication for schools to assess/secure this information for IDP from health bodies

Page 167, 13.49

‘Where a school is named in this sub-section, the local authority should set out why it is satisfied that the child’s interest requires the ALP identified in the IDP to be made at that school and why it is appropriate for the child to be provided with education or training there’.

Do they need to liaise with schools before making this proposal? Do they need to seek named schools view? Schools must be consulted.

Page 173, 14.2

‘An IDP for a looked after child must be incorporated into the child’s personal education plan’.

If LA responsibility-implications for LAC children attending schools in different authorities.

Page 176, 15.1

‘A key principle underpinning the ALN system is the collaboration between all those involved in identifying needs and planning and providing support to children and young people with ALN’.

Good in principle – practice very different to implement – leading to increased responsibility for schools.

Page 178, 15.16

Please refer to 15.16

At present referrals for extra support often delayed until school age. How are Health Professionals going to change this approach?

Page 182, 15.34

‘As noted above, the NHS body must secure for the child or young person the ALP that is a treatment or service it has identified. This ALP must not be removed from the IDP or revised except on review of the IDP and with the agreement, or at the request, of the NHS body. The NHS body must review it. If on review, the NHS body requests the body maintain an IDP to remove the description of the ALP that the NHS body must secure, the school, FEI or local authority that maintains the IDP must do so.’

Workload implications for ALNCO’s regarding additional IDP reviews.

Page 183, 15.36

‘If the tribunal orders the revision of an IDP in relation to ALP specified as ALP an NHS body must secure, an NHS body is not required to secure the revised ALP unless it agrees to do so. The body maintaining the IDP should work with the NHS body to reach agreement in such circumstances’.

How can schools manage this? LA responsibility?

Page 187, 16.1

'To ensure that the IDP continues to accurately reflect the child or young person's needs and details the provision required to meet those needs, the Act requires IDPs to be reviewed at least annually and allows for them to be revised in the light of each review.'

Annual target impracticable if it has to be re-written annually, rather than re-drafting.

Page 187, 16.2

'This maximum requirement to review is supplemented by powers allowing IDPs to be reviewed at any time and by further requirements relating to requests for a review made by a child, the child's parent or a young person or by an NHS body.'

Over anxious parents? Reduced control of schools.

Page 187, 16.3

'In practice, the efficiency of an IDP should be constantly monitored and assessed by the body responsible for maintain it and should conduct reviews as often as required by the circumstances.'

Monitoring replacing reviewing-increased pressure on schools as this could be influenced by anxious parents and could be on an un-manageable scale.

Page 192, 16.23

'Furthermore, if, on review of IDP, the NHS Body requests that the description of the ALP that is required to secure is removed or changed, the school, FEI or local authority must comply with that request.'

Why is NHS body opinion more important than schools?

Page 195, 16.33

Please refer to 16.33

Time implications for schools.

Page 202, 17.17

'If the local authority decides that the IDP should be revised, it must prepare a revised plan and either:

- a) Direct the school to maintain it; or*
- b) Take over responsibility for maintain it...'*

Part (a) financial implications for schools if this decision is reached.

Page 204, 17.25

'...Before doing so, the school or FEI should consider consulting an educational psychologist to see whether this is appropriate.'

EP not accessible to schools under present system.

Page 205, 17.30

Please refer to 17.30

Increased work load for EP's.

Page 208, 18.8

Please refer to 18.8

Use of 'should' is not prescriptive and open to interpretation.

Page 208-209, 18.9-18.15

Please refer to 18.9, 18.10, 18.11, 18.12, 18.13, 18.14, 18.15

Very Woolly!

Page 211, 18.24

'Before a review meeting, the school, FEI or local authority responsible for maintaining an IDP should provide a report to the child, child's parent or young person on their progress'.

Review before – time implication

Page 211, 18.28

'To aid in the evaluation and assessment of the child or young person's ALP, impact monitoring is a useful tool. Shorter term targets can indicate whether ALP is meeting the needs of the child or young person, or whether particular ALP is no longer required and/or not having its desired effect'.

Contradictory 'shorter term targets' favourable, however reviews now annual.

Page 261, 24.5

'It is vital that the ALNCo has sufficient time and resource to undertake their responsibilities effectively, including dedicated time away from teaching. The head of the education setting should ensure that the ALNCO is supported in this way. Clear and sufficient time allocation will ensure that the ALNCo is able to undertake their duties effectively'.

Not prescriptive enough, not open to interpretation. Further guidance needed.

Respondent Details

Information	
Name	Anonymous
Organisation (if applicable)	LACE Coordinator (Swansea, NPT, Powys, Carmarthenshire and Ceredigion)

Please see below the joint LACE Coordinator (Swansea, NPT, Powys, Carmarthenshire and Ceredigion) responses to Questions 57-61.

We hope this is helpful.

ALNET Consultation – Looked After Children

Question 57

- Agree the LACE Coordinator should remain a statutory role. Suggest that clarification of the role and responsibilities (job description) and greater consistency of the role across Wales would be beneficial. A Welsh Government Guidance of minimum expectations of the LACE Coordinator role to include ALNET and Part 6 2014 Act. Acknowledge the ‘specialist nature’ of the LACE Coordinator’s role in understanding and linking Corporate Parent and Education Department knowledge of responsibilities. Concern regarding the job description currently being stretched by the increasing demands of the ALNET together with the LACPDG responsibilities. In some LAs this role may require one member of staff, while in others it may require a specialist team in order to compete all duties.
- A separate chapter for the LACE Coordinator would further strengthen the role of the LACE Coordinator similar to that of the ALNLO and DECLO. And strengthen their ability to influence senior managers/leaders.
- 9.51 (a) Further clarity needed – currently being interpreted differently. Liz Jones (Regional ALNET Transformation Lead) was of the opinion that the LACE Coordinator role was that of overseeing and not the doing/writing of IDPs and also to hold LAs to account if children are placed out of authority without first ensuring their ALN can be met (ratified also by Huw Davies). Tania Nicholson (WG - Head of Supporting Achievement and Safeguarding) was of the opinion that the LACE Coordinator role would be integral to the ALN processes set up for all pupils within LAs to advocate and oversee they meet the needs of LAC.
- Suggestion that LACE Coordinators will require National training.

Question 58

- Do not agree that there should be a separate standard form for looked after pupils. Promote equality and fear that a different form would further stigmatise pupil’s looked after and be discriminatory. It will be more straight forward for all (children, carers, parents and staff) if the IDP is one document for all. It will be easier for ALNCoS in school to have one document for all pupils – especially if a pupils with ALN becomes

looked after, or ceases to be looked after. It would be useful for the One Page Profile to be included within the IDP for all pupils (including those looked after) – especially for those LAs where the SW completes the PEP.

Question 59

- Needs strengthening to describe and clarify the need (must) for LAs to plan for education needs to be met, prior to placement or immediately after, if child is placed in an emergency.
- 110 – needs clarification as to which LA has responsibility.
- 140 – reinforce careful consideration prior to placement.
- 227/228 - IDP should be given to any receiving school.
- 233 point 4 – IDP must be given to carer.

Question 60

- Yes – the IDP safeguards the ALN of those looked after.

Question 61

- Part 6 has the opportunity to redefine the role of the LACE Coordinator. Suggest that clarification of the role and responsibilities (job description) and greater consistency of the role across Wales would be beneficial. A Welsh Government Guidance of minimum expectations of the LACE Coordinator role to include ALNET and Part 6 2014 Act. Acknowledge the 'specialist nature' of the LACE Coordinator's role in understanding and linking Corporate Parent and Education Department knowledge of responsibilities. Concern regarding the job description currently being stretched by the increasing demands of the ALNET together with the LACPDG responsibilities. In some LAs this role may require one member of staff, while in others it may require a specialist team in order to compete all duties.

Respondent Details

Information	
Name	Claire Protheroe
Organisation (if applicable)	PACEY Cymru

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The difference between the terms is clear to us as PACEY Cymru with the explanation denoting the difference between what is in the act and code and what is statutory guidance being understandable.

Timescales

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

PACEY Cymru understand the need to have clear timescales within the code to ensure a consistency and joined up approach that has the needs of the child or young person at the centre. As a sector we need to be identifying a timescale that is based on a person centred approach and in the best interest of the individual and their family. We know that there have been historic issues with meeting timescales outlined in practice however we strongly believe we need to start from where we want to be as a sector.

PACEY Cymru are aware that the ability to meet timescales relies on a variety of external factors that are often beyond the control of those held responsible. From the perspective of an early years setting, they would be looking to support the local authority with this duty, which in practice would require input from the setting, the family, their child, the local authority and any other relevant professionals. PACEY Cymru understand that the availability of specialists and timescales for them to produce the relevant reports can be challenging. We are also aware of the shortage of some professionals and services (especially through the medium of Welsh) such as Speech and Language

Therapists, and Educational Psychologists, which unless there is investment in ensuring accessible training for such professions within Wales are unlikely to improve, and will impact on the ability to meet timescales set out in the code.

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There do need to be clear exceptions and expectations placed upon all involved with the understanding that exceptions may apply. PACEY Cymru believe that the exceptions are clear however that this needs to be used in the full context as outlined in the code rather in part as this could be misleading.

Structure of the draft ALN Code

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

PACEY Cymru understand how this needs to be a lengthy document given the remit and breadth of those it applies to.

PACEY Cymru feel that the sectioning of the code into separate chapters is useful as these can then be looked at in isolation depending on the role of the individual or area of interest. We understand that many may feel this leads to replication but do believe this is an appropriate way of doing this.

How this is presented will determine how useful it is to have the code segmented in this way. If this will be an online resource, with easy access to relevant sections then this may work well.

A good example to draw from would be how Social Care Wales are using a new portal for the qualifications list (currently testing), where you initially select the type of setting from a drop down box, and the system pulls out the relevant sections. It would be good to be presented online if you could select your setting type, and then select from a drop down of the relevant chapters to read up on the topic.

An online portal can also be more easily updated to reflect changes or developments and would ensure all those working in the sector have access to the most up to date version.

The flow charts that are included with the code work well and offer a more visual tool. It is sometimes felt these are lost within the wider document and maybe need to be moved to the start of chapters as they appear to capture information in a clear and succinct way.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

PACEY Cymru believe that providing more general guidance or best practice case studies within the Code of practice would risk reducing the Code’s clarity, add to its length and lead to it becoming outdated more quickly as practice evolves. However, PACEY Cymru feel strongly that national, universally accessible guidance should be made available to support the code but separate from it.

There should be links to additional resources which would provide good practice guidance and case studies to highlight best practice around the Code. Whilst there are some links to further information and guidance provided in parts of the code, which are useful to support the illustration of good practice additional resources will be needed to support professional learning and development, upskilling the entire workforce, not just those in maintained education settings.

There are plans for Social Care Wales to place CPD requirements on Childcare and Early Years staff, as well as the existing requirements for school staff. We would suggest a platform for sharing information and resources which could form part of wider support for professional development.

PACEY Cymru feel strongly that this needed to be a national approach rather than being left to individual local authorities to develop which could lead to inconsistencies of approach and interpretation across Wales.

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

PACEY Cymru believe that other organisations have the expertise and direct knowledge to provide a response to this question.

Chapter 2 - Principles of the Code

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

PACEY Cymru strongly believe that as the code focuses on children between the ages of 0-25 that the focus is too heavy on education in 2.1 and needs to reflect ‘care’ more in the underpinning principle within this statement. For children prior to entry to school or non-maintained education the focus would be on care rather than education and needs to reflect the role those providing childcare have to play and to support professionalism of the workforce and wider respect from those working in education. We believe that childcare also appears to be lost more generally within this Code and significantly providers have a role to play around early identification and intervention. The move

towards a code that covers the breadth of all ages is well received however we do not believe that this is reflected consistently throughout the Code with a clear focus on education to the detriment of childcare.

The principles themselves within Chapter 2 that are named are wide reaching to ensure relevance to care and education once the wording in 2.1 is amended as outlined in our proposal above.

Chapter 3 - Involving and supporting children, their parents and young people

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

PACEY Cymru’s view is that this chapter is clear and explains appropriately the duties on professionals of involving children and their parents. There are useful links provided to access further information and guidance on Person Centred practice, however please note that the links showing have since changed. <http://learning.gov.wales/resources/browse-all/person-centred-reviews-toolkit/?lang=en> is redirected to www.beta.gov.wales.

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input type="checkbox"/>	No	✓	Not sure	<input type="checkbox"/>
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Supporting comments

PACEY Cymru believe there are some elements of this chapter that are not clear and wording could be improved. As an example we know that 4.6 and 4.7 link to sections of the Act however the code needs to explain the difference between these more clearly. In principle there does appear to be some contradiction between these statements.

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

PACEY Cymru believe, in line with previous comments, that although the guidance is clear it is overly school focused and does not take into account the need for collaborative working and support for those providing care and education for children before statutory school age. For example 5.24 needs to promote the role of the early years sector and how LA's have a role to play around support, development, training etc across each of the bullet points.

Chapter 6 - Advice and information

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

PACEY Cymru strongly believe that there is a need to ensure a joined up and consistent approach to advice and information across Wales. We know that previously many of the Early Support resources were available and gave information and advice to providers, schools, other professionals as well children and their families. There is a place for national information and advice that then links to services and support available at a local or regional level and the importance of this should not be overlooked.

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input checked="" type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Please see wider comments below on the chapter but in relation to 7.15 and 7.16 PACEY Cymru feels the focus here on education for under 3's is wrong. For any children of this age it would be childcare provision rather than education provision they are accessing. Childcare can be accessed at a range of different settings, including home-based childcare (childminder or nanny on the CIW voluntary approval scheme), Cylch Meithrin, playgroup, or day nursery. A mother and baby group would never be classed as either educational or childcare provision as the parent is there with the child (these are referred to as parent/carer and toddler groups in the current age as more inclusive). Regulated childcare definitions are clearly defined in legislation and this is what needs to be referred to here.

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The language even when it is specifically for below school age is still very school based. We have commented on this in previous consultations where we found the Draft Additional Learning Needs Code sets out the duty Local Authorities have in favouring educating children in mainstream schools, including maintained nurseries. PACEY Cymru believe that further clarification is required to define what this means in relation to pre-school children where the definitions and use of terminology between care and education are more blurred to avoid varying interpretations of this for children before the compulsory education age.

There is ongoing work in the early years sector looking at a more joined up approach between ‘Early Childhood Education and Care (ECEC)’ and this is gaining strength. The principles of this work need to be considered in the content of the Code to ensure that it is fit for purpose.

7.60 includes reference to various agencies that could be involved in identifying and supporting children with ALN which included; *providers of non-maintained nursery education and their umbrella organisations*; PACEY Cymru strongly feel that ‘childcare providers and their umbrella organisations’ needs to be added to this list.

The flow chart at the end of Chapter 7 ‘*does the child below compulsory school age have ALN*’ is, to us, much easier to read than that first section of Chapter 7 and we would suggest the flow charts come earlier in the chapters where they are used.

PACEY Cymru would also like to raise the point around curriculum changes in coming years in Wales which are likely to lead to less clear definitions between stages and less clear transition points which need to be considered to future proof the Act and associated Code.

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

No comments to make

Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

PACEY Cymru have commented on a point around the favouring of maintained provision in previous consultations. The Draft Additional Learning Needs Code sets out the duty of Local Authorities to favour mainstream maintained education. As this description is within a section specifically for children below compulsory school age PACEY Cymru believe that further clarification is required to define what this means in relation to pre-school children where the definitions and use of terminology between care and education are more blurred to avoid varying interpretations of this for children before the compulsory education age.

PACEY Cymru advocates for parental choice and a child-centred approach, which places the needs of the child on an individual basis first. In this respect, the ALN Code should allow for consideration on an individual basis of the most suitable approach, format and setting to meet the needs of a child in the pre-school years. Whilst it is extremely important that all settings are inclusive and open to children with ALN, not all children thrive in a formal education or mainstream setting specifically in the early years. Assessment of the needs of a child should be focused on their needs and interests, where children and families identify alternative options would better meet their needs, these should be available.

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

PACEY Cymru strongly believe that clear timescales need to be in place and that these need to be set around the best interests of children and their families rather than being influenced by current issues which we are aware of can impact the time it takes to prepare a plan. We are aware of issues that have been raised at the consultation events that can impact on the development of a plan but do feel that these should be clearly set in line with a national vision and be consistent. PACEY Cymru would therefore support the timescales outlined.

Deciding whether it is 'necessary' for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

PACEY Cymru believe that other organisations have the expertise and direct knowledge to provide a response to this question given the age range focus on this element.

Chapter 13 - Content of an IDP

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

In chapter 13 1A.12 (before 13.17) PACEY Cymru would query the use of the term 'capacity issues' is there a more widely used and inclusive term that works for the sector? If this is a person-centred approach, then the child and parents would be involved in preparing this document, terminology such as 'capacity issues' is very demeaning, (medical model rather the social model of disability).

We understand that section 1C should be flexible to what is important to the individual, and that a good one-page profile can take many forms. It would be extremely beneficial if there were a link to some further guidance / examples of one-page profiles and supporting resources however understand that this may need to be separate to the Code in an associated best practice guidance document.

13.48-13.49 suggests that a maintained school must be named, then in contrast 13.53 does then add that this section can be marked not applicable. If the child is 3 years or below would this section be marked N/A? It may be clearer to say (if applicable) earlier on in this section, as the emphasis on the term must in 13.48 may be misleading. This section needs to be clearer.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

See comments above

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

PACEY Cymru found the introduction 13.1-13.5 clear. However, the sections relating to the information to include within the template are best read with a copy of the template at Annex A to hand and this needs to be clearly noted.

Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

PACEY Cymru believe that transport arrangements to support children with an IDP to access childcare settings and non-maintained education providers need to be considered in this section of the Code. The focus needs to include care alongside education in line with previous comments.

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

PACEY Cymru believe that other organisations have the expertise and direct knowledge to provide a response to this question given issues that were raised around this at the consultation events.

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

PACEY Cymru believe that other organisations have the expertise and direct knowledge to provide a response to this question given issues that were raised around this at the consultation events.

The Designated Education Clinical Lead Officer (“DECLO”)

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

PACEY Cymru believes that this guidance is clear but understand from consultation events that there was some confusion around this so other responses may support some positive amendments.

Chapter 16 - Review and revision of IDPs

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

No comments to make

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

PACEY Cymru believe that other organisations have the expertise and direct knowledge to provide a response to this question given issues that were raised around this at the consultation events.

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

PACEY Cymru believe that other organisations have the expertise and direct knowledge to provide a response to this question.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

PACEY Cymru believe that other organisations have the expertise and direct knowledge to provide a response to this question given issues that were raised around this at the consultation events.

Chapter 18 - Meetings about ALN and IDPs

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

PACEY Cymru support the focus on person centred practice within this Chapter.

Chapter 19 – Planning for and supporting transition

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

In line with previous comments the focus on educational provision in 19.1 needs amending given that children under the age of three (or four for those accessing funded education provision in a non-maintained setting) will be accessing childcare provision and both need to be referenced.

Under potential transitions under 19.4 PACEY Cymru would suggest an amend to the list to:

- childcare settings
- non-maintained education settings
- primary school
- secondary school
- post-16 education
- post-19 education
- Special and mainstream education settings

This will ensure parity of children undergoing transitions in childcare and non-maintained settings and differentiates between settings in the early years providing childcare or education (or both).

In section 19.3 PACEY Cymru would query the higher importance of transitions within an education setting. The importance of transitions in the early years into childcare provision should not be overlooked and seen as any less important. We would suggest that 19.3 is amended with the example removed.

Similar to above comments 19.16 does not reflect the importance of the initial transition into childcare provision and this needs to be included in the bullet points. PACEY Cymru also query the 'year1' written against the 'compulsory education' bullet in the Code in this section. Compulsory education in Wales is from the school term following the child's fifth birthday which is usually within the reception school year. We would suggest:

- into childcare provision
- into nursery education (in maintained or non-maintained provision)
- into compulsory education (from the school term following the child's fifth birthday)
- from foundation phase to key stage 2 (from Year 2 to Year 3)
- from key stage 3 to key stage 4 (Year 9 to 10)
- into post-16 education (Year 11 to 12)
- from compulsory education to independent living.

Transitions is an important consideration when planning childcare which is sensitive to the emotional needs of babies, young children, and children with additional learning needs. As there are a number of programmes and initiatives administered separately there is a risk that vulnerable children, including those with ALN, can pass through a number of transitions between different childcare providers in their early years. PACEY Cymru would again advocate parental choice here and the importance of enabling children to access funded childcare and early education where they are already settled, provided the setting is registered and able to meet the relevant quality requirements.

Chapter 20 - Transferring an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

PACEY Cymru believe that other organisations have the expertise and direct knowledge to provide a response to this question.

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

PACEY Cymru believe that other organisations have the expertise and direct knowledge to provide a response to this question.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

PACEY Cymru believe that other organisations have the expertise and direct knowledge to provide a response to this question.

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

PACEY Cymru believe that other organisations have the expertise and direct knowledge to provide a response to this question.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

PACEY Cymru believe that other organisations have the expertise and direct knowledge to provide a response to this question.

Chapter 22 – Children and young people subject to detention orders

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

PACEY Cymru believe that other organisations have the expertise and direct knowledge to provide a response to this question.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

PACEY Cymru believe that other organisations have the expertise and direct knowledge to provide a response to this question.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

PACEY Cymru believe that other organisations have the expertise and direct knowledge to provide a response to this question.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

PACEY Cymru believe that other organisations have the expertise and direct knowledge to provide a response to this question.

Chapter 23 - Children and young people in specific circumstances

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

PACEY Cymru believe that other organisations have the expertise and direct knowledge to provide a response to this question.

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

No comments to make.

Chapter 25 - Avoiding and resolving disagreements

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

PACEY Cymru believe this appears to be appropriate however we do recognise that other responders, with more direct experience in the area around dispute resolution, are better placed to comment on this section.

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

PACEY Cymru believe this appears to be appropriate however we do recognise that other responders, with more direct experience in the area around dispute resolution, are better placed to comment on this section.

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

PACEY Cymru believe this appears to be appropriate however we do recognise that other responders, with more direct experience in the area around dispute resolution, are better placed to comment on this section.

Chapter 27 - Case friends for children who lack capacity

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

PACEY Cymru believe this appears to be appropriate however we do recognise that other responders, with more direct experience in the area around dispute resolution, are better placed to comment on this section.

Any other comments

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.

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Part 2 of the consultation: 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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

PACEY Cymru believe that other organisations have the expertise and direct knowledge to provide a response to this question given issues that were raised around this at the consultation events.

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

PACEY Cymru would agree that this would be a valuable role but that it also should encompass supporting younger children before statutory school age and so has a remit wider than education potentially. This would ensure a holistic and joined up approach and support transitions for LAC.

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

PACEY Cymru believe that other organisations have the expertise and direct knowledge to provide a response to this question.

(c) Proposed revisions to the Part 6 Code

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

PACEY Cymru believe the draft revisions are clear. However on the wider content of this, in line with previous comments, there is a clearly education focus and wider consideration needs to be given to childcare to ensure a holistic and joined up approach. As an example point 97 focuses on educational provision however quality childcare would have a role for younger children. This is wider than the amends though.

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

However please see comment above on a more general statement on this.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

See comment against question 57 above.

Part 5 of the consultation: Impact of proposals

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

These proposals support opportunities to ensure a joined up and consistent approach across Wales and clearer guidance around the need for child or parental choice through a person centred approach. This adds strength to issues that have previously been raised by the sector. PACEY Cymru advocates parental choice in accessing childcare, there is a wide range of different childcare providers and services available and it is important to work with families to identify which service is best suited to meeting the needs of their child. PACEY Cymru are concerned to note that some procurement processes can exclude certain types of childcare setting as they are weighted in favour of the number of children a setting can care for and so smaller settings, including childminders, can miss out on opportunities. This can impact on continuity of care as children who are settled have to move to childcare that is funded. For more vulnerable children and children with additional learning needs this does not appear to support their well-being. PACEY Cymru would always advocate that quality of care, not quantity of children, should be the priority consideration in any process involving the arrangement of funded childcare and commissioning. PACEY Cymru would like to ensure that choice of childcare available for parents under such circumstances would include registered childminders. A quality childminder providing care with a small number of children within a home-based environment can offer a nurturing environment for vulnerable children and a flexible service to meet the needs of children and parents.

In addition it is also beneficial to consider how support for children with ALN fits with other policies and initiatives which are involved in funding childcare places and a clear code adds weight to the need to ensure a universal approach to funding provision for children with ALN. PACEY Cymru understands that there are a number of different funding programmes, initiatives and circumstances in Wales which currently include funded

childcare, including for children with ALN. The administrative arrangements for these can vary in different local authority areas, and fall under a number of funding streams or programmes involving a variety of staff teams. In some programmes such as Flying Start there is an element of childcare expertise within the staff teams, however for others this can fall within the remit of a variety of professionals where childcare is not their area of expertise. It will be beneficial to ensure that those tasked with administering such schemes are also aware of and understand local authority arrangements according to the ALN Bill and Code of Practice.

Close consideration needs to be given to training and support that will be required for those working in childcare and early years in relation to the changes these regulations and the Code brings. This is one of the reasons why it is essential to ensure parity in terms used around education and care within the Code to ensure it meets the needs of the sector and opens up access to training opportunities which otherwise may only be available to those in educational settings/schools.

PACEY Cymru believe that investment in the sector through support, guidance, training and access to funded referrals schemes can only benefit children and their families through access to high quality childcare and early years provision.

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

No comments to make.

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 comments to make

Question 65 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

n/a

Respondent Details

Information	
Name	Adult Therapy Services
Organisation (if applicable)	Cardiff and Vale University Health Board

Part 1 of the consultation: The draft ALN Code**Chapter 1 - Introduction**

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

These definitions are useful and reduce any ambiguity in interpretation.

Timescales

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

A defined period is helpful but needs to be reasonable and achievable. The use of the word 'prompt' is unclear and may be misleading. A suggested alternative would be, 'without avoidable delay'.

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Structure of the draft ALN Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Some cross reference is still needed, but this is much more achievable.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 3 - Involving and supporting children, their parents and young people

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 6 - Advice and information

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

7.22 Usefully clarifies the position of those with a disability making use of facilities, although there needs due consideration about how the environment may ‘disable’ the child or young person in considering access etc.

7.30 Relating to Healthcare needs makes reference to ‘children and young people will have Continuing NHS Healthcare.’ This is incorrect as all children and young people under 18 years have Continuing Care provision not Continuing Healthcare provision. This is because WG states that though the underpinning guidance is essentially the same for children and young people and adults, the decision-making and delivery would be very different. This is because though the health need may be the primary reason for a package of care they would be likely to need multi-agency provision from social services, education and possibly third sector.

This requires correction as there are funding implications for NHS bodies associated with this error.

7.31 Recognises the indirect impact on education of some health conditions which is helpful.

7.60 Refers to external agencies which can support the process of deciding whether a person has an ALN and determining the ALP required. There are a range of external agencies suggested. Although there is reference that they may assess, what is appropriate must be identified by the NHS body in the case of healthcare. It should be noted that the Act Section 20 (4) makes reference to this and states that , ...the NHS body must consider whether there is a relevant treatment or service that is likely to be of benefit...’.

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Deciding whether it is ‘necessary’ for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 13 - Content of an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Section 3c Transition The reference here implies that this is specifically about transition from one setting to another. It is worthy of note that this may be at age 18 but will also be when the young person is 25 leaving an FEI or similar institution. In addition this should refer to healthcare provision where the young person’s moves from Child Health services to Adult services. This also includes changes in provision and responsibilities relating to Continuing Care.

Transport

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

In order to consider transport needs it is important to include individual access requirement rather than state specific need based on the current equipment in use. For example a learner may currently be using a manually propelled wheelchair but may require an electric powered chair in future. It may also be that a change in setting necessitates a change in provision for example if a learner changes from an electric powered chair to a sit-to-stand chair.

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

15.31 States: The NHS body must²⁶ comply with the duty to inform of the outcome of its consideration (described in paragraphs 15.29 – 15.30 above) promptly and in any event within the period of six weeks from receiving the referral. But the requirement to do so within that six week period does not apply if it is impractical for the NHS body to do so due to circumstances beyond its control.

This target is in conflict with the Referral to Treat (RTT)Targets set by Welsh Government of 14 weeks for Therapies. There is the potential for clinical care to be compromised in order to meet the proposed ALNET target. Clarity over which of these targets should be prioritised is required.

Further this target appears to be a ‘roll over’ of the previous SEN target. There does not, however, appear to be evidence as to whether that target was appropriate or achievable previously. Implementation of this may lead to raised expectation from children, young people and families which may not be appropriate or achievable.

Section 15.14 makes reference to ‘if the request is urgent’ There is concern that this will further exacerbate the pressures, and the competing interest of ALNET targets on RTT targets.

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The concerns raised in the previous section (Q 22) also apply. Further It appears that exceptions relate to the unavailability of the child or young person and not any barriers to provision.

In addition There appears to be an introduction of the ability for FEIs to refer to NHS bodies. This is a new development. Although this may be for advice and guidance it , once again, puts pressure on services and may result in other services being compromised, in the absence of additional capacity to accommodate this.

The Designated Education Clinical Lead Officer (“DECLO”)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The specific reference to a ‘medical practitioner’ may lead to a bias towards doctors rather than using the wider and more inclusive ‘clinical practitioner’.

This role is extensive and requires a high level of skills and experience to undertake the duties identified. This is, however, only identified in section 15.41 as the skills and experience that the DECLO ‘should have’. This together with section 15.42 would benefit from being changed to MUST, in order to reflect the requirements of the role and this change should also be considered for ‘Partnership Working’ section 15.43 to 15.45.

Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There is some lack of detail in relation to the review periods. The initial review being a minimum of annually. This will be limits the ability to update and amend IDPs but also will put additional pressure on services to comply.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

See concerns raised in Q 25

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There is reference in this section to professionals attending meetings which, in addition to creating further service pressure, also may be inappropriate. There needs to be mechanisms to feed into meetings, but this may be done through broader representation, virtual attendance or reports. This should not be constrained but recognise broadening technology and also a desire for ongoing communications rather than single point of focus.

Chapter 19 – Planning for and supporting transition

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There is concern about the changes to Post-16 specialist placements identified within the February 2019 updated FAQs. These identify changes to the existing system including Local Authorities taking over responsibility for securing specialist provision from Welsh Government, with Careers Wales continuing to provide advice and guidance on options but no longer undertaking the delegated role of assessment from Welsh Government. The identified provision is also stated as being maintained at existing level. This fails to recognise the predicted increase in population and of those with complex needs.

Chapter 20 - Transferring an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

AS previously mentioned there has been anew introduction of the ability of FEIs to refer to NHS bodies for which there is no additional capacity.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

But previous statements about timelines also apply here.

Chapter 23 - Children and young people in specific circumstances

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 25 - Avoiding and resolving disagreements

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This section put considerable onus on the work of the LHBs 'Putting Things Right@ Teams working with the DECLO.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Again providing information for Tribunals will create service pressures elsewhere, potentially compromising care where additional capacity is not made available or formal prioritisation of WG targets clarified.

Chapter 27 - Case friends for children who lack capacity

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Any other comments

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

There is mention throughout this document of partnership working, however, there is limited detail of the enablers to achieve this. Cross sector working to achieve care that meets need as close to the child as possible requires ‘upskilling’ of Teaching Assistants with support from NHS providers for escalation. This cross sector working would also benefit from pooling of resources to achieve this.

Part 2 of the consultation: 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

There is direct competition between Welsh Government targets as previously stated. This 6 week target is in direct competition with the Referral To Treat (RTT) targets, set at 14 weeks for Therapies. Lack of additional capacity will result in prioritisation which may impact on clinical care provision.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

See above

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(c) Proposed revisions to the Part 6 Code

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 5 of the consultation: Impact of proposals

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

There is potential for closer inter-organisational partnership working to create a more seamless pathway for children and young people. This is only achievable where a needs based approach is taken. This will help to address concerns expressed by families during approach to transition, in particular, feeling like a ‘cliff edge’.

In order to facilitate this there needs to be a more resourced focus joined up approach with pooling of funding where appropriate.

Areas of concern continue to be timescales and competing mandatory targets.

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

This bilingual approach spotlights the need for access to Welsh Language services, and for those to address and potential deficits.

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?

There is the potential for this to drive the change for more equitable access.

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 are clear implications for implementation of the Equality Act, and also to recognise the importance of adopting a lifestyle based approach. There is mention of voluntary organisations being signposted to in Section 64 (5) of the Act but this has not been focussed on for those in or post compulsory education. The benefits of supporting people to take-up activities and opportunities of interest and benefit to them as lifestyle choices has not been brought out but would be of potential benefit from the basis of mental and physical wellbeing. A over emphasis on health provision as a young person matures into an adult and their needs change may not be in their best interests.

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes, the guidance is very clear, especially if footnotes are included to provide additional information. Training in settings would be needed where ALL practitioners are made aware of this change in terminology as well as the possible implications should they not abide by the terms in the Code. Relevant persons would need to know how they are to demonstrate their reasons for not abiding by guidance.

Timescales

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes, having clear and prompt timescales is beneficial to all involved.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes, as long as ALL relevant persons interpret 'promptly' in the same way. An agreed timescale would need to be agreed upon to avoid unnecessary delays in planning and establishing the provision required.

For example, one colleague may interpret ‘promptly’ as a matter which needs to be prioritized but another colleague may think that a matter can be dealt with at their earliest convenience, prioritizing other responsibilities.

Structure of the draft ALN Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes, the chapters are clear and easy to follow.
However, the content of Chapter 7 would be better placed at the beginning to enable relevant persons to read and understand the definition of ALN and ALP before the chapters where these acronyms are applied.
The lack of use of ‘early years’ within subheadings is a concern. If children attend day nurseries, crèches, childminders and so on, before attending schools, these should be discussed first?

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes, this is very useful and should be easily accessible for all relevant persons.

Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes, there are an excellent set of principles as children’s rights and early intervention are very evident. It may be challenging for some practitioners to consider these principles in their practice however. These principles should be a fundamental part of the training required to upskill workers.

Chapter 3 - Involving and supporting children, their parents and young people

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

No, not enough wording which is specific to early years.
There is a need to add early years' settings within some sentences where schools are also mentioned for clarity. Early years practitioners need to be able to identify duties which are specific to them.

Chapter 6 - Advice and information

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

As for question 8, early years settings need more of a mention. Why are they are not included where schools and FEIs are mentioned? For example 6.3 and 6.4
Nurseries are given some attention in sections 6.13 and 6.16 – some consistency required.

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes, but as already mentioned, the chapter itself needs to appear first.
Yes, ALN is explained clearly but perhaps a summary of the definition from the Education Act 2010 could be included somewhere within the Code?
There is a concern that not all relevant persons will seek out information on legislation for themselves, or may use inappropriate sources via the Internet.

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

No, it is unclear as to why the Early Years ALN Lead Officer would not need to have prescribed qualifications and experiences as clearly defined for the ALNCO.
 The role itself sounds as if it could be far more challenging, having to be responsible for several children within the same local authority.
 It could be argued that the EY ALN Lead Officer should also be a graduate which demonstrates sound knowledge and understanding of normative child development as well as different signs and symptoms of ALN. Experience of leadership skills and teamwork would also need to be considered. Childcare qualifications are included on Social Care Wales' list of recognised qualifications. It would be useful for suggested prescribed qualification for this new role to be included on this list also. Having clearer expectations would be most beneficial for FEIs and HEIs which deliver childcare programmes as their aim is to ensure their students/graduates become employable. The programmes they deliver could be validated to ensure their content could help prepare students for this role in their future. Therefore, the type of qualification and preferred level/length of experiences needs to be far clearer.

Duties on schools, FEIs and local authorities

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

As for question 3, if all relevant persons are in agreement and have the same understanding.

Chapter 13 - Content of an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

This would depend on whether or not the child does have input.
This could work if all relevant persons abide by the principles (children's views and rights).

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Overall, the structure of the IDP is appropriate but its current appearance is not child-friendly, especially if we are to include children in the process.
Could settings amend backgrounds/format as long as the necessary information was included?

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Some clarity needed with the list of professionals expected to help with the planning, monitoring and reviewing of IDPs.

Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Some clarity needed to explain the role of the EY ALN Lead Officer and ALNCO when reviewing IDPs.

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes, as long as all relevant persons are made aware of the proposed time periods and review dates are agreed upon.

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

Chapter 19 – Planning for and supporting transition

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Good to see consideration of transitions from pre-school settings to primary schools.

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes, content is clear.

The examples of possible scenarios should help practitioners understand why IDPs may no longer be necessary.

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Highly qualified suggests graduate level or above – a list of accepted qualifications could be suggested. Also, leadership experience needs to be clear as the ALNCo will have a supervisory role in managing training of support staff.

What type of specialist skills and knowledge would be required?

What type of training? Who will deliver this training?

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes, but a list of recognised qualifications would be useful.

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes, as long as all relevant persons understand that this should not be carried out in isolation and that it would be expected that support would be expected.
There would need to be a team around the ALNCo.

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

Part 5 of the consultation: Impact of proposals

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

This will vary from setting to setting and from practitioner to practitioner.
Training will be essential and will need to be planned, coordinated and delivered in a timely manner.
There is a concern that information on the new legislation and Code being cascaded by those who attend consultation events and so on could be misinterpreted.
All relevant persons need opportunities to attend training events independently and not have to rely on line managers/colleagues etc.

Content of FEI and HEI programmes, such as teacher training programmes and Early Years qualifications should have appropriate and relevant information on the legislation and Code.
Courses and programmes where placement/vocational experience is compulsory should have consideration for children with ALN.

Students in the field of childcare/education should have opportunities to study modules with an ALN focus.

We would also need to ensure parents/practitioners/communities understand changes in terminology, e.g. SEN – ALN.

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

Proposed documentation should not be published or shared until made available in both languages.

Respondent Details

Information	
Name	Anonymous
Organisation (if applicable)	PLANTOS

1. Training for EY should be free and accessible
2. EY are struggling to fund training
3. Who deems what is "significant learning needs"
4. Do not put more work on EY - we can only input from what we see
5. EY professionals can only refer is parent consents - if they do not consent, nothing is done until child gets to school. A year at least is wasted where the child does not get support. We cannot provide support as we do not know what the needs are. Loophole. Is it not the right of the child to get that help from as early as possible - that right not being given is parent does not consent.

Respondent Details

Information	
Name	Anonymous
Organisation (if applicable)	

I write in response to the consultation on the Draft Additional Learning Needs (ALN) Code for Wales.

Too many deaf children and young people in Wales are not getting the support they need to reach their full educational potential. Indeed, Welsh Government statistics demonstrate attainment gaps between deaf learners and their peers at every Key Stage. It is essential that the new Additional Learning Needs Education Tribunal Wales Act changes this and ensures vulnerable deaf learners are appropriately supported in the future.

For this reason, I would like to lend my support to issues raised by the National Deaf Children's Society Cymru. In particular, I wish to highlight the following points:

1. As the professionals responsible for drafting and co-ordinating support plans, it is essential that ALNCo and Early Years ALNLOs receive basic deaf awareness training.
2. I'm disappointed that the Code removes the need for careers advisors to be invited to key planning meetings for learners with additional needs. The new ALN Code should enhance existing duties around careers advice for vulnerable learners; not reduce it.
3. Where deaf learners have to travel to access appropriate support, it is vital that transport needs are met. I am disappointed that the draft Code does not sufficiently address this issue.
4. It is vital that appropriate specialist professionals, such as Teachers of the Deaf are included in a deaf child's assessment. I would like a statutory obligation to include Teachers of the Deaf in a deaf child's assessment, as in the English Code of Practice.
5. Health professionals such as audiologists and speech and language therapists play a crucial role in supporting a deaf child. I am concerned that Annex C of the Code does not enable health professionals to provide sufficiently detailed input for a learner's assessment.
6. It is important that families have a clear understanding of their rights should they be unhappy with a support plan. At present, these rights are confusing.
7. The template for the support plan needs to be improved to ensure that descriptions of support is appropriately detailed.
8. It is important that learners do not experience delays in getting the support they need. As such, the exception enabling authorities to operate outside of the set timeframes for reasons of impracticality must not be open to abuse.

I would be grateful if you could take these points on board in finalising the ALN Code for Wales.

Respondent Details

Information	
Name	Jayne Taylor
Organisation (if applicable)	BATOD Cymru

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Must and must not– yes this means a definite

Should and should not– this is ambiguous and open to interpretation by heads and senior management

Timescales

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Terms in general were clear with good footnotes.

The term 'may' is ambiguous

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

No need to wait for all documents and advice to be in. The time constraints are very important

Structure of the draft ALN Code

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Heavy document, overwhelming, an overview and user friendly (ie for parents) would be very useful and for

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

5:1 and 5:6 should have must rather than should .

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 3 - Involving and supporting children, their parents and young people

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

NHS need to have training in what this entails specifically – this is new to most people who work in education and health

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Specific reference should be made for the qualification of ‘Mandatory Qualified Teacher of the Deaf, VI and MSI.’ This is the correct wording not specialist teachers of learners with hearing impaired or visual impaired. The MQTOD, VI, MSI - needs to be in the glossary. If you want leave in the wording specialist teachers of learners. We need this defined as a teacher with a mandatory qualification.

Chapter 6 - Advice and information

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

No – it is not specific enough with categories – what is the code classifying as a hearing impairment. What does ‘have a significant effect on their everyday lives’ actually mean?

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	<input checked="" type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This notes that evidence should be collated by the qualified teacher of the deaf this is a positive

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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 (spelling error) have the appropriate experience and expertise to meet the expectations of the role)?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

What qualifications does this person need? Who would employ this person? What number case load would this person hold? Who would refer to this person?

This is a really good new role.

Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Deciding whether it is 'necessary' for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

12 week time scale is a huge responsibility and heavy role for the ALNCo.

Chapter 13 - Content of an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This needs to be added to the code – and needs to be more specific

The Designated Education Clinical Lead Officer (“DECLO”)

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This is obviously a new role so difficult to say if the guidance is accurate.

Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 18 - Meetings about ALN and IDPs

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 19 – Planning for and supporting transition

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 20 - Transferring an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There are lots of suggestions in this section and decisions to be made by the school. There are qualifications available.

The ALNCo – MUST BE GIVEN ENOUGH TIME

Training is so important.

ALNCo needs to know about access to Mandatory Qualified Teachers of the HI, VI and MSI and use these service available.

Chapter 25 - Avoiding and resolving disagreements

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 27 - Case friends for children who lack capacity

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Any other comments

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.

+ Define the qualification that is required for specialist teachers for HI, VI and MSI – this could be done in the glossary – stating that this specialist teacher needs to have a mandatory qualification in sensory impairment (HI, VI or MSI)
+ Not an easily accessible document. Still open to interpretation. It needs to be summarised into a smaller document especially when it comes to providing information to parents and those not so familiar with terminology and processes involved

Part 2 of the consultation: 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(c) Proposed revisions to the Part 6 Code

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 5 of the consultation: Impact of proposals

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

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

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?;
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

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.

Respondent Details

Information	
Name	Anonymous
Organisation (if applicable)	Radnor Valley Primary School

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

A useful distinction which makes clear what we as a Governing Body need to do.

Timescales

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Ensures in 1.32 that there may be times when it is not possible to comply with fixed 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Structure of the draft ALN Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Detailed and well set out

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The person -centred practice approach is well explained and the relevant links to resources is useful.
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Chapter 3 - Involving and supporting children, their parents and young people

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 6 - Advice and information

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

6.17 is particularly important for Governors. We need access to information that is easy to find and regularly updated.

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

7.10 -7.11 Good, clear 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The list of external agencies in 7.60 is useful for ALNcos to have.

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

Duties on schools, FEIs and local authorities

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The examples given are useful in making things clear e.g. in 9.43.

(chapters 10,11,12 N/A)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Timescales are confusing. It says IDP's should be finalised within 35 days but the ALNco may need to have to rewrite it again once specialist has seen pupil. This puts an extra burden on the ALNco.

LA time has been cut from 26 weeks to 12 weeks. If part of this is during school holidays, gathering of information could be delayed. This would maybe also apply to pupils moving from another Authority. Because SA and SA+ are going to be statutory, it will mean the ALNco will have to spend a lot of time chasing up information from other bodies in order to comply with time scales. This may prove difficult when ALNcos have a large teaching commitment too.

Deciding whether it is 'necessary' for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

Chapter 13 - Content of an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The IDP is perhaps too detailed. Would be very time consuming in a school with a large number of ALN pupils to complete and review.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

As above

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transport

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

The Designated Education Clinical Lead Officer (“DECLO”)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

Chapter 16 - Review and revision of IDPs

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

See Question 16

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Particularly useful information for new ALNcos /Headteachers. Clearly explained.

Chapter 19 – Planning for and supporting transition

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Good examples given of how transition can be approached.

Chapter 20 - Transferring an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Again, time scales are confusing.

Chapter 22 – Children and young people subject to detention orders

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

Chapter 23 - Children and young people in specific circumstances

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

N/A

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Role clearly set out and ‘must’ ensures ALNCo is sure of his/ her responsibilities. However, now that SA/SA+ will be taken away and all IDP’s will be statutory and given that timescales are tight -ALNcos will find it difficult to have time to chase up paperwork and arrange meetings with other professionals. This may mean that it will be more difficult to recruit ALNcos.

Chapter 25 - Avoiding and resolving disagreements

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Explained well.

Chapter 27 - Case friends for children who lack capacity

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Case friends are to be welcomed as they allow the pupils to have their say on what is being decided about them.

Any other comments

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 general, the Draft Code is well set out and the use of ‘must’, ‘should’ etc ensures we as a Governing Body are well informed on what our responsibilities are. Hopefully the resources and information leaflets mentioned in the Draft Code will be easily available to schools and, more importantly, will be regularly updated.
Schools will need to ensure ALNcos are well trained and are given enough time to meet their statutory duties regarding time limits.

Part 2 of the consultation: 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

All clearly laid out.

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The opportunity to consider alternative dispute resolution is a positive step.
‘Case friends’ will ensure all children are listened to.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The time scales need to be realistic to ensure everyone involved has time to gather information. Timescales are needed to ensure there will be no delays in the process of working out what is best for the child.

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

NHS bodies need a strict timescale as it is often information from them that is difficult for schools to access within a reasonable time frame.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It is what SENcos are already doing, so won't be a big change. It is the time needed for completing what are now statutory tasks that will be important for schools to determine.

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Guidance on using the form is clear.

(c) Proposed revisions to the Part 6 Code

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Requirements are clearly explained.

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It is important for schools to understand the role of the LACE co-ordinator and how they can support those schools that have Looked After Children.

Part 5 of the consultation: Impact of proposals

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

**The mandatory requirements will ensure that the system will be applied consistently. There is some flexibility for schools within the code.
Involving pupils is important and the proposals take this into account.
There will need to be training for new and existing ALNcos and on going support throughout the transitional period.**

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

There are opportunities throughout for procedures /meetings to be carried out using the Welsh language.

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No changes necessary.

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.

Respondent Details

Information	
Name	Rose Whittle
Organisation (if applicable)	Cardiff and Vale University Health Board

Part 1 of the consultation: The draft ALN Code**Chapter 1 - Introduction**

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The draft code's clarification of the meaning and colour coding of 'must', 'may' and 'should' is valuable in making it explicit where statutory duties lie.

Timescales

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

A defined period is helpful but needs to be reasonable and achievable. The use of the word 'prompt' is unclear and not defined.

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Structure of the draft ALN Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Some cross reference is still needed, but in general it is possible to navigate.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Not able to comment

Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The UHB is supportive of the fact that the draft code acknowledges the importance of early intervention. This is in keeping with the evidence base particularly for language development. Improved transition arrangements are also welcomed.

Chapter 3 - Involving and supporting children, their parents and young people

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It is positive that the draft code emphasises the need to inform, engage with and treat pupils with ALN and parent/carers as partners in order to identify and provide to meet their needs. This is comparable with the principle of co-production within Prudent Healthcare

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Pleased to see the duties for both of these central to the code.

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This is welcomed as needs change over time and for Health this may have a significant impact on what is required to be delivered to meet outcomes.

Chapter 6 - Advice and information

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

7.10

The draft code makes it clear that schools and LAs are expected to provide a differentiated approach in order to meet pupils' needs and this does not constitute ALN. The draft code clarifies that additional learning provision (ALP) is educational provision which is not generally available. As schools work on language skills this clarifies that not all language delay will be classed as ALN.

7.22

Clarifies the position of those with a disability making use of facilities, although there needs to be consideration about how the environment may 'disable' the child or young person in relation to access.

7.30

Relating to healthcare needs makes reference to 'children and young people will have Continuing NHS Healthcare,' this needs to be amended.

Children and young people under 18 years have **Continuing Care** provision as per Welsh Government guidance not Continuing Healthcare provision. This is because WG states that though the underpinning guidance is essentially the same for children and young people and adults, the decision-making and delivery would be very different. This is because though the health need may be the primary reason for a package of care they would be likely to need multi-agency provision from Social Services, Education and possibly third sector.

Without this correction and clarification there will be an assumption that health will provide or fund every 'health' associated need in school. This requires correction as there are funding implications for NHS bodies associated with this error.

7.31

Recognises the indirect impact on education of some health conditions which is helpful.

7.60

Refers to external agencies which can support the process of deciding whether a person has an ALN and determining the ALP required. There are a range of external agencies suggested. Although there is reference that they may assess, what is appropriate must be identified by the NHS body in the case of healthcare. It should be noted that the Act Section 20 (4) makes reference to this and states that , ...the NHS body must consider whether there is a relevant treatment or service that is likely to be of benefit...'

It is unclear what 'likely to be of benefit' actually means and the phrase 'likely to be of **clinical** benefit' would ensure that the decision is based on the identification of a clinical need and benefit to the intervention. Prudent health care requires Health services in Wales to 'Do only what is needed'. This requires Health professionals to base their decision on the need for intervention on clinical need not on likely benefit.

In developing plans for implementation the Health Board will need to ensure both a clear evidence based 'offer' is available to share with Education and with parents/carers and a process to agree whether new and emerging treatments are 'likely to be of benefit'

7.69

Schools, LAs and FEIs who are responsible for developing the IDP can consider the efficient use of resources when deciding on the ALP. This same consideration does not appear to be apply to NHS bodies who have to provide what is likely to be of benefit. It is positive that the draft code explicitly states that only LAs and

FEIs can refer to NHS bodies to identify if there is a treatment or service of likely benefit (Point 15.25) However there are points which appear to contradict this stipulation including point 15.9 which states schools can request information. NHS bodies do not have the capacity to respond to requests from all schools for information.

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There may be issues recruiting an individual who has both the knowledge and experience of strategic working. This post will be a key one which works alongside the DECLO.

Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

How will health professionals know what will meet an individual's ALN when they are not trained education staff and will not know what is a learning need? Health professionals will need a clear summary of the individual's ALN before they can identify a treatment or service which is likely to be of benefit. Point 8.9 places a duty on LAs to seek advice from Educational Psychology in order to decide whether a child has ALN. The outcome of the Educational Psychologists findings should be provided to Health professional in order for them to know the individual's ALN and identify treatment or service which is likely to be of benefit.

It is important that identification of the ALN is not diagnostically led, i.e. because a child or young person has a specific diagnosis they will automatically require a list of services and provision. This must be individual needs led.

9.7

Where, following a referral to an NHS body, the body identifies a **relevant** treatment or service likely to be of benefit in addressing the pupil's ALN, the local authority must describe the treatment or service in the IDP, specifying that

it is ALP to be secured by the NHS body. The addition of the word relevant has significant meaning and indicates a treatment or service which is appropriate to the individual's needs. The term relevant should consistently be included in other statements about the treatment or services NHS bodies are required to provide e.g. point 1.66 and 8.23.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The timescales feel quite short.

Deciding whether it is 'necessary' for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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Chapter 13 - Content of an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The template has a small box for ALN and a much larger section on ALP. This is not intentional but does mean it is easy to see the ALP as the most important element.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Section 3c Transition - the reference here implies that this is specifically about transition from one setting to another. It is worthy of note that this may be at age 18 but will also be when the young person is 25 leaving an FEI or similar institution. In addition this should refer to healthcare provision where the young person moves from Child Health services to Adult services. This also includes changes in provision and responsibilities relating to Continuing Care.

Transport

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

In order to consider transport needs it is important to include individual access requirement rather than state specific need based on the current equipment in use. For example a learner may currently be using a manually propelled wheelchair but may require an electric powered chair in future. It may also be that a change in setting necessitates a change in provision for example if a learner changes from an electric powered chair to a sit-to-stand chair.

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

15.31
States: The NHS body must comply with the duty to inform of the outcome of its consideration (described in paragraphs 15.29 – 15.30 above) promptly and in any event within the period of six weeks from receiving the referral. But the requirement to do so within that six week period does not apply if it is impractical for the NHS body to do so due to circumstances beyond its Control.

15.12

States that a relevant person has a duty to comply within a 6 week period to a request from the LA but it is unclear what the duty actually is. Is it a duty to identify whether there is a relevant treatment which is likely to be of benefit or is it the full identification of the ALP? Point 15.31 states that it is a 'duty to inform' but this again is unclear.

This target is a 'roll over' of the previous SEN target however the Health Board is not measured on this target, so whilst staff work with Education as quickly as they are able there is no evidence as to whether that target was appropriate or achievable previously. Implementation of this as a central point in the Act may lead to raised expectation from children, young people and families which may not be appropriate or achievable.

The 6 week target is possible if the child /young person is already known to and in receipt of Health services, however this 6 week target is in conflict with the Referral to Treat (RTT) Targets set by Welsh Government of 14 weeks for Therapies.

There is the potential therefore for clinical care to be compromised in order to meet the proposed ALNET target. Clarity over which of these targets should be prioritised is required. It is essential that whilst focusing on Children and Young People with ALN this does not cause any unintended discrimination of other groups of children with significant health needs, as a result of prioritisation to adhere to the timescales in the code.

Point 15.7 states that a relevant person has a duty to comply with the LAs request to provide information unless it would have an adverse effect on the ability to exercise its own functions – does this recognise that NHS services have other demands such as RTT times which have to be met.

15.14

Makes reference to 'if the request is urgent' There is concern that this will further exacerbate the pressures, and the competing interest of ALNET targets on RTT targets.

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The concerns raised in the previous section (Q 22) also apply. Further the exceptions relate to the unavailability of the child or young person and not any barriers to provision or availability of health services.

There is also the introduction of the ability for FEIs to refer to NHS bodies. This is a new development. Adult Therapy services have not provided this service before and do not currently have referral pathways in place which would allow this. Although this may be for advice and guidance it, once again, puts pressure on adult services and may result in other services being compromised, in the absence of additional capacity to accommodate this.

The Designated Education Clinical Lead Officer (“DECLO”)

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	✓	No	<input type="checkbox"/>	Not sure
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Supporting comments

The specific reference to a ‘medical practitioner’ is confusing and needs to be amended. Medical will generally mean ‘Doctor’ to other agencies and therefore this will lead to a bias towards the role requiring a medical qualification rather than using the wider and more inclusive ‘clinical practitioner’.

This role is extensive and requires a high level of skills and experience to undertake the duties identified. The individual will require both knowledge of ALN and ability to work at a strategic partnership level to achieve change. This is, however, only identified in section 15.41 as the skills and experience that the DECLO ‘should have’. This together with section 15.42 would benefit from being changed to MUST, in order to reflect the requirements of the role and this change should also be considered for ‘Partnership Working’ section 15.43 to 15.45.

The DECLO cannot be seen as the one person in a Health Board who manages ALN /ALP and will need to ensure that the Health Board has robust structures in place to support the role. In addition there appears to be an assumption that the

DECLLO will be the point of access for parents with any concerns – again this cannot be the case and clear supportive structures, lead roles in services which deliver ALP and links to putting things right will be required.

Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

There is some lack of detail in relation to the review periods. The initial review being a minimum of annually. This limits the ability to update and amend IDPs but also will put additional pressure on services to comply.

It is positive that the draft code enables NHS bodies to request a review of the IDP at any time and that any request to remove or amend the NHS bodies' ALP must be done.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

See concerns raised in Q25

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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	✓	No	□	Not sure	□
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Supporting comments

There is reference in this section to professionals attending meetings which, in addition to creating further service pressure, also may be inappropriate. There needs to be mechanisms to feed into meetings, but this may be done through broader representation, virtual attendance or reports. This should not be constrained but recognise broadening technology and also a desire for ongoing communications rather than single point of focus.

Chapter 19 – Planning for and supporting transition

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	✓	No	□	Not sure	□
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Supporting comments

There is concern about the changes to Post-16 specialist placements identified within the February 2019 updated FAQs. These identify changes to the existing system including Local Authorities taking over responsibility for securing specialist provision from Welsh Government, with Careers Wales continuing to provide advice and guidance on options but no longer undertaking the delegated role of assessment from Welsh Government. The identified provision is also stated as being maintained at existing level. This fails to recognise the predicted increase in population and of those with complex needs.

Chapter 20 - Transferring an IDP

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

Yes	✓	No	□	Not sure	□
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Supporting comments

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Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There has been a new introduction of the ability of FEIs to refer to NHS bodies for which there is no additional capacity.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

But previous statements about timelines also apply here.

Chapter 23 - Children and young people in specific circumstances

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 25 - Avoiding and resolving disagreements

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This section put considerable onus on the work of the LHBs 'Putting Things Right Teams working with the DECLO. Whilst it is absolutely appropriate for concerns regarding health services to be resolved if possible through this route, there is concern that the dual processes may be confusing for parents and young people. Where a parent/carer disagrees with the decision about the service to be provided and challenges the professional evidence base this will be difficult to resolve through 'Putting Things Right'

This will have an impact on the capacity of Health Board Patient Experience teams who do not currently deal with concerns about provision to education on a regular basis.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Providing information for Tribunals within a tight timescale may create service pressures elsewhere, potentially compromising care where additional capacity is not made available or formal prioritisation of WG targets clarified.

Chapter 27 - Case friends for children who lack capacity

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Any other comments

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

There is mention throughout this document of partnership working, however, there is limited detail of the enablers to achieve this. Cross sector working to achieve care that meets need as close to the child as possible requires training and 'upskilling' of school based staff with support from NHS providers for escalation. This cross sector working could also benefit from pooling of resources to achieve this.

Part 2 of the consultation: 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

It is positive that the draft code clarifies that Tribunal will not be able to make a directive on ALP to be provided by NHS body but will require the NHS to respond to any recommendation within 6 weeks.

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

There is direct competition between Welsh Government targets as previously stated. This 6 week target is in direct competition with the Referral To Treat

(RTT) targets, set at 14 weeks for Therapies. Lack of additional capacity will result in prioritisation which may impact on clinical care provision.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

See response above under Q51.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It would be helpful to have a requirement to understand normal Child Development

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(c) Proposed revisions to the Part 6 Code

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Part 5 of the consultation: Impact of proposals

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

There is potential for closer inter-organisational partnership working to create a more seamless pathway for children and young people. This is only achievable where a needs based approach is taken. This will help to address concerns expressed by families during approach to transition, in particular, feeling like a 'cliff edge'.

In order to facilitate this there needs to be a joined up approach with pooling of funding where appropriate.

Areas of concern are highlighted throughout the response and include:

Ability to meet timescales.

Competing timescales.

Resources to fully implement across the age range.

Expectations from partners and parents on health responses.

Dual process for parents on Putting Things Right and Tribunal.

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

This bilingual approach spotlights the need for access to Welsh Language services, and for those to address and identify potential deficits.

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?

There is the potential for this to drive the change for more equitable access.

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 are clear implications for implementation of the Equality Act, and also to recognise the importance of adopting a lifestyle based approach. There is mention of voluntary organisations being signposted to in Section 64 (5) of the Act but this has not been focussed on for those in or post compulsory education. The benefits of supporting people to take-up activities and opportunities of interest and benefit to them as lifestyle choices has not been brought out but would be of potential benefit from the basis of mental and physical wellbeing. A over emphasis on health provision as a young person matures into an adult and their needs change may not be in their best interests

Respondent Details

Information	
Name	David Finch
Organisation (if applicable)	Coleg y Cymoedd

Part 1 of the consultation: The draft ALN Code**Chapter 1 - Introduction**

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Timescales

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Para 1.34 is too limiting in its exception criteria. There will be circumstances when the additional learning provision (ALP) can be described in general terms but when key additional information /evidence is missing this will mean the IDP will lack operational specificity.

Structure of the draft ALN Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This is a well-structured document with clear and appropriate chapter headings. It is easy to follow and provides a careful explanation of the ALN legal framework. When the final Code is published it would be helpful to include an index. From an FE point of view it would also be helpful if all the duties on FEIs could be collected together.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

What plans are in place to review the processes? The Code of Practice will not apply to FEIs until September 2021 and some processes may need revising in the light of operational use in other settings.

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 3 - Involving and supporting children, their parents and young people

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 6 - Advice and information

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Generally the definitions are clear and are in many instances based on definitions contained in the Act. There is a particular challenge for an FEI in relation to what constitutes ALP. Clarity is needed on what is 'universal' and what is 'additional support'. The difference between universal and additional is a concept that will need to be shared and reported to both learners and parents.

In paragraph 7.6 the draft Code states that one of the key questions to ask is: "Does the person have a significantly greater difficulty in learning than the majority of others of the same age?" Although the term significantly is included in the Act it is not clear what the word will mean legally or operationally in practice.

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The explanation is both clear and comprehensive but some features may pose challenges in providing sufficient and appropriate evidence. The areas of behavioural, social and emotional need (see 7.34) provide particular challenges in identifying an ALN need and supporting that judgement with actual evidence.

In 7.58 the draft Code states that if there is an identified lack of expertise amongst the staff of a school or FEI then the school or FEI should consider seeking external advice to support the process of deciding whether the person has ALN. What would be the source of such external advice. Should this be detailed in the Code.

It would also be helpful in this section to include information about what tools/assessment strategies could be utilised to assist in the process of determining ALN.

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The timescales for decisions by FEIOs on ALN and preparing IDPs are neither reasonable nor realistic. Perhaps the timescale for completion should be proportionate to the number of days 'contact' the educational organisation has with the learner. 35 days for a pupil in full time education in school is different to 35 days in an FE College where on average the learner is only present for 3 days (or less) per week.

No consideration appears to have been made for part-time students in FE.

Deciding whether it is ‘necessary’ for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Section 12.27 states “.....provision at mainstream FEIs usually spans no more than two academic years”. Is this statement correct? What data is this based on? Some learners start at Entry 3 and progress to, and complete, Level 3. This would involve learners being in college for 4 years.

Chapter 13 - Content of an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The elements appear comprehensive but this will only be confirmed with extended usage of IDPs. What are the plans to review the mandatory content of IDPs?
 Guidance (including examples) on completing an IDP should be developed. This could be done as part of the Code or as a separate document.
 A general point re IDPs – the Code does not cover any ‘quality assurance’ process of IDPs. Is this something that is worth considering?

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It is clearly outcome focused.
 Section 2A would benefit from the inclusion of sub-headings.
 See quality assurance comment above.

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The guidance is generally clear. This chapter of the Code will probably require revision once IDPs have been in place for a defined period of time. A formal review should take place to ensure that the document is serving the needs of all parties and does not become a bureaucratic instrument. Further guidance is likely to evolve over time.

It will be very important for IDPs to be used and managed as active documents and not wish lists. Should this be referred to in the Code.

It would be very helpful for good practice examples to be developed.

Does the *Person-centred reviews toolkit A guide for early years, schools and colleges in Wales* referenced in 13.32 need revision and updating. It was published in 2015. Is it still current?

Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

There are concerns about workloads if many reviews are due at a similar time. Can increased flexibility be introduced into the review process?

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The Designated Education Clinical Lead Officer (“DECLO”)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 16 - Review and revision of IDPs

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

In the vast majority of cases 35 term, time days will be sufficient.
 What arrangements are in place to pause a review if key information is missing or if a parent or young person chooses not to engage in the process?

What will happen to an IDP if the person is no longer receiving ALP? Does the IDP remain live? Where will it be held? What are the GDPR implications?

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

They are very appropriate and provide a structured framework for ALN and IDP meetings.

Chapter 19 – Planning for and supporting transition

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Section 19.56 Should this wording be strengthened to MUST i.e. FEI staff must be invited to a Year 11 review?

Section 19.62 The requirement that an FEI should hold a review meeting of an IDP as soon as possible, potentially puts an unreasonable demand on a FEI to meet this for the number of learners with IDPs that may all start in the September.

Chapter 20 - Transferring an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

In para 20.12 (Transfer from a local authority to an FEI) what does the word reasonable mean in the following sentence “Such requests should only be made where the local authority believes that it would be reasonable for the FEI to secure the ALP set out in the IDP”.? What evidence would a local authority have to provide to prove its case of reasonableness?

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The model is based on the role of ALNCOs/SENCOs in schools. FEIs operate very differently to schools.

In 24.15 the draft Code states “ALNCOs must secure relevant services that will support the learner’s ALP. Some learners with ALN will need the support of external agencies and professionals. It will be the responsibility of the ALNCOs to liaise with these specialist services”. This requirement places an ALNCO in an invidious position. What happens when/if the specialist services are not able to provide the required service and it is not available elsewhere? What happens if the cost of such a service is unreasonable or unacceptable? The must in this paragraph need to be changed.

Chapter 25 - Avoiding and resolving disagreements

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 27 - Case friends for children who lack capacity

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Any other comments

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.

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Part 2 of the consultation: 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

General feedback is that the proposed ALNCo role follows a ‘school based’ model, that is that teachers are best placed to have ‘a strong focus on leadership’ and are ‘likely to have better access to senior management’ (section 3.6 of Consultation). This is not the same in FEIs. The management structure and access to SLT is likely to look different. It is possible that the individual at a strategic level in an FEI could be named as the *statutory* ALNCo but more than one or a team of staff carry out the co-ordination of ALN in the FEI. Does this fit in with the Code’s proposed Role of the ALNCo?

Should the prescribed qualifications for an ALNCo include a requirement for more specific expertise in dealing with ALN or in specific types of ALN?

In 24.25 it states that “governing bodies of FEIs should consider whether the individual has the requisite experience to carry out the role of an ALNCO.” This is not the responsibility of the governing body of a FEI. It would be the responsibility of senior leaders in an FEI.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Agree that the tasks that an ALNCo must carry out are appropriate but also to note that these form only part of the job description of an ALNCo. An ALNCo in any organisation will have additional duties and responsibilities for all learners with an ALN and not just those with IDPs.

Section 24.15 suggest wording of code changed as unreasonable to state that ALNCoS must secure services over which they have no control. Suggest *must seek*?

Should the Code be strengthened to ensure that ALNCoS have ‘sufficient time and resource to undertake their responsibilities effectively’ (24.5) by stating what percentage of time must or should be in place depending on the size of the organisation/ number of IDPs in place?

It should also be recognised that, particularly in FEIs where the statutory duty to carry out reviews is completely new, this *does* bring with it an additional cost / staffing need to meet the administrative duties alone.

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

the statutory role of LACE co-ordinator IS WELCOMED. It is anticipated that this has the potential to be an invaluable link to ensure effective sharing and transfer of information. However, it is not clear what (if any) role the LACE co-ordinator will have with looked after young people (i.e. post 16).

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes, the reasons for a separate standard IDP form for looked after children are understood, as the IDP will be incorporated into the PEP.

The College would like the One Page Profile to still be a part – unless this is covered in PEP?

However, as the Act defines 'looked after' as *not* over compulsory school age, this appears to mean that a looked after young person's IDP ceases to be maintained by the local authority post 16 but their PEP could continue (maintained by the LA) whilst in college. For an FEI this raises significant concerns on how can an IDP be reviewed and maintained with the involvement of the all the relevant professionals *separately* from the PEP. There appears to be a mismatch between the role of the LA in a PEP and IDP for Looked after children/ young people. We would like the LA to continue to maintain IDPs for post 16 looked after young people (but it looks as though the Act will not allow that).

(c) Proposed revisions to the Part 6 Code

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

As outlined in Q.58 above there are concerns from a post-16 perspective around the integration of PEPs and IDPs and what these mean in practice for post-16. This is not clearly explained.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 5 of the consultation: Impact of proposals

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

See response to Q.65 below.

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

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?;
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

Question 65 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

The consultation does not ask any questions about the funding and resource implications of complying with the Act and adhering to the Code of Practice. Strategic dialogue between the FE sector and the Welsh Government would seem to indicate that no additional funding is going to be made available. This is not an acceptable arrangement as one possible consequence could see current funding having to be diverted to meet additional ALN costs. The College strongly suggests that a funding and resource review of the introduction of the Code be undertaken prior to the Code's implementation in FE in September 20121.

The status of students enrolled on to Work Based learning (trainees/ apprentices) at an FEI is not made clear in the Code. Further clarity is needed on how the Code would apply to these learners. Apprentices spend significant periods of time with their employer and it is not clear what responsibilities will apply to employers.

Respondent Details

Information	
Name	Anonymous
Organisation (if applicable)	Ysgol Eirias

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Clearly defined terms which can be referred to if ever unsure

Timescales

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

1.31 timescales for external services would be of benefit to the student and the school in making a decision related to whether a student has an ALN and what provision to get started on swiftly.

1.32 to write up a draft IDP in preparation and complete in the review, then to be handed over at the end of the meeting if there is no wish by the parent/carers or student to develop it further. Promptly and prioritising students for ALN decisions near a transition or near the JCQ deadline for special access arrangements

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

To add that the absence of staff may be the exceptional circumstance for completing the IDP or making a decision on whether a student has an ALN.

Structure of the draft ALN Code

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 3 - Involving and supporting children, their parents and young people

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 6 - Advice and information

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Will Las be expected to have this info ready for the start of Sept 2020

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Duties on schools, FEIs and local authorities

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

For straightforward cases the 7 week period is most likely to be achievable. However difficulties may arise meeting the specified timescale; these may be internal – heavy workload times in secondary schools such as IDP review, external/internal examinations, JCQ applications, staff absences, new staff etc. External factors such as new starters, child absence for reasons such as term time holidays, delays with external agencies. These

reasons may result in an incomplete IDP or an IDP and ALP plan based on incomplete evidence.

Deciding whether it is 'necessary' for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 13 - Content of an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Will the language in the IDP have to be adapted for Key Stages so as the child or young person can read and access its contents.

Transport

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The Designated Education Clinical Lead Officer (“DECLO”)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 16 - Review and revision of IDPs

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes – review process is similar to current process of statement review and SAP contract. There will need to be extra information provided to the child and child’s parents.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Mostly- responses for Question 3 and Question 16 also applies here.

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

18.24 – Is there a time frame which the report should have been issued? IS the school’s last progress/full school report sufficient? Does the report have to be specific to the IDP targets?

Chapter 19 – Planning for and supporting transition

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

19.16 There is no reference of the transition from KS2 to KS3

Chapter 20 - Transferring an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

Response
 20.11 is unclear:
Transfers where a child ceases to be looked after
 20.11 Where:
 (a) a person ceases to be a looked after child (whether because he or she is over

compulsory school age or otherwise); and
(b) a local authority is responsible for the child or young person; and
(c) immediately before ceasing to be looked after, an IDP was being maintained for the child or young person, the local authority that is responsible for the child or young person must maintain the IDP.

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

24.5 – Is there a formula that could be applied to advise a minimum amount of time required to perform ALNCo duties with regards to identification of ALN, preparation and ongoing maintenance of IDP’s. The formula should be specific with regards to which duties this encompasses so regard can be given to other duties the ALNCo undertakes.

Chapter 25 - Avoiding and resolving disagreements

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 27 - Case friends for children who lack capacity

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Any other comments

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.

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Part 2 of the consultation: 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There could be a formula for the amount of time in relation to the numbers of students. And an understanding that many of these tasks could be designated where possible.

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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(c) Proposed revisions to the Part 6 Code

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Part 5 of the consultation: Impact of proposals

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

Disgruntled parents Workload Training requirements Financial restraints/budget Classroom teachers lacking confidence in dealing with ALN children in the classroom

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

Unsure

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?;
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

unsure

Question 65 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

none

Respondent Details

Information	
Name	Anonymous
Organisation (if applicable)	Hywel Dda University Health Board

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This is valuable in making it explicit where statutory duties lie.

1.13 – clarification as to what exceptional circumstances are would be helpful

Timescales

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

1.31 is very clear on when the clock starts ticking and when it ends.

1.32 the paragraph reads well

The HB supports the 6 weeks timeframe for responding to the request for information or help, including the caveat.

However, the 6 weeks timeframe for when a child or young person is referred to the HB is an area of concern, particularly if the child or young person is not known. The concerns relate to compliance with the duties imposed in relation to waiting times directives; i.e. Referral to Treatment Times of 26-weeks and Therapies Waiting Times of 14 weeks.

Assuming that the duty to adhere the 6 weeks timeframe overrides the NHS waiting times directives, this may result in children and young people needing to be prioritised but not on the basis of clinical need. This may result in children with a higher clinical risk having to wait longer.

There must not be confusion so clarity is sought here.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

It is apparent that 'promptly' means quicker than the timescale given but this is vague. It is understood that this may depend on individual situations and timescales being set.

Structure of the draft ALN Code

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

1.18 – the last sentence is long and difficult to understand
 1.19 – does this mean though that there has to be adherence to English legislation?
 1.24 – this seems clear in principle
 1.25 – the abbreviation IPSI needs full wording
 1.45 – this outlines the need to read the 'implementation guides' as well as part of the consultation process
 1.47 – references to Part 2 indicates that it is a requirement to read Part 2 of the Act.
 1.50 – what are 'proper facilities' and 'reasonable facilities'?
 1.54 – it is unclear where the cut-off point is for local authorities being responsible for 'the most complex and/or severe needs'. The end bracket is missing at the end of the sentence.
 1.65 – 'All teaching practitioners must undertake regular professional learning in relation to ALN' and 'learning requirements must be identified' would be appropriate, (if must within the context of the Act is too strong, the word 'ought' needs to be replaced with something stronger, approximating 'must').

 1.74 – implies that you have to read all of the code as well as the specific chapters about the relevant matters so why are the chapters divided that way to include repetition?
 1.86 – does chapter 12 make it clear who these young people are?
 1.91 – refers to 'a pupil or student' where elsewhere it is 'child or young person'.
 1.92 – 'IDP review meetings or meetings to decide whether a child ... has ALN or not' should this read 'review meetings and meetings to decide ...'

Glossary:

1.102 – 'definitions of terms used in the Act are included' rather than 'incorporated within this glossary'.
 1.103 – ALNCo – 'co-ordinating additional learning provision' does this include writing IDPs in schools and FEIs? Who has 'responsibility' for this? Who signs it?
 "Local authority" – when talking about whether 'he or she is in the area' does this mean 'lives in' or 'educated in'?
 'Early Years' should be defined for the purposes of the code. It is different in different

places in the Code – e.g. “under compulsory school age” but should be ‘under compulsory school age and not the responsibility of a governing body of a school’.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

In full support of the principle that the focus should be on the child /young person, inclusive of their needs and collaboration between all involved.

The inclusion of ‘places a duty on a person exercising functions under Part 2 of the Act’ (paragraph 2.5) implies that the reader of the code needs to read the Act or just put ‘Part 2 of the Act’ in the footnote rather than in the body of the code.

2.8 – it is positive that the code emphasises the need to information, engage with and treat pupils with ALN and parent/carers as partners in order to identify and provide to meet their needs. This is comparable with the principle of co-production within Prudent Healthcare.

2.10 – ‘considering, intending to make’?

2.14 – ‘Identifying ALN at an early stage and delivering appropriate interventions may also prevent the need for future more costly and less effective interventions.’

Acknowledgement of the importance of early intervention (also in chapter 3) is in-keeping with evidence base for language development.

2.18 – inclusion of ‘evidence-based approaches’ in the bullet points which are outcome-focused.

2.24 – NHS will consider the clinical need of ALP in any language

Chapter 3 - Involving and supporting children, their parents and young people

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

3.7 – ‘may be nonetheless’ – replaced with ‘is’

3.9 – ‘information about communication’ meaning ‘how they communicate and how to communicate with them’ will need to be recorded in the IDP.

3.10 – line 8 ‘support a particular child’ – ‘particular’ is not necessary.

3.17 – reference to ‘a person’ where in all other places ‘a child or young person’ is used.

3.25 – the first sentence is very long and difficult to understand.

3.26 – the first bullet point refers to ‘particular parents’, ‘particular’ is unnecessary.

3.26 – the first bullet point, second line refers to ‘the decision the body is making’ – is the body a team or group?

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

4.1 – this is not written in ‘plain English’

4.3 – ‘the UNCRC provides: states’ – both words not required.

4.6 – what does this mean?

4.7 – Can ‘is required to’ be replaced with ‘must’ rather than it being in brackets afterwards?

4.7 – the 3rd bullet point is not clear

This chapter fits with the Mental Health Measures principles.

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

5.15 – ‘bodies and persons’ is very formal – ‘people/roles’ instead?
It is positive that NHS bodies are included in reviewing ALP. Also the partnership working in 5.22.

Chapter 6 - Advice and information

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

6.1 – ‘have regard to the principle’ – formal language
6.8 – ‘factual’ but in 6.10 ‘clear and accurate’. Are these the same?
Is 6.14 a repetition of 6.8?
Is 6.19 a repetition of the meaning of 6.8 but using different words?
6.22 unnecessary repetition within the point
6.25 The first 2 bullet points can be combined by using ‘website and/or prospectus’. The 3rd point is repetition from elsewhere.

8.17 b repeats some information where readers should be referred to Chapter 6.

Is it truly possible for Local Authorities to provide impartial advice or to be seen providing impartial advice?

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

7.1 – inclusion of the word ‘usually’ is very important. This is required to ensure that a graduated response is followed. This appears to contradict the flow chart, e.g. p.72 where it is indicated that whenever there is a ‘call for ALP’ then the child has ALN and an IDP needs to be devised. Is this the case? 7.10 states that differentiated teaching is not ALP but where

is this distinction? It is positive that a differentiated approach does not constitute ALN.
 7.3 and 7.9 – is it necessary to include the whole of the definition from the Act, including point 5?

Section beginning with 7.13 – are these children under compulsory school age who are not the responsibility of a governing body of a school?

7.16 – is it appropriate to use the example of ‘parent and child groups’ rather than ‘mother and baby groups’?

7.19 – beginning – Is this part of the graduated response – prior to considering ALN? This is useful if it is but it needs to be stated as such.

7.25 – are the ‘wider issues’ referred to at the end of the paragraph ‘ALN’?

7.27 – this should refer to **all** the languages they are exposed to, not just the ones they ‘speak’. They may understand languages spoken at home and in settings but not ‘speak’ them.

7.29 is clear.

In some places the words ‘majority of same age’ is used as comparison and in others it looks at the child within the setting and depends upon how well the setting can provide for the child. There is a potential contradiction in the definition of ALN.

There is an assumption that what is provided in all mainstream maintained schools, FEIs and nurseries in Wales is consistent, this is not the case.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

7.34 – please remove the bullet point list, as there is a real danger that people will use the list as acceptance criteria and therefore children and young people will inappropriately be considered for ALN and ALP.

7.34 - 4th bullet point ‘significant delays in language functioning’ – change ‘delays’ to ‘difficulties’ in line with Royal College of Speech and Language Therapist terminology where ‘language delay’ is no longer used.

5th bullet point ‘impaired social interaction or communication or a ...’ – change the underlined to ‘communication; a significantly restricted ...’

7.35 - Final bullet point – this should refer to ‘speech, language, communication and/or interaction difficulties ...’

7.36 – refers to a ‘person’ rather than a child and young person

7.38 – FPP can aid identification of ALN and help in **understanding the progress** – may not be ‘developmental’.

7.41 – 3rd bullet point ‘fails to close, or widens’. Is ‘or widens’ necessary?

7.54 – refers to ‘person’s needs’ rather than ‘children and young people’s needs’

7.60 – it is interesting to see that a Clinical Psychologist does not appear in the list of individuals. CAMHS or consultants may include CP, but it is surprising that they are not included (especially as Child LD services are separate to CAMHS).

7.61 – This is an appropriate list of information/engagement needed.
 7.64 – 1st and 2nd bullet points – need to be clear that differentiating the curriculum and strategies are not necessarily (or even definitely) ALP for ALN.
 Pages 72 and 73 – needs to clarify ALP is not the entirety of the graduated response required to be made by settings. What constitutes ‘graduated response’ and no ALN and ALP?

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

There are many different aspects of the ALNLO role. Is it possible that the role (strategic and operational) could be delivered by more than 1 person (with an overall named lead)? For this reason will there be a challenge to ensure that those delivering the role have the appropriate level of training to deliver the requirements of the role.
 There are challenges in terms of making recommendations about the level of training required. While 8.42 does state that the role is strategic, it seems that the experience and expertise required implies some operational work, and e.g. 8.46 also implies this.
 The suggested responsibilities (8.45) include some where the person has to have had an educational delivery role.

Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The formatting varies between the chapters (see 8.5 and 9.3)
 8.9 – Professionals from Health Bodies will need a clear summary of the individual’s ALN before they can identify a treatment or service which is likely to be of benefit. The outcome of seeking advice from an Educational Psychologist (for children under compulsory school and not the responsibility of a school governing body and LA prepared IDPs) should be provided to the Health professional in order for them to know the individual’s ALN and identify effective intervention.
 The stipulation for NHS bodies to provide intervention which is ‘likely to be of benefit’ is not stipulated in the same way for schools, LAs and FEIs. Why is this?

8.28 – IDP needs to be shared with other agencies involved and included in the ALP. How do drafts get shared and how is the IDP finalised? (Also clarification needed around this in 9.24 and 9.76.)

9.2 – do ‘low incidence’ needs have to have an IDP prepared by the LA? What constitutes ‘low incidence’? With the appropriate advice provided from the relevant agencies, could this be done by a maintained school as long as they have the correct advice and they are able to secure the ALP? If the school are not able to secure the ALP or adequately determine the ALP, this is covered in 9.19.

It is clear that responsibility for identification of ALN and completion of IDPs sits with schools and LAs (for school aged children).

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

See response to question 22.

9.44 How is ‘reasonably arranged and accessed by the school’ measured? Concern that depending on the advice from SLT, the IDP could transfer between the school and the LA (and 9.45 last bullet point).

Deciding whether it is ‘necessary’ for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 13 - Content of an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The focus on expected outcomes of ALP as the starting point of the description of ALP is positive.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

As with all ALP, it will be important for the intended outcome to be stated (e.g. 2C for Health Bodies) but also how the ALP relates to the intended outcome (in the rationale section, 2C.7). It is only where there is a very clear, strong correlation between these **and** strong evidence base to support this, that there is indication that therapy intervention may be appropriate to deliver.

It would be helpful to reference 15.33 next to the Annex C form.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 13, paragraph 13.54 indicates the summary of the discussion taken as part of the preparation and revision of an IDP. Given that not all those involved may be able to attend PCP meetings (although a written report should be issued), it will be important to determine how decisions about the priorities for the IDP are made and what happens after this. A report written before a PCP meeting may not necessarily reflect the discussion/decisions made. How is this managed?

13.40 2B.6 – End review – should it be stated that this should never be more than 12 months from the date of the IDP (or is it the review?), but is more likely to be far less than that timespan (in line with predicted change).

15.42 Under the suggestions of the DECLO role, the Code states that health professionals ‘should provide in writing their advice and evidence in advance of the meeting’ (the IDP meeting) (p.183). This will be in advance of the PCP discussion about what is important to and for the child or young person. Following this discussion, priorities may change.

Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

As highlighted in Question 2, clarity is required with regards to the duty related to timeframes under the Act and the duties as set out in the 2 waiting times directives for NHS bodies. The code refers to the period of 6 weeks to comply following a request for information or help. However, health services work to 'Referral to Treat' (RTT) <https://gov.wales/docs/statistics/2018/180904-referral-treatment-times-quality-report-en.pdf> and NHS Diagnostic and Therapies Waiting Times <https://gov.wales/statistics-and-research/nhs-diagnostic-therapy-service-waiting-times/?lang=en> guidance which has a waiting time target of 14 weeks for therapies.

If the view is that the duty under the Act takes precedent than this may lead to inequity of service delivery, and children and young people with a higher clinical need not been seen in a timely manner in line with the waiting times directives.

Or is the above concern covered by 15.7:

15.7 'Incompatible with their own duties'. Is this the situation if a referral does not meet the referral acceptance criteria? Does this also acknowledge that NHS services have other demands such as Referral to Treatment (RTT) and Waiting Times targets which have to be met?

15.12 - 'due to circumstances beyond their control' (rather than 'its')

15.14 - references to '**if the request is urgent**'. There is some concern that this will result in pressure being applied to deem a request as 'urgent' in order to be seen quicker. Detail and guidance will be needed on what will qualify as 'urgent'.

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The same concern as in question 2 and question 22.

The timescale stated in 15.12 may result in an indication from a health body that a child is waiting for assessment or that a referral has been accepted/rejected. Health Boards have priority targets (currently 14 weeks wait for assessment and treatment) which need to be adhered to and therefore this may result in a circumstance 'beyond its control', that is, waiting times across the service that the timescale is not met.

It is very important that lessons are learned from SEND in England where RCSLT have stated that SLTs have to respond about EHC Plans, reducing the capacity to support other children who require services but do not have EHC Plans.

15.20 Is this the same wording as in the Act? It reads like legislation but should the Code provide more information that the Act/be easier to read?

15.24 refers to 'ALP is something they would normally provide as part of the health service in Wales'.

This presumes that all HBs provide services in a consistent manner. In addition, this is different from/contradictory to 'likely to be of benefit' (at the beginning of 15.25 although the wording from 15.24 is then repeated in 15.25). What is normally provided would be in line with other principles of the NHS (for the population) and where there is a clinical pathway, should be evidence based which is very important regarding the intended outcomes. 15.28 returns to 'likely to be of benefit'. (Same points for paragraphs 8.23, 8.33, 9.22, and 9.75). 'other staff' (5th line of 15.24) should be changed to 'education staff'.

1.66 includes both 'normally provided by the NHS and likely to be of benefit' (p.13). Is there a case to say 'likely to be of clinical benefit' as this would ensure that the decision is based on the identification of a clinical need and benefit to the intervention?

The phrase 'likely to be of benefit' is not used in relation to any of the interventions carried out by other settings (including schools, LAs, FEIs) – why is this?

It is appropriate to add 'relevant' to the description of any interventions to be considered/carried out, also 'evidence-based'.

Schools, LAs and FEIs who are responsible for developing the IDP can consider the efficient use of resources when deciding on the ALP (7.69). This same consideration does not appear to be applied to NHS bodies (as 'likely to be of benefit' is used).

Title before the box should read 'Who can refer a matter to an NHS body?'

Alternatively, the wording in 15.46 is different again when describing the DECLO role, 'enabling health professional to input into the preparation of IDPs and the securing of ALP by – making evidence-based recommendations on effective interventions' (p.184). Again, this is different from and more of an accurate description than 'likely to be of benefit'.

'Likely to be of benefit' appears again in 15.47 (last point on page 184).

15.28 If the NHS body does not think there is a relevant treatment or service then we would not assess a child or young person again.

15.36 It is appropriate that the NHS body is not required to provide ALP as directed by the Tribunal unless it agrees to do so.

It is positive that the code enables NHS bodies to request a review of the IDP at any time and that any request to remove or amend the NHS bodies' ALP must be done.

The Designated Education Clinical Lead Officer ("DECLO")

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Currently, the different aspects of the role of the DECLO is somewhat spread across the various paragraphs. It would be helpful to have under 15.40 all the responsibilities mentioned for e.g. partnership working and complaints, disputes and ET. Then subsequent paragraphs can set out a little more detail as to what is exactly expected.

It requires to be crystal clear though that the role of the DECLO is strategic and therefore is about vision, leadership, governance and co-ordination on a strategic level.

Any reference to 'manages' in relation to the DECLO role must be removed.

Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Whilst the content and structure is clear except there is lack of detail about timings for reviews. The only reference is 16.1 that identifies that IDPs should be reviewed, at a

minimum, annually.

There is concern about pressure on health services if reviews are to become more frequent. Clarification and reassurance is required in the Code.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

16.2 Would a service need to request and attend a review of an IDP in order to discharge a child or young person? This has significant practical implications in terms of capacity and efficiency.

16.9 – Therapy plans can be changed at least 3 times a year, i.e. intended outcomes changing every term. This system seems to be based on annual intended outcomes. Would it be the Health Professional's responsibility to ask ALNCo for IDP review at the start of every therapy plan?

16.22 Would an NHS body have to request a review of an IDP prior to discharge from the service if the child/young person has an IDP? How will this work in practice?

Note – it does not allow for much time to arrange for all parties involved in a child's IDP to agree a date to meet.

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Concerns about 18.11, which could potentially put additional pressure on healthcare professionals. The HB would welcome clarity and reassurance.

Chapter 19 – Planning for and supporting transition

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

19.9 – does not specify what ‘well in advance’ means, there are references to timelines later in the chapter, but all very vague.
19.28 is an important point

However, otherwise the guidance is clear.
The guidance lacks detail in relation to the commitment of health services to support meetings and provide information.

Chapter 20 - Transferring an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Research has shown that ensuring appropriate education, training and employment are available to children and young people during their detention and upon release help reduce the risk of re-offending.

Would an IDP be maintained where appropriate when the child or young person is detained e.g. youth offending institute/secure children's home?

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Given the wide range of variable factors affecting detained children and young people, acting promptly is reasonable.

Chapter 23 - Children and young people in specific circumstances

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 25 - Avoiding and resolving disagreements

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

P.288 the final section of the flowchart needs to be changed. The Appeal Process. If the process is to go through all the 3 stages described at the bottom, they can go in 1 box, certainly the final 2 can be combined 'Tribunal will hear the case and will notify the parties of their decision'.

Chapter 27 - Case friends for children who lack capacity

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Information about accessing services would be useful.

Any other comments

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.

Chapter 8, paragraph 8.28, also 9.24, 9.79 and 9.96. No description is given of the need for the organisations preparing the IDP to circulate it to the agencies included in it. Is this required? Chapter 13, paragraph 13.44 indicates that the health body has to be content with the ALP they are providing prior to the IDP being finalised but not how this finalisation occurs.

Part 2 of the consultation: 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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(c) Proposed revisions to the Part 6 Code

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 5 of the consultation: Impact of proposals

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

<p>What is lost within the code is the fact that eventually all learners will have a PCP. This underlying process to develop a learner's PCP will ensure that most learners 'needs' can and will be met by the learner's school. It will inform the schools ongoing responsibility to increase its capability to providing the right learning environment and experience for an ever more diverse learner population.</p> <p>Therefore, the number of children who will require an IDP should reduce over time and therefore the majority of learners will go to school locally.</p>
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In addition, the code provides a new platform to see a step change in the speed for agencies working together towards integrated services for children and young people.

Finally, the new duties upon NHS bodies will hopefully raise the profile of not only services for children and young people with ALN, but for all children and young people from 0 to 25.

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

The proposals will help the continued promotion of the Welsh Language and the continued development of services delivered through the medium of Welsh.
However, there does require to be a reality check with regards to resource implications.

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?

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.

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of the consultation: The draft ALN Code**Chapter 1 - Introduction**

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This is valuable in making it explicit where statutory duties lie. The clarity is valuable.

Timescales

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It is agreed in principle that we agree with the general approach to the compliance with timescales and the principle that timescales are required.

The wording in the draft Code appears over complicated and is unnecessarily wordy.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

1.33 It is apparent that 'promptly' means quicker than the timescale given but this is vague and will create inequity in delivery.

1.34 "impractical" This requires clearer definition. It will create inequity. What are considered to be acceptable "impractical" reasons for not complying? These need to be defined.

1.35 "circumstances beyond its control" "some other reason" require further clarification. From a

Health perspective would these constitute staffing/resource shortages/ capacity issues/waiting list times? This is open to interpretation which will cause conflict and challenge. More detailed definition is required.

Structure of the draft ALN Code

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The chapters are not clear or easy to follow.

It is apparent that you have to read all of the code as well as the specific chapters about the relevant matters in order to gain full understanding.

In addition to reading the Code there is reference to a number of implementation guidelines and other Acts. The amount of cross referencing required in general appears unworkable.

Many sections of the Code read as if they are The Act and still appear to require interpretation by the reader. This will cause inequity and conflict as any discrepancy in interpretation will constitute a discrepancy in delivery and conflict between those interpreting the Code.

The length of the Code is unworkable. Each point is very wordy. Some points appear to be there for description purposes and do not have a functional requirement to be in the Code. Making the points more specific, less wordy and only including them if they are necessary in describing how to implement the ACT would assist the practical implementation of the Code.

It would be more effective to try to provide/detail the information required via a visual means e.g. through the use of diagrams/ pathways etc. where appropriate. This may help with clarity and be easier to understand.

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

In general it is considered that many descriptions aren’t specific enough and will as a consequence be interpreted differently. There appear to be many “get out clauses” which will be interpreted differently, creating inequity. The paragraph which is frequently used to describe Health’s requirements in deciding whether ALP is required/to be provided is “identifies a service or treatment likely to be of benefit”. This is considered to be too vague and does not relate to the clinical requirements of the Child or Young Person. This needs to be clarified in clinical terms. “Likely” is very vague and open to interpretation.

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

n/r

Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes in theory the principles of the Code are correct.

Much of the wording in this Chapter feels as though it may not be required in a Code and should sit in the Act only.

2.14 – ‘Identifying ALN at an early stage and delivering appropriate interventions may also prevent the need for future more costly and less effective interventions’. Acknowledgement of the importance of early intervention is welcomed as in many Health disciplines early interventions are evidence based and essential for prevention of more entrenched difficulties at a later stage. There are however significant resource implications here.

2.15 This is very wordy. “Impractical for the body to comply” and “provision for exceptions” need to be clearly defined. Areas and services will interpret these differently, resulting in inequity of provision.

Collaboration

2.18 Although these principles are welcomed detail around how is required. The funding and resource implications/requirements to provide this must also be recognised in order for this to be practically achievable.

A bilingual system

2.24 – In relation to ‘A bilingual system’ the Health Board welcomes the principle. It however, is important that the Code is clear that Health will consider the “clinical need” of ALP in Welsh. This is of particular relevance to the Speech and Language Therapy service where the clinical delivery of a service in a specific language is of clinical significance not only a language choice. It must also be specified that this will have implications on resources and workforce plans with a shortage of Health professional, particularly Therapy Professional who are able to speak Welsh. It also states that “reasonable steps” to secure ALP in Welsh must be taken. Clarification of what constitutes a “reasonable step” is required as this is open to interpretation and therefore dispute.

Chapter 3 - Involving and supporting children, their parents and young people

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

3.7 – More detail is required about how Capacity is determined and when it's considered that a child or young person lacks capacity. Who will undertake this assessment/provide this information to those involved in the process? The phrase 'may be nonetheless' has a negative connotation and should be replaced with 'is'. In addition who assesses the capacity of the parents, and how is this conveyed to parents? Assessment of capacity is a complex process requiring knowledge and skills not currently widespread in the workforce.

3.9 – 'information about communication' meaning 'how they communicate and how to communicate with them' it should state in this point that this will be recorded in the IDP. There also needs to be clarity about who is suitably qualified and therefore responsible for giving the advice in relation to "understanding the communication requirements and preferences of the child, child's parent or young person". This could imply that a communication assessment or evaluation is required for the Parents? Who would undertake that? What are the resourcing implications of that? While for a hearing impaired parent this would be relatively easy to identify, it is more complicated for a parent with autism or learning difficulties.

Throughout this section there are a number of references to a "particular parent" or "particular child" This can read with negative connotations. If the reference/meaning is to the fact that additional support will be required and therefore available for some Parents/Children, then this needs to be clear.

We welcome the involvement of children in making decisions in relation to their ALN, but have concerns that for children with complex communication difficulties there may not be the skills in the workforce to ensure effective participation. Children with communication difficulties are likely to be able to exert less influence in these decisions, and therefore benefit less from this aspect of the code. The communication difficulties will act as a disadvantage to the child in accessing education, but also in participation in the PCP and IDP process. The current workforce do not universally have the skills to mitigate against this, particularly in mainstream schools.

This also applies for parents of children, who themselves have communication difficulties. These difficulties can be subtle and not identified, and act as a barrier to participation. The incidence of speech and language difficulties and written language difficulties for parents of children with communication difficulties is high.

With some ambiguity around definition of ALN, parents who are most confident and articulate may continue to be the ones who receive the most services for their children.

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

This is a particularly complicated chapter to read. It informs you what you have to pay due regard to and refers you to many other forms of Guidance and Conventions. This chapter needs to be simplified/made more specific.

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

In general the principle that ALP will be kept under review is positive.

5.1-5.6 Does this also include the NHS? Is this also in relation to NHS ALP? If this is considered to be insufficient what “power” does the Local Authority have in raising this or in securing it? It is clear that the NHS only provides what is “usually available” so what happens if this isn’t considered to be sufficient following review of ALP provision?

5.23 “Local authorities should be proactive about identifying opportunities to share resources with other LA’s” – how will this work in practice? Who will police the collaborative working is happening and ensure equity for all children across LA’s?

5.24 “Developing capacity to offer packages of education, health and social care support which can enable more children to be taught locally rather than in out of area placements” – There are significant resource implications here for Health. Will the local authority be funding these additional Health packages, particularly where the package delivered by Health personnel is to meet an educational need e.g. speech and language Therapy/Occupational Therapy?

Chapter 6 - Advice and information

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

With many parents/guardians who have limited literacy skills it is important that information is in 'plain English' with the option of a face to face explanation or discussion if needed.

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

7.1 – inclusion of the word 'usually' is very important. This is required to ensure that a graduated response is followed. This appears to contradict the flow chart, e.g. p.72 where it is indicated that whenever there is a 'call for ALP' then the child has ALN and an IDP needs to be devised. Is this the case? 7.10 states that differentiated teaching is not ALP but where is this distinction? It is positive that a differentiated approach does not constitute ALN, but this needs clear definition to improve equity. Specific guidance around this is required.

"Unless specific circumstances apply" – There also needs to be clear guidance as to what these specific circumstances are. This is open to interpretation which will cause misunderstanding and potential conflict. We are concerned that poor definition throughout the code will create conflict and clearer definition will only be obtained through case law.

7.6 How is "significantly" defined? Who will determine if the child has a "significantly greater difficulty"? Will we potentially end up with 'cut off' points e.g. 13 months under chronological age on reading tests constitutes a "significantly greater difficulty" but 12 months under doesn't?

7.10 "goes beyond that generally made available" – This is going to create variation from school to school or LA to LA as to the requirement of ALP. Different levels of support are provided in different schools. A general lack of differentiated Teaching/Universal programmes will increase the need for IDPs to specify the ALP required. Potentially a post code lottery?

7.13 At what age do you make this decision and who makes this decision. Clarity is required.

7.19 "set appropriate timescales" – What are these timescales? It is anticipated that a Parents and Teachers definition of an appropriate timescale may vary if this isn't specified? Graduated response is required and is appropriate but more guidance on the length of a graduated response and what constitutes graduated response before it moves to "the next stage" is required.

7.20 "persist for a longer period" – What is this longer period? This will cause variation in the

definition of need.

7.21 This point is unnecessary. It doesn't aid the reader in understanding what is meant by "significantly greater difficulty in learning than the majority of others of the same age". This needs to be clarified and expressly defined/described.

7.25 Are the 'wider issues' referred to at the end of the paragraph, 'ALN'? What is meant by "wider issues"?

7.27 It is vitally important to understand the linguistic profile of a child/young person. It is vitally important to understand the child's language acquisition in their languages and whether the child is developing language typical of a child learning an additional language or whether there is atypical language development which may indicate ALN. Where there is reference to "an assessment should be made" who is considered appropriate/adequately qualified to undertake this assessment. There are potential resource and staffing implications here particularly in relation to Welsh language.

Lines of responsibility are not clear for children who are not yet in an educational setting, beyond identification. While the EY ALNCO will coordinate an IDP for the child, will they be expected to write it or will, for example, a Health Visitor take that role. Clarity is required.

If a child is born with a syndrome where it is anticipated that the child will have ALN as a consequence, it is unclear when health are required to notify the LA about the potential ALN. Would this be at birth? At what point would an IDP be written, and who would write it?

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

7.34 and 7.35 There needs to be consistency throughout these sections with the use of the term "significant". Why is significant required for some of the presenting difficulties but not all? How is this decision made? Why are some presenting difficulties considered to require a significant level of delay/discrepancy and others not?

7.34:

- 4th bullet point 'significant delays in language functioning' – change 'delays' to 'difficulties' in line with Royal College of Speech and Language Therapist terminology where 'language delay' is no longer used.

- 5th bullet point. The words "or a" should be removed and just replaced with "a" ;

It is possible that this will be considered to be an exhaustive list of the types of difficulties that are required/the child should present with to have ALN. This is not child led or person centred. Some children e.g. with co-ordination difficulties will have ALN others also with co-ordination difficulties will not have ALN. This lead may be misleading and runs the risk of becoming a check-list. It is recommended that this list is removed from the Code.

7.35:

- Final bullet point – this should refer to 'speech, language, communication and/or interaction

difficulties ...’.

7.42 This point appears to override the actual definition. This is incredibly vague and open to interpretation.

7.46 “progress not adequate” – needs to be defined. Whilst it is generally accepted that Teachers and other Professionals working with the children/Young People may have a common understanding/agreement of what constitutes “progress not adequate” it is very likely that a Parents definition of this will be different and therefore cause conflict.

7.55 “there may be no need to include other professionals” – This statement is true. It is then however contradicted within the same point “although their advice may be helpful” which may result in unnecessary referrals to Health and the expectation that Education settings would be ‘doing the best for the child’ by requesting this information. This will have resource and capacity issues for Health and potentially cause conflict between Education and Health where referrals of this nature are refused.

7.59 “If there is an identified lack of expertise amongst the staff,.... seeking external advice” – This puts unnecessary pressure on Health. It is not acceptable that Health may need to make up for the lack of expertise within the Teaching staff. Staff should have a requirement for a level of expertise/proficiency they must achieve. Health does not have the capacity or resource to make up for a lack of education staff required expertise.

7.64:

1st and 2nd bullet points – need to be clear that differentiating the curriculum and strategies are not necessarily (or even definitely) ALP for ALN.

Pages 72 and 73: Where does the graduated response sit?

Early intervention is essential to prevent the need for future more costly effective interventions. There is wide acknowledgement that there are gaps in early interventions services available. How is the ALN act/code addressing this?

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Although this section clearly specifies that the role of the Early Years ALNLO is strategic many of the descriptions of the role read as operational. It is recognised that all of these duties are required to be undertaken. The strategic role is vitally important in ensuring the infrastructure is in place. There is then also operational delivery required.

In order to ensure the post holder has the correct skills to deliver the strategic component of the post it would be more suitable for this post to be divided into two or to mandate 2 posts; one being the Early Years ALN Lead Officer and the other being the Early Years ALN operational manager. This would clearly distinguish the two components of the required post and ensure the right person with the right skills is employed to undertake the required roles. As with the DECLO role the number of hours required to undertake the post should be based on the number of children in the LA with 1 day per x amount of early years children. It is felt that an Early Years ALN Team is required.

Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

As with previous chapters the document is considered to be too wordy.

8.9 – Professionals from Health Bodies will need a clear summary of the individual’s ALN before they can identify a treatment or service which is likely to be of benefit and in determining how the child should best be assessed and by whom. The outcome of seeking advice from an Educational Psychologist (for children under compulsory school and not the responsibility of a school governing body and LA prepared IDPs) should be provided to the Health professional in order for them to know the individual’s ALN and identify effective intervention.

The stipulation for NHS bodies to provide intervention which is ‘likely to be of benefit’ is not stipulated in the same way for schools, LAs and FEIs. Why is this?

The transformation work which is due to be undertaken will need to include removing barriers to efficient communication between schools, LAs, FEIs and NHS bodies, otherwise the processes involved in implementing the Code will be excessively cumbersome. Electronic communication will need to be maximised.

8.23 “Treatment or service likely to be of benefit in addressing the child’s ALN” – Further clarification of this definition is required. The removal of the term “likely” is advised. The insertion of the term “clinical” before “benefit” is advised.

Clarification is also required in the ACT/Code as to what is considered to be an Educational need and what a Health need is. This is relevant in terms of funding resources e.g. do Speech and Language Therapists address an Education or Health need and therefore should there be funding arrangements in place between the LA/NHS to address this? How would this be translated into the Code?

Communication is a core part of the school curriculum, and the medium through which education is gained. Communication interventions should therefore be available in all schools as part of a differentiated curriculum to meet the needs of children who have difficulties. 1 in 10 children in schools have a speech and language need which is impacting on their education. The provision to meet this need at a universal or targeted level in schools is not widespread. This is not currently the case.

Good communication practice in specialist classrooms, such as sign, use of visual resources and PECS, is also very variable in special schools. Children are therefore often escalated to scarce

specialist speech and language therapy resources where their need should be met more effectively by the specialist setting they attend.

8.28 – IDP needs to be shared with other agencies involved and included in the ALP. How do drafts get shared and how is the IDP finalised? (Also clarification needed around this in 9.24 and 9.76).

8.45 Point 4-Is this not the DECLOs role?

9.2 – do ‘low incidence’ needs have to have an IDP prepared by the LA? What constitutes ‘low incidence’? What evidence is there that these will be more complex or severe, and require an IDP prepared by the LA? With the appropriate advice provided from the relevant agencies, could this be done by a maintained school as long as they have the correct advice and they are able to secure the ALP? If the schools are not able to secure the ALP or adequately determine the ALP, this is covered in 9.19.

9.10 Is there a specific age above which a child can “not consent”? What are the procedures around capacity to ensure they are doing this in an informed manner and with capacity?

9.44 How is ‘reasonably arranged and accessed by the school’ measured? Concern that depending on the advice from Health or even the requirement of advice from Health, the IDP could transfer between the school and the LA (and 9.45 last bullet point).

ALN in relation to FEI is not clear. It appears that for over 18s each child might fall under the code for up to 2 years while in a FEI under the age of 25. The 0-25 principle of the code is therefore deceptive as it doesn’t span the age 0-25 in its entirety?

There is also significant concern about the lack of Health services available to meet the needs of those young people age 18+. Service development is going to be required by Health in order to provide these services. As the introduction and the implementation of the Act is considered to be cost neutral how are these services going to be developed?

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

At the consultation event education staff repeatedly expressed the opinion that they would be unable to make these decisions without advice from NHS services such as speech and language therapy. This needs clarifying – the school or LA are able to make these decisions without specialist assessment. Specialist assessment should be reserved for providing additional information about already identified ALN and ALPs. The pressure placed on Health if they are required to provide assessments for the majority of children on the decision making around whether a child has ALN will be unmanageable with significant delays then occurring for those children who do require Health input to address their ALN.

There are general concerns about the ability of Health to meet the timescales. Health already have timescales in place for RTT of 14 weeks set by WG. There is therefore a different timescale for ALN. This causes inequity. There will be capacity issues.

What are the consequences for responsible bodies if the timescales are not adhered to?

In the situation where relevant staff are not available to provide specialist health assessment, would there be an acceptance that privately sourced assessment would be used? Who would fund this?

Deciding whether it is 'necessary' for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

n/r

Chapter 13 - Content of an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The focus on expected outcomes of ALP as the starting point of the description of ALP is positive. It is considered positive that there are mandatory elements.

More advice and clarification is required in relation to how Health will input to the IDP.

Will this be electronic? It is felt that the Code should specify how this is to happen i.e. mandate the format for sharing of the IDP information. There is confusion around whether speech and language therapy can advise that the school or LA deliver an intervention or strategy. This needs clarifying.

There is currently poor definition of what should be included in the IDP for a child under 3 years old. Provision for children who are under 3 currently varies considerably from one area to the next. These children are often in receipt of highly specialist services such as speech and language therapy, without broader interventions to support their general development, even where their difficulties lie primarily in general learning.

There needs to be more clarity around when and whose responsibility it is to complete IDP's for preschool children.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

As with all ALP, it will be important for the intended outcome to be stated (e.g. 2C for Health Bodies) but also how the ALP relates to the intended outcome (in the rationale section, 2C.7). It is only where there is a very clear, strong correlation between these **and** strong evidence base to support this, that there is indication that therapy may be appropriate to deliver.

It is welcomed that the format (not the mandatory content) can be adapted to meet the needs of the child/YP.

Clearer guidance is required in relation to how Health are going to contribute/provide the information for the IDP. At present it appears that this is down to local negotiation and development of local agreements. This will cause differences across Wales. Should this process be mandated? Adequate resourcing and funding will be required.

IT systems need to be considered.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

13.12 changes kept up to date - How will this be shared with Health?

13.14, 1A.7 At what age can the YP refuse to have their Parent named (and therefore be involved in the preparation of and have access to the content of the IDP) on the IDP? Will there be a test of capacity before this is allowed?

13.15 - Do these points relate only to the Child/YP or to their Parents also?

Section 2A: Description of the child or young person’s ALN. Does Health contribute directly to this section? If so, how? Is a template for Health required specifically for this section?

13.45 2C.3 It should read that ALP will be provided in Welsh by Speech and Language Therapists if there is a clinical need for the ALP to be provided in Welsh.

13.37 This is a welcomed point and it is acknowledged that different ALP will be required to be provided by Speech and language therapy to meet the needs of a child dependent upon the type of Educational facility they attend e.g. mainstream with support vs special school. It would be beneficial to know the school placement before the ALP to be provided by Health is specified, as this will vary for the child depending on the type of school placement.

13.54 This indicates the summary of the discussion taken as part of the preparation and revision of an IDP. Given that not all those involved may be able to attend PCP meetings (although a written report should be issued), it will be important to determine how decisions about the priorities for the IDP are made and what happens after this. A report written before a PCP meeting may not

necessarily reflect the priorities identified in the discussion. How is this managed? Without attending the meetings the Health professionals involved with the child will not have learnt about the child's strengths and weaknesses, and what is important to them. Without appropriate timelines for receiving this information/ recommendations the Health professional may not reflect important points of discussions from PCP and IDP meetings. By not attending the meetings there is a likelihood of conflict between the school/parents and speech and language therapy services around what is required and provided.

15.42 Under the suggestions of the DECLLO role, the Code states that health professionals 'should provide in writing their advice and evidence in advance of the meeting' (the IDP meeting) (p.183). This will be in advance of the PCP discussion about what is important to and for the child or young person. Following this discussion, priorities may change.

This point also states "to enable the appropriate health professional to attend the IDP meetings where possible" This is giving an unrealistic impression of the availability of Health Staff to attend the IDP meetings. Capacity issues will not allow for Health to be present in the vast majority of meetings. This doesn't appear to be the message conveyed in the Code which is making Education and Parents believe that relevant representatives from Health will be present in the majority of the IDP meetings. The Code needs to reflect the fact that Health are unfortunately unlikely to be present. The format for a successful IDP meeting and the preparation of the IDP documentation currently requires people present at the meetings. The system will fall down when it becomes apparent that individuals involved with providing ALP to the child can't be present at the meeting.

There is a lack of clarity around how often the IDPs will require review, and what variables will need accounting for in this decision. This again will result in inequity.

Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

n/r

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It will be important for those preparing IDPs to include information about meeting speech, language and communication needs possibly prior to individual information for a child or young person from a

Speech and Language Therapist. Depending on whether the child or young person is already known to Health Board departments or not, it may take longer than the stated timescales (and these are defined in the exceptions).

15.7 'Incompatible with their own duties'. Is this the situation if a referral does not meet the referral criteria? This also acknowledges that NHS services have other demands such as Referral to Treatment (RTT) targets which have to be met. The differences in the RTT and ALN timescales needs to be addressed as this is going to cause inequity and confusion.

We would welcome the premise of short timescales to ensure that children's needs are identified and met within a defined time frame. However, within finite NHS resources the timeframes offered would be challenging to meet, and there is risk that work directed by the Code ALN would take precedence over children with greater clinical need. An example might be a child with a language difficulty as part of a general learning difficulty would have a low need for specialist help, but would need to be seen and information provided to the school or LA within a 6 week period. However a child with a significant dysphagia affecting their health would have the WG 14 week timeframe for referral to treatment, and where resources were stretched in order to meet the code may have to wait longer than 6 weeks for assessment and treatment.

15.9 It states that the duty only applies when the LA makes the request however it then says that schools and FEIs may still make requests for information. This is confusing for those involved. Clarity is required. This point appears to be describing good practice but without sufficient resource and staffing this is not achievable. This implies that 'good practice' is being set as an expected standard but it is already acknowledged that Health will not be able to comply with this.

15.10 an unintended consequence of this point is that the LA may have to be responsible for more IDPs than it necessarily needs to due to the limited availability of Health to respond to all requests for schools or FEIs (which is not mandated).

Those preparing IDPs should include information about how communication needs have been met, prior to involvement of specialist therapy services.

15.12 At times quality might be compromised by the 6-week timeframe. For example speech and language assessment of a child with complex communication needs, might require assessment on more than one occasion, and in more than one setting, and the capacity to achieve this within a short fixed timeframe may be lacking. This might be particularly difficult to achieve during school holidays.

The phrase 'beyond its control' is not clear when applied to timescales. Would NHS bodies working within their own clinical priorities be classed as a reason to breach timescales?

Timescales for responses for requests for support from NHS bodies do not align with the WG target of 14 weeks, which may lead to a two tier system related to legislation rather than clinical need.

Currently Cwm Taf UHB SLT service prioritise children who are looked after, from a travelling family, living in a refuge, or referred with a feeding or swallowing difficulty or dysfluency. These priorities reflect clinical and social needs This might be compromised due to lack of capacity to meet the ALN code.

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The timescale stated in 15.12 may result in an indication from a health body that a child is waiting for assessment or that a referral has been accepted/rejected. Health Boards have priority targets (currently 14 weeks wait for assessment and treatment) which need to be adhered to and therefore this may result in a circumstance ‘beyond its control’, that is, waiting times across the service that the timescale is not met.

15.20 Is this the same wording as in the Act? It reads like legislation but should the Code provide more information that the Act/be easier to read/understand?

15.22 5th bullet point “reports as required” – Clarification is required in relation to ‘required by who?’ How often? This will have resource implications for Health.

15.24 refers to ‘ALP is something they would normally provide as part of the health service in Wales’. This is different from/contradictory to ‘likely to be of benefit’ (at the beginning of 15.25 although the wording from 15.24 is then repeated in 15.25). What is normally provided would be in line with other principles of the NHS (for the population) and where there is a clinical pathway, should be evidence based which is very important regarding the intended outcomes.

15.28 returns to ‘likely to be of benefit’. (Same points for paragraphs 8.23, 8.33, 9.22, 9.75). There is a lack of clarity around what would be the responsibility of schools to deliver, vs what should be provided by NHS bodies. This could lead to duplication or children not receiving services from either organisation. For example, for the Picture Exchange Communication System (PECS) some schools or LAs work independently without SLT support to deliver, whilst others have not invested in the training. It would be helpful if there were clarity around the type of interventions that schools are expected to deliver for communication, with differentiation for special schools, as this would define the SLT role better.

1.66 includes both ‘normally provided by the NHS and likely to be of benefit’ (p.13). Is there a case to say ‘likely to be of clinical benefit’ as this would ensure that the decision is based on the identification of a clinical need and benefit to the intervention?

The phrase ‘likely to be of benefit’ is not used in relation to any of the interventions carried out by other settings (including schools, LAs, FEIs) – why is this? While Schools, LAs and FEIs can consider efficient use of resources when deciding ALP the same is not true of NHS bodies. Why?

It is appropriate to add ‘relevant’ to the description of any interventions to be considered/carried out, also ‘evidence-based’.

15.25 The referrer to an NHS body should be the person who is asking for the assistance. If a child is in school then it would be the school (class teacher or ALNCO, person closest to the child with responsibility) to makes the referral.

Health will potentially have a lack of capacity and be dealing with multiple referral routes to respond to all requests from all schools for information.

15.36 It is appropriate that the NHS body is not required to provide ALP as directed by the Tribunal unless it agrees to do so.

Experience of tribunals locally suggests that they are based on parents ‘wants’ rather than clinical needs, and result in delivering ineffective provision over long periods of time. Tribunals do not take into account the losses the child incurs from this process – loss of time in the classroom and seeing themselves as in need of support for difficulties that are not likely to change with intervention.

It is positive that the code enables NHS bodies to request a review of the IDP at any time and that any request to remove or amend the NHS bodies’ ALP must be done.

However, at times Health input (ALP required to meet the plans) change frequently dependent upon clinical need) plans regularly, maybe several times a term, for example where a child is making rapid progress. Would it be necessary to call an IDP meeting for each change?

The Designated Education Clinical Lead Officer (“DECLO”)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The DECLO role should have a uniform job description and a set number of hours proportional to population to ensure that sufficient resource at a high enough level is allocated. In line with the comments made in relation to the Early Years ALN Lead Officer post it is also acknowledged that the description of the DECLO role describes a role that contains both a strategic (which is vitally important) and operational element. Consideration should be given to this being two posts: one of which is a strategic role (The DECLO) and the other to carry out many of the operational roles required by the DECLO.

The role is considered to be cost neutral. It is not clear how this post will be cost neutral without loss to other areas?

Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There are a number of references to the Act and other guidance. This becomes confusing and complicated. It is unnecessarily wordy e.g. 16.1 could literally say “the IDP must be reviewed and revised at least annually” If this principle was applied to all of the Code it would be much shorter and easier to read without losing content.

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

16.3 It must be acknowledged that this will have resource/capacity implications for Health services including speech and language therapy.

16.9 – Therapy plans can be changed at least 6 times in a year, i.e. intended outcomes changing every half term. This system seems to be based on annual intended outcomes. Would it be the Health Professional’s responsibility to ask ALNCo for IDP review at the start of every therapy plan? The Code implies that any time NHS provision is recommended to be changed, a full review of the IDP is required. ALP in the current IDP format is very specific and so may need to be changed with every new set of targets. That is potentially a large administrative burden on schools and clinical services alike in the current form.

16.10 Would Health also be notified?

16.22 Would an NHS body have to request a review of an IDP prior to discharge from the service if the child/young person has an IDP? In particular how does this work when the child/YP has been discharged as they have failed to attend appointments? WG guidance states that children are automatically discharged if they fail to attend agreed appointments. How will this work in practice?

It has to be recognised that there are generally a lack of appropriate Health services for post 18 which will be able to contribute to IDPs. This is not just a capacity issue; there are not clinicians within teams with the knowledge and skills to assess and meet the needs of this agegroup.

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 18 - Meetings about ALN and IDPs

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There appears to be a misconception amongst Education staff and Parents that Health staff will be able to attend IDP meetings/reviews for all children it's involved with. Whilst this would be ideal we doubt that there would be the capacity to achieve this routinely.

The Code must clearly state that this is not required. There is a small amount of documentation in the Code relating to the fact that reports can be sent in the Health member of staff's absence but the general implication still appears to be that Health Staff should be in the IDP Meetings/reviews. This general principle needs to be changed/be clarified. Without significant increase in capacity we will, unfortunately, be unable to attend meetings routinely. This will also compromise the quality of engagement, and impact adversely on whether what we identify as provision will meet the needs of the child as determined by the PCP meeting and IDP review.

Further guidance is required in terms of logistics. How will Health be notified of the meetings, in what advanced timescale, by what means etc?

Chapter 19 – Planning for and supporting transition

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

As with previous chapters there are multiple references to other materials and other chapters. Many of the points appear to be for description purposes only. The chapter appears unnecessarily wordy.

As with previous chapters there is a reference/implication that Health professionals will attend these transition meetings. The capacity of Health staff to be able to attend the transition meetings is limited.

19.44 The suggestion of having transition workshops during school holidays is a welcomed idea as it will allow children to "practice" activities in a safe environment without the children being present.

Chapter 20 - Transferring an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

What are the implications for the Health Board where a child/YP is transferred into the area with an IDP with ALP specified in it to be provided by a specific Health service/profession? Is the “new area health board” responsible for providing this ALP even if they didn’t specify it?
More detail about Health’s role in this area is required.

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Understanding these time frames is complicated. They need to be written in plain English.

Chapter 22 – Children and young people subject to detention orders

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

n/r

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Research has shown that ensuring appropriate education, training and employment are available to children and young people during their detention and upon release help reduce the risk of re-offending.

Would an IDP be maintained where appropriate when the child or young person is detained e.g. youth offending institute/secure children’s home? What would Health responsibility be in this instance? ALP provided by Health, in particular Health Therapies e.g. Speech and language therapy, Occupational Therapy, Physiotherapy aren’t mentioned? These services do not currently exist for this. There would be commissioning considerations/requirements if ALP of this nature was required.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Given the wide range of variable factors affecting detained children and young people, acting promptly is reasonable.

Chapter 23 - Children and young people in specific circumstances

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

n/r

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

24.2 It is recommended for clarity/equity purposes that the size of a school or number of children in a school with ALN is specified to determine the amount of ALNCo time required e.g. full time.

24.4 This point is very welcomed.

It is very welcomed that this role is considered to have strategic responsibilities as well as the operational aspects of being responsible for the IDP'S.

24.26 Does this point need to be re-worded to ensure that it is clear the existing SENCO can take on the role of the ALNCo but that it will be the new role that they will be stepping into and not continuing in their current role but calling themselves an ALNCo rather than a SENCO. This is of particular relevance to those SENCOs who are currently the Head or Deputy Head Teacher also or who have a very high teaching commitment. Possibly stipulating the amount of ALNCO time required per number of children/percentage of the children with ALN will help to clarify this.

Chapter 25 - Avoiding and resolving disagreements

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

It is clear that there are many benefits of participating in dispute resolution. It is however unclear what happens if a family/child/Young Person refuses to participate in any dispute resolution? It is clear that this doesn't stop their right of appeal to the Tribunal but recent experience of Tribunal where families have not been prepared to participate in dispute resolution prior to attending Tribunal is that the Tribunal then informally enforces and requires the LA/Health/Family to participate in dispute resolution as part of the Tribunal but without a proper infrastructure to allow for the mediation and dispute resolution required to happen correctly protecting all involved.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

25.41 This point needs to be strengthened to embed the principle that Putting Things Right is used for complaints and concerns about Health related issues.
It is possible that concerns/complaints in relation to ALN and ALP that are considered to be an Education need will be directed here unnecessarily.

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

26.7 How is this application made? What evidence is required?
26.10 If a child brings their own appeal and are then considered to lack capacity to understand and are then allocated a case friend would the case friend seek Legal advice (employ a solicitor/Barrister) on behalf of the child? If yes who pays for this?
In all the Tribunals I have attended Parents have had legal representation both on the day and throughout the process that they have themselves paid for. By the child who lacks capacity 'bringing the case' does this mean legal fees will be covered for the child who has no income/means?

It is not clear how long Health Bodies have to prepare information for Tribunal. Does this sit within the 4 week timescale that the LA has if the LA require advice from Health Bodies or will the Tribunal directly request information from Health Bodies as required within a specified time period. What is this time period? 4 weeks? Specific detail/clarification for Health required.

Page 288: Could timescales be added to this visual flow chart? Could this flow chart also be extended to include the decision and the timescale of the decisions being implemented rather than this being in writing at the bottom?

Chapter 27 - Case friends for children who lack capacity

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The language in this section is considered to be vague. Clarity is required.

Clarity is required in regards to who and how capacity will be tested for. Will testing be different at different ages? Clarity is required around this.

The lack of clarity around how and why capacity is determined potentially leaves the system open to criticism and challenge.

Information about accessing services would be useful.

Who will the Case Friends be? What knowledge, training and experience is required to be a case friend?

How is the actual decision made re capacity? What is the 'test' What about children who have communication difficulties? How will they be 'tested' for capacity? Who would undertake that assessment, and ensure that it is not the communication difficulty that is reducing capacity. It is mentioned that Teachers may undertake this but do they have the skills and knowledge required? It states that NHS Bodies may assess capacity. Who in the NHS will be responsible for this and able to comply within very short timescales? There are capacity and resourcing implications here.

What happens if a case friend isn't available?

If there isn't a family member available and an Advocate is provided by the Authority (27.33) who pays for this?

Who pays for the Case Friends DBS?

Any other comments

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.

Improving access to specialist advice and support is required, for example to services such as therapies, sensory support, support for children/YP with ASD or those with social and mental health needs. The availability of these services is already at capacity or not available – how will this improve with the introduction of the new code?

Teacher training needs to be considered further. ALN should be firmly embedded into Teacher training. Understanding child development should be firmly embedded into Teacher training. This is required for the workforce of the future to have the skills required to implement the ACT/Code and transform the ALN system.

The skills of the workforce to meet needs at a universal or differentiated level need be identified in the code. For example, in the first instance whose responsibility is it to address the needs of a child with a mild or moderate language difficulty? In the first instance this should be addressed by the school or community staff rather than being escalated straight to specialist services such as speech and language therapy. This definition needs to be differentiated for specialist provisions, for example special schools should provide a high level of communication support for all children with a need in their provision. This is not clear in the code, which might result in specialist services such as speech and language therapy being stretched thinly to meet the needs of children who do not have complex or severe services.

Part 2 of the consultation: 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

It is considered potentially challenging and confusing that complaints can follow both the Education Tribunal and Putting Things Right, potentially at the same time. It is unclear how these will work in practice alongside one another, and will be time consuming and confusing for parents. This will cause added pressure to Health Professionals and Health Bodies who will potentially need to participate in both processes.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Further information regarding the way in which Tribunal will consider/evaluate the validity of “Private” and “NHS” evidence provided for Tribunal.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

4 weeks appears a limited amount of time for the LA to submit the evidence.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

6 weeks is a short timescale. There may be a number of circumstances where adherence to a 6 week timescale is not possible. This will have resource and Capacity implications for Health Bodies.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>The level of seniority the post should hold (where it sits in the school management structure) would be welcomed in establishing this as a post, and as long as the seniority is allocated at the appropriate level, give the ALNCo role the authority/credibility it requires.</p>
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Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

n/r

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

<p>This will potentially cause confusion and will require Health professionals to be familiar with a number of forms. There is a potential for confusion.</p>

(c) Proposed revisions to the Part 6 Code

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

n/r

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

n/r

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

n/r

Part 5 of the consultation: Impact of proposals

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

It is hoped that the Act and Code will have positive impacts for those children and young people with ALN and will transform the way in which they learn/receive the additional support they require.

In relation to Health there is likely to be the impact of a discrepancy/inequity in the services provided for children with ALN who require ALP from Health and those with medical needs but no ALN. Aligning timescales will resolve this. Additional capacity would be required.

It is considered that there will be an increased demand on services within Health. The number of children with IDPs that will require input from Health will increase (as this will now be statutory) and therefore the resource and capacity implications for Health must be considered. It is also anticipated that more schools will seek advice/support for Health in identifying ALN and requesting the provision of ALP.

There will be an increase in the amount of “administrative” work (including clinical administrative work) that Health Professional will need to undertake.

There will however be a number of positive impacts for the children and Young People. The fact that it is clearly stated and accepted that ALN is now every Teachers responsibility is a very positive one and must result in positive outcome for the students.

There are a lack of post age 18 services in Health to meet the requirements of the young people requiring IDPs and ALP from Health. The services and availability of the suitably qualified practitioners aren't currently available. The exact requirement/impact of the post 18 age group is currently not known for certain.

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

The Code clearly puts the Welsh language on an equal footing to the English language.

It is likely that the requirement for NHS services in Welsh will increase.

It is likely that the challenge to the LA over the lack of specialist educational placements/provision in the medium of Welsh will increase.

It is likely that the challenge to Health Board over the lack of specialist Health ALP in the medium of Welsh will increase. It is unlikely to be possible to recruit the number of Welsh speaking SLTs required to meet the code.

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?

The Code as it is currently written allows positive opportunities for people to use Welsh and treats it no less favourably than English with no adverse effects.

The difficulty here however is not in the way Welsh Language has been mandated in the Code but is in the actual ability of services to deliver what is mandated in the Code. There's a significant lack of Welsh speaking Health professionals, particularly those who are specialists or are involved with the delivery of services to low incidence/high complexity/need children and young people. The requirement of the speech and language therapy staff to speak Welsh fluently is integral to the health service (ALP) being provided in Welsh on an equal footing to English and requires a workforce that can speak Welsh not just access an interpreter. This is of particular relevance for Speech and Language Therapists who are actually providing a clinical service for speech/language needs. This Welsh speaking workforce currently does not exist.

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.

Respondent Details

Information	
Name	ANONYMOUS
Organisation (if applicable)	LLANTWIT MAJOR COMPREHENSIVE SCHOOL

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The explanation is clear in paragraphs 1.10 - 1.16.

Timescales

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

All professionals want to act 'promptly' and put strategies in place as soon as possible to help the child. My concern is when strategies/duties are placed on schools to deliver extra support without the relevant funding/staff/support in place; how this will work?

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

In order to write a suitable IDP for the young person, all information and evidence must be present. Yes, the IDP can be reviewed at a later date but this will not help the young person in the meantime and will produce double the work for the responsible body.

Structure of the draft ALN Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The structure and the chapters are clear and easy to follow.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Is there the expertise in the Management Committee to do this? Surely, this would involve large amounts of training for the Management Committee?

Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

We are supportive of the principles set out in chapter 2 and feel that these principles are a positive move in the right direction: A rights-based approach. b) Early identification, intervention and effective transition planning. c) Collaboration. d) Inclusive education. e) A bilingual system.

We do question where the additional funding and support will come from for schools to deliver this successfully?

Chapter 3 - Involving and supporting children, their parents and young people

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Involving both the pupil and parents in the decision making can only be a good thing – especially where it improves communication and relationships with parents. Clearer guidelines on the expectations of this would be useful.

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The guidance in chapter 5 seems appropriate.
Good partnership approaches and relationships throughout LA's and schools will be needed to collate and to share the good practice. There will need to be an understanding that all teachers are teachers of ALN pupils, which must be promoted from the LA and Headteachers.

Chapter 6 - Advice and information

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes, this guidance is appropriate and welcomed.

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

I believe the term 'has a significantly greater difficulty in learning than the majority of others of the same age' is still open to interpretation and not specific enough. I believe this could lead to issues/conflict between parents and schools, and schools and LA's.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

There is a clear and comprehensive explanation of the evidence needed.
The list of external agencies needed is extensive and welcoming. The idea of working collaboratively is positive. However, it is often difficult to get any external professionals in to work with schools and pupils now due to limited staff, where are the extra staff coming from to help make these decisions?

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The guidance for this role is clear and a good idea. It will be a vital role and needs to be funded properly so they are strategic, experienced to meet the expectations of the role.

Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The structure is clear, but the content is open to interpretation.
There needs to be clearer guidance of what is expected from schools regarding the ALP.
Again, this will allow conflict between parents and schools, schools and schools, etc where parents will be able to play schools/LA's off each other – a 'postcode lottery'.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

All professionals will work quickly to deliver the best outcome for the pupil but there must be suitable numbers of staff in place to be able to complete the work. However, I fear that deadlines will also not be met due to gathering appropriate and essential evidence to produce the IDP. This may then lead to more issues e.g. poor working relationships, tribunals, etc.

Deciding whether it is ‘necessary’ for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This seems impossible.

Chapter 13 - Content of an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

More guidance on what essential context for each section is would be helpful.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The form doesn't seem very child/parent/teacher friendly. It doesn't suit the person-centred process that has been encouraged.
An electronic version which is linked to SIMS would be more useful and less time consuming.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Timelines need to be addressed.

Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The Designated Education Clinical Lead Officer (“DECLO”)

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This seems appropriate and clear.

Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The content and structure of Chapter 16 is clear. However, there doesn't seem to be any consideration of the amount of time required to complete the IDP review and the amount of pupils that may include “Essentially, these requirements are to ensure that an IDP is always reviewed within a year of the completion of its last review (or its preparation).”

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

I believe that there isn't a time limit for the NHS body to respond? Without this a review can't take place or be completed properly without all of the relevant information given.

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Parents, if unhappy with an IDP, can request the LA to take over the responsibility??

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Training will be essential to get this correct. Plus, guidance and examples will be needed for this.

Chapter 19 – Planning for and supporting transition

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

In general, yes, moving from one setting to another. Some of the statements/requirements include 'should' which could be open to interpretation. These statements should be made mandatory to ensure clarity.

Chapter 20 - Transferring an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes, within the school setting, transferring from one school to another within Wales, also within the same LA and from LA to LA.

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Some of the requirements again for FEI seem vague.

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The arrangements set are clear on the whole.

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The structure is clear, however, timescales, resources and staffing would need to be increased.

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Again, the timescales are unrealistic. The impact on staffing and resources must also be reconsidered.

Chapter 22 – Children and young people subject to detention orders

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

There seems to be an emphasis that LA are solely responsible for the children and young people who are subject to detention orders and not much emphasis on the health boards.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

EOTAS information seems appropriate.

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The information set out in this chapter is clear and highlights how different the role is to the current SENCO role. The increased importance of this role, along with the duties and responsibility of the role, needs further guidelines around suitable time and resources needed for the ALNCO to do the role properly in section 24.5. This will allow the ALNCO to give the relevant time to pupils, parents, teachers and other agencies and ensure the essential paperwork is maintained.

More information around 24.3 regarding the ‘skill set’ and the mention of ‘highly qualified’ needs to be clearer. Schools have recently had to ensure that the ALNCO is qualified for Access Arrangements for the school which was costly. Will there be further training required and further cost?

Chapter 25 - Avoiding and resolving disagreements

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Most authorities have similar systems in place already. Would there be an increase in need? Would further funding be needed?

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

Surely, there will be an increase in tribunals due to the increase in age related to the act. With the time scales being reduced, this will put LAs and schools under further pressure.

Chapter 27 - Case friends for children who lack capacity

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Any other comments

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.

Part 2 of the consultation: 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

It seems the time has been reduced.
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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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

See Q41

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Sufficient time must be allocated in order for these tasks to be completed.

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(c) Proposed revisions to the Part 6 Code

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

<p>This seems clear.</p>

Part 5 of the consultation: Impact of proposals

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

There will be an impact of resources, staffing and time, specifically the ALNCO.

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

Providing the time is taken to produce the resources needed in the Welsh language, should only help the language.

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?;
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

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.

Respondent Details

Information	
Name	Anonymous
Organisation (if applicable)	University and College union

Part 1 of the consultation: The draft ALN Code**Chapter 1 - Introduction**

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Timescales

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Structure of the draft ALN Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 2 - Principles of the Code

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 3 - Involving and supporting children, their parents and young people

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

3.28-3.32 create real concerns for the workload of staff in FE colleges. Who will be responsible for supporting parents in this way and what will this support look like? Is sufficient funding being provided to FE to ensure that colleges can comply with these regulations?

If this duty is to be performed by teachers/tutors/support staff account must be taken of the number of students requiring a meeting, the length of meetings and their frequency. This duty will impact significantly on the workload, in the already weighty requirements placed on staff within their contract and national workload agreement.

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 6 - Advice and information

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Not applicable to FE (n/a)

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Duties on schools, FEIs and local authorities

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

However, if the designated person is the teacher/tutor/support worker this will impact on their workload dependent on how many students require an IDP within that group. The current National Workload Agreement does not recognise the time needed for this role- Government will need to ensure that Principals know what is expected of the role and who will be funded to deliver it. In our view, not enough attention has been paid to this part of the process as it applies to FE. In the video of the Llandudno conference it was stated from the platform that guidance is yet to be drafted for the post 16 sector. A comparable difference in our view to the arrangements being made for schools.

Deciding whether it is ‘necessary’ for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 13 - Content of an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Although UCU consider the elements to be appropriate, they will prove to be very time consuming if this is to be completed by the teacher/tutor/support worker. Our concerns about this impact are articulated in answers above – this does need to be addressed BEFORE the full implementation. We await with interest the draft guidance for post 16 sector.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

iii) UCU's reality is that if we are assured of the funding to support this work in FE then we will support the mandatory standard form. It is very long and will prove very time consuming the more complex the students' needs are and this will impact on the teacher/tutor/support workers' workload. As yet we are not sure how the Government is intending to support this ADDITIONAL workload, nor have we had sight of the guidance for post 16 which is yet to be drafted.
iv)

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transport

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The Designated Education Clinical Lead Officer (“DECLO”)

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 16 - Review and revision of IDPs

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

v) If this responsibility is that of a teacher/tutor it may impact on their workloads significantly if there are a number of students needing reviews.

vi) UCU's reality is that if we are assured of the funding to support this work in FE then we will support the mandatory standard form. It is very long and will prove very time consuming the more complex a students' needs are and this will impact on the teacher/tutor/support workers' workload. As yet we are not sure how the Government is intending to support this ADDITIONAL workload.

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

At the risk of being repetitive, we are yet to be convinced of the ability of current staff to deliver this framework within FE without additional funding from the Government which, in our view, must be spent on amendments to the National workload model, if lecturers/ tutors are going to be required by college managers or the ALN co-ordinator in each college to complete these processes.

Chapter 19 – Planning for and supporting transition

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 20 - Transferring an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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Supporting comments

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

In a very large education setting such as an FEI will there be an ALNCo per department, we suspect not? We believe that colleges will employ one person, as required by the code, and put pressure on the lecturer and tutors to complete the majority of the processes, putting pressure on workload and staff.

Chapter 25 - Avoiding and resolving disagreements

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

They may well be clear for LAs , but we are certainly not clear about the impact on college corporations

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

See response above- same as question 42.

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 27 - Case friends for children who lack capacity

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Any other comments

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

Overall, much of what is contained in the Bill is being completed at the moment on a smaller scale. The extra duties and paperwork will impact on the staff's workloads and wellbeing. The Bill is not sufficiently specific in the requirements to be placed on FE; it is not very clear who will perform many of the duties the Bill refers to. UCU expects the Government to produce specific guidance in relation to the operation of these Regulations soon and provide a statement about the funding to support these new Regulations and Code.

UCU will not be offering comments on the remainder of the consultation questions

Part 2 of the consultation: 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(c) Proposed revisions to the Part 6 Code

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 5 of the consultation: Impact of proposals

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

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

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?;
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

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.

Respondent Details

Information	
Name	Matthew Aplin
Organisation (if applicable)	Public Services Ombudsman for Wales

Part 1 of the consultation: The draft ALN Code**Chapter 1 - Introduction**

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Timescales

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Structure of the draft ALN Code

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 2 - Principles of the Code

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 3 - Involving and supporting children, their parents and young people

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 6 - Advice and information

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Deciding whether it is 'necessary' for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 13 - Content of an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Supporting comments

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Supporting comments

The Ombudsman welcomes any provision for avoiding and resolving disagreements. However, the reference to the Ombudsman in paragraph 25.54 is misleading in that it seems to suggest he has the power to declare a local authority's actions unlawful.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 27 - Case friends for children who lack capacity

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Any other comments

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.

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Part 2 of the consultation: 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(c) Proposed revisions to the Part 6 Code

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 5 of the consultation: Impact of proposals

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

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

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?;
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

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.

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Must and must not– yes this means a definite

Should and should not– this is ambiguous and open to interpretation by heads and senior management.

Timescales

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Terms in general were clear with good footnotes.

The term 'may' is ambiguous

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

No need to wait for all documents and advice to be in. The time constraints are very important

Structure of the draft ALN Code

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Heavy document, overwhelming, an overview and user friendly (ie for parents) would be very useful.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

5:1 and 5:6 should have must rather than should .

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 3 - Involving and supporting children, their parents and young people

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

3.4 – This should be changed from ‘should’ to ‘must’

3.6 – Would schools and health understand the terms included in this point. i.e. would they know that interveners, interpreters, lip speakers etc need to be booked for meetings etc?

3.7 – so is this saying that a child who is not able to be aware of their rights needs an advocate. What does the term ‘lacks capacity’ exactly mean does it mean cognitively or due to the age of the pupil? This is a subjective judgement. This needs to be placed/explained in the Glossary.

3.8 – should again is ambiguous. (‘Should’ and ‘Must’ should be in the glossary) i.e. if the child needs an interpreter should they book one or must they book one. This is a vital statement with two different meanings.

3.16 – this is open to interpretation of it being optional to allow the child to use their chosen form of communication. Legally this is considered a right of the child.

3.18 – using the glossary definition of young person being over the age of 5. This is concerning as from a sensory/complex medical it can be vital for the young person to have interventions.

Also if the decision the young child makes goes against what is written in policy for the local authority then what happens then?

In addition what if this declining of support has a detrimental effect for the child’s health, access to curriculum or their mental health and well-being.

3.20 – to be included in the sentence for access purposes – ‘for any written communication to be available in an alternative format e.g. enlarged print, Braille’

3.28 – parental information and advice needs to be given in an accessible format and appropriate manner.

3.32 – Going back to a previous point. A young person is over the age of 5 in your glossary of terms. Then in this point it is effectively saying that a young person from 5 years onwards can make their own decisions and potentially not involve their parents?

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The term ‘discharging’ could be considered a misleading term. Discharging could be interpreted as signing off the child from the service rather than actions from LA’s and Health.

'Discharging' needs to be in the glossary of terms.

Teachers and Health need to have specific training on the UNCRC and UNCRDP specifically in teacher training and health training. This needs to be delivered by legal as the connotations of errors can easily lead to tribunal.

In the PCP training this needs to be stated implicitly about listening to the views of the child and their views being given equal weight as some schools are not aware of this.

It should state here that they need

NHS need to have training in what this entails specifically – this is new to most people who work in education and health.

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Specific reference must be made to the qualification of 'Mandatory Qualified Teacher of the Deaf, VI and MSI.' This is the correct wording - not specialist teachers of learners with hearing impaired or visual impaired. The definitions of MQTOD, VI, MSI - must be in the glossary. Teachers of Sensory Impairment require Mandatory Qualifications above and beyond those of Specialist Teachers or Advisory Teachers of other disciplines.

Chapter 6 - Advice and information

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input type="checkbox"/>	No	✓	Not sure	<input type="checkbox"/>
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Supporting comments

No – it is not specific enough with categories – what is the code classifying hearing impairment. What does ‘have a significant effect on their everyday lives’ actually mean?

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	<input type="checkbox"/>	No	✓	Not sure	<input type="checkbox"/>
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Supporting comments

The code is stating that the evidence must be collated by the Mandatory Qualified Teacher of the Deaf - this is a positive

7.59 Schools with pupils with sensory impairment must seek advice from a Mandatory Qualified Teacher of the Deaf/Hi/VI.

7.61 ‘qualified to teach’ is not the same as ‘Mandatory Qualified Teacher of the Deaf’ and should be replaced appropriately in reference to teaching pupils with Hearing-Impairment.

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input type="checkbox"/>	No	✓	Not sure	<input type="checkbox"/>
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Supporting comments

What qualifications does this person need? Who would employ this person? What number case load would this person hold? Who would refer to this person?

This is a really good new role. But needs time and funding?

Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Deciding whether it is 'necessary' for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>12 week time scale is a huge responsibility and heavy role for the ALNCo.</p>

Chapter 13 - Content of an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- There needs a statement somewhere in Chapter 15 about GDPR and reference to consent to share information

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes this is fine.

This needs to be added to the code – and needs to be more specific rather than what is currently there.

15.22 (bullet point 3) – where appropriate needs to be added to this. It is quite a sweeping statement as it would not always be appropriate

From an education point of view the capacity of staff from the NHS needs to be increased in order to fulfil this support. Historically we have had NHS representatives attending review meetings.

15.24 – There is no responsibility aligned to either health or education. However, it is more likely that education would pick up the short falls of failure to provide a service.

The Designated Education Clinical Lead Officer (“DECLO”)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

This is obviously a new role so difficult to say if the guidance is accurate.

Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 19 – Planning for and supporting transition

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It is all very well having a guidance for successful transition but the services need to be available and funded to support this. i.e. CAMHS, Social Workers etc.

Detailed guidance

Who is going to provide transition visits/support in school holidays when teachers, school based and support staff are on leave?

Chapter 20 - Transferring an IDP

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There are lots of suggestions in this section and decisions to be made by the school. There are qualifications available.
The ALNCo – MUST BE GIVEN ENOUGH TIME and appropriate recompense.

Training is important.

ALNCo needs to know about access to Mandatory Qualified Teachers of the Deaf/HI, VI and MSI and use the services available.

Chapter 25 - Avoiding and resolving disagreements

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 27 - Case friends for children who lack capacity

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Any other comments

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.

+ Define the qualification that is required for specialist teachers for HI, VI and MSI – this could be done in the glossary – stating that this specialist teacher needs to have a **Mandatory Qualification in Sensory Impairment (Deaf/HI, VI or MSI)**
+ Not an easily accessible document. Still open to interpretation. It needs to be summarised into a smaller document especially when it comes to providing information to parents and those not so familiar with terminology and processes involved

Part 2 of the consultation: 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(c) Proposed revisions to the Part 6 Code

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 5 of the consultation: Impact of proposals

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

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

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?;
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

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.

Respondent Details

Information	
Name	Rhiannon Jones
Organisation (if applicable)	Powys Teaching Health Board

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It is essential there are clear guidelines and definitions of duties

Timescales

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Short definitions required.

Timescales acceptable but exceptions need to be noted e.g. term time only working, staff absence

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Dependent on individual cases

Structure of the draft ALN Code

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Very long document, inaccessible to staff, further documentation required to support understanding and an easy read guide would be essential. The document as it stands is too complex.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Needs simplification.
Roles e.g. DECLO is too broad and generic.

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Essential for collaboration to take place with pupils and parents/carers
Acknowledgement of early intervention being of importance

Chapter 3 - Involving and supporting children, their parents and young people

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Outlines requirements clearly.

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Overlong definitions, unclear and wordy.
Essential point clouded by poor definition.

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Essential for Health and other partners to be involved

Chapter 6 - Advice and information

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Overlong definitions with unnecessary repetitions

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Easier in a flow chart/pathway?
Poor definitions / over complicated and repetitive.

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Terminology needs to be inline with Professional Standards e.g. change “delays” to “difficulties” in line with Royal College of Speech and Language Therapy where “language delay” is no longer used.
Definition of curriculum involvement needs to be clear
What constitutes “graduated response”?

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The outline of the role is unclear and identifies operational responsibilities as well as strategic.

Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Health will require clarification/equality of input from all bodies.
Excellent links with Local Authority will be required to ensure clarity and successful outcomes.

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Needs to take into account term time only staffing for some services leading to difficulty meeting time scales.

Deciding whether it is ‘necessary’ for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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Chapter 13 - Content of an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Works well, fits in with current practice in Powys

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

But needs to include outcome measures and evidence based practice

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Document needs to remain relevant and “live” reflecting changes in pupil reviews.

Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Timescales dependent on whether they are known to the service, may take longer than stated timescales.

There are competing demands and the strict timescales may cause additional pressure.

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Clarification required around what is needed to benefit pupil/outcomes measures needs to be clear.

Needs to note that NHS would not assess a child if relevant treatment or service is not required.

Evidence based decisions need to be taken into account, especially in the tribunal system.

The Designated Education Clinical Lead Officer (“DECLO”)

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Clear definition of requirements with expressed need for structure underneath DECLO.

Too generic and broad, with woolly expectations. No funding to support implementation.

Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Responsibilities for health professionals need to be clearer around updating of reviews

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Powys has already engaged with the PCP approach

Chapter 19 – Planning for and supporting transition

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transition management is critical to the process for a child (up to the age of 25).

Chapter 20 - Transferring an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Essential for young person to have clear support and opportunities from all professional bodies

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

**There is nothing specific with regard to time and that ‘promptly’ would mean something different to different services/ people etc.
Also would need robust cross border plans.**

**There is nothing specific with regard to time and that ‘promptly’ would mean something different to different services/ people etc.
Also would need robust cross border plans.**

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Define “promptly”.

Chapter 23 - Children and young people in specific circumstances

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

Chapter 25 - Avoiding and resolving disagreements

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 27 - Case friends for children who lack capacity

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Case friends requires more clarity, not least links to advocacy.

Any other comments

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 would just make a plea for a less wordy and repetitive document which clearly outlines the must dos versus good practice.

Part 2 of the consultation: Draft Education Tribunal for Wales regulations

NO COMMENTS FROM HEALTH ON THIS SECTION

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

<p>But recognise the implications and duties for ALNCo and this needs resourcing.</p>

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>As Named Doctor for looked after children, similar roles and protection have been highly valued and made a difference to some children although the officer was spread too thinly and was left by the officers to support all the LAC children which was too much so there needs to be some clarity over what can be managed by the more generic person and what needs the specific one for LAC.</p>

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

As Named Doctor for looked after children, similar roles and protection have been highly valued and made a difference to some children although the officer was spread too thinly and was left by the officers to support all the LAC children which was too much so there needs to be some clarity over what can be managed by the more generic person and what needs the specific one for LAC.

(c) Proposed revisions to the Part 6 Code

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Part 5 of the consultation: Impact of proposals

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

All staff will require significant training to understand new processes
Health will require some reorganisation of structure to include DECLO and supporting roles

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

Positive impact, but resource implications identified.

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?

Definite impact on timescales for compliance and outcomes.

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.

Respondent Details

Information	
Name	Louise McGrath
Organisation (if applicable)	Wales Council for Deaf People

To whom it may concern,

I am writing as the CEO of Wales Council for Deaf People regarding the Draft version of the Additional Learning Needs Code for Wales.

We at WCDP believe certain aspects of the act must be changed in order for Deaf children/ young people to access a successful educational experience which would be as fair and accessible for them as their peers.

We believe more focus is needed regarding basic Deaf awareness training for ALNCOs and their Early Years counterparts, as well as further educational changes, such as the integral use of Teachers for the Deaf in conjunction with any assessment that a deaf child undertakes.

We are also aware of how vital the roles of Audiologists & Speech and Language Therapists are amongst other health professionals in regards to the support they provide for deaf children. We believe that areas of the code do not allow for enough of the much needed input that they can provide regarding learner's assessments.

As an advocacy service we also believe that all families should be aware of their rights regarding any support plans created, however the current rights are difficult to discern.

I would be extremely grateful if you could consider the above points when finalising the code for the benefit of deaf families in Wales.

Respondent Details

Information	
Name	
Organisation (if applicable)	Carmarthenshire Educational and Child Psychology Service

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes the explanation is clear however the use of should needs to be emphasised – you must undertake the action if you are the relevant person expected to carry out the duties under the Code.

The definitions could usefully be highlighted at the start of every chapter or in footnotes, in case you turn to a particular chapter.

Timescales

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Yes the time-scales are realistic with the emphasis on proof that parties have acted promptly.

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

For general exceptions need to prove delays are due to, “circumstances beyond the responsible body’s control”. We understand there cannot be a list of expectations of all the

circumstances that may occur but in particular note an exception relating to closure of education settings during holiday times.

Structure of the draft ALN Code

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes – the structure permits interested stakeholders to be directed to relevant and specific chapters. The repetition enables interested stakeholders to just refer to their chapters.

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

Yes	<input type="checkbox"/>	No	x	Not sure	<input type="checkbox"/>
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Supporting comments ✓

Not really

Yes however note the following:

Written section by section and the ‘flow’ and ‘overview’ is lost. (this is generally for the whole document)

Lacks details regarding processes in some areas.

Clarity of guidance on what to make decisions upon is needed.

Too much ambiguity regarding when LA provides additional provision.

In addition to the ALN Code we would welcome an ALN Code of Practice to include best practice examples/case studies.

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes.

- Would nevertheless need to work closely together – with LA representative/s
- Would need guidance regarding equity of provision across provisions i.e. diff PRUs, if more than one in an Authority.

Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes the Code creates a legislative framework/process that places learners' views, wishes and aspirations at the heart of planning and focuses on the importance of identifying needs early putting in place timely and effective interventions that are monitored and adapted to deliver an inclusive bi-lingual system. It also assists transition processes across all stages. The principles therefore are the right ones.

Could be strengthened by mention of outcomes and importance of effective intervention.

There is a need to ensure that we have sufficient capacity to deliver the system in Welsh.

We note the strong principle of strategic coordinator roles eg. Early Years ALNLO will have a key role in coordinating the identification of Early ALN in preschool settings and ensure consistency of ALP and transition arrangements as well as coordinator roles of preparing IDP being everyone's business.

Chapter 3 – Involving and supporting children, their parents and young people

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The explanation of the duties include the following elements:

- The participation of CYP/their parents through PCP approaches
- Incorporating pupil's goals and interests
- Styles of communication
- Informing CYP/their parents of the processes
- Allocating a designated coordinator
- Seeking CYPs' consent

These elements outline how CYP/their parents are going to be empowered/supported to participate in the statutory processes and are appropriate.

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

General points:

- This Chapter lists the duties (relating to specific articles) and clarifies what LAs and NHS bodies must or should do to discharge their duties.
- Provide a summary of parts of UNCRC (overview on page 40) and UNCRPD mentioned in draft
- Did not read smoothly due to lots of cross referencing and therefore not accessible to all
- What the impact assessment involves – requires clarification
- The word ‘discharge’ is misleading and should be replaced with ‘carry out’.
- Are all schools familiar with the UNCRC? Are all schools rights respecting? Is there an expectation to gain an accreditation?

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes it is appropriate for LAs to map and review ALP on a regular and on-going basis in order to respond to changing needs and demand for ALP – the LA will need to review procedures. It is also realistic to expect the LA to respond appropriately to gaps in provision and work collaboratively with other LAs and partners to address these shortfalls and share good practice models regionally.

- Unclear who in the Local Authority would be recording the ALP review.
- We would want to protect the EP role from gatekeeper of ALP.
- Good focus/consideration for Welsh ALP
- Good focus on looking within school for ALP
- Good that examples of how to monitor provision are given
- Good that it links into wider strategic provision
- Paediatricians need to be accessible - includes relevant suggestions

Chapter 6 - Advice and information

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes all sections on advice and information – the content, accessibility and publication are appropriate. Sharing of information is clear – written/published online, easily accessible place, should be Welsh and English.

- The word ‘discharge’ appears – an explanation is required e.g. carry out.
- The phrase reasonable steps should be explained – to include frequently used other languages in the LA.

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The ALN Code does not give a clear definition of ALN but rather asks two key questions either of which must be answered in the affirmative to confirm that the individual has a learning difficulty or disability for the purpose of the act. This process is based on individual interpretations/answers to the questions and may lead to varying definitions of ALN and varying decisions around making ALP.

What is the definition of ‘significantly’ (7.6)? – How can consistency be established between schools, LAs, and professionals to ensure equality? This is still open to interpretation.

What language should be used in defining under 3 ALN ‘learning difficulty’ vs ‘developmental needs/delays’?

7.19 Also includes defining ALN following monitoring of the learner’s progress in response to early intervention for some.

7.21 point re: developmental age of learner vs age (chronological) of learner

ALN for EAL/Welsh AL – consideration of definition for EAL Learners and research about BICS vs CALP

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes it gives a general overview/rule of thumb on types of evidence/sources of evidence/how this evidence is collated and considered to reach decisions regarding ALN/ALP. However, when decided YP has ALN it will ‘usually be necessary’ ??? to prepare an IDP – When is it necessary – when is it not? Who decides?
 Under compulsory school age – defined as learning difficulty or disability? What about developmental needs?
 7.35 – talks about lack of progress despite teaching approaches targeted but should also reference targeted interventions.
 7.37 Assessment through intervention needs to be added to the list.

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes the guidance on the role, experience and expertise is clearly articulated, however it should be strengthened by including experience and expertise in EY Education and Child Development. As there is a need to be able to lead and plan strategically the EY ALN LO will require specific management skills it will helpful to add. Is the use of ‘should’ rather than ‘must’ appropriate here?

Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The structure and content of these Chapters in relation to the duties of the Local Authority, maintained schools and FEI (institutions) for categories of CYP follow a consistent pattern and format. Although this may appear repetitive the reader will only need to refer to the appropriate section at any one time.
 In a ALN Code of practice might be useful to include good practice/case studies– to give ALNCO/CTs/SMT what it looks like in “the real world”

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There needs to be

- Greater clarity re triggers/and process if these Chapters are to be read as stand - alone chapters.
- The timescales are tight but realistic – in practice the timescale may have to be amend extended but the principle of timely PCP/creation of IDP is priority. The preparation of an IDP should be overviewed as an on-gong process.
- There will be an impact on timescales when there are peaks of high demand/pressures on resources e.g. due to under resourcing, sickness absence.
- Federated ALNCoS may find it difficult to adhere to timescales when responsible for more than one school.
- FEI – these organisations should comment independently.

Deciding whether it is ‘necessary’ for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes – but more explicit requirements/data evidence that may be required by LA to make decisions for example the role of CN Panels around joint funding. ALN Code of Practice to cover this?

Must consider the young person’s aspirations and how ALP will support. LAs will need to assign the responsibility for coordinating and maintaining an IDP for a young person not at a school or FEI to a Responsible Officer.

Chapter 13 - Content of an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Extra point: Do the ‘Person Centred basis’ principles need to be outlined here in 13.3 given that they underpin the content of the document.

13.5 I.A.10. Shouldn’t this be also included in the mandatory LAC IDP?

Following training schools must understand the mandatory content of IDPs and ongoing

training will assure quality.

Contents of IDP

- The structure should be more child focused.
- More emphasis on wellbeing.
- The IDP should replace the PEP for CLA – it should be the same document for all learners.
- It would be useful for the One Page Profile to be included within the IDP for all pupils (including those looked after).

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The elements are appropriate for pupils who have low level/high incidence ALN and require targeted ALP. Section 2a can be expanded for CYP with complex ALN.

We liked the 'Intended Outcome' link to ALP which can be measured – progress tracked.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Section 13.24 – 26 OPP Clarity on the headings in the OPP would be useful. We would expect to see how best to support included in the important for element of the OPP.

We feel will benefit from clarification/guidance on:

- Capacity of the CYP
- Transition reference to 'near future' timeframe
- Transport decision appeal process

Transport

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transport, where relevant, must be part of the IDP and must support ALP of learners from 0-25.

Learner Travel Wales Measure to be revised to reflect ALN Code

For IDPs created by the LA queries around transport to specific provision should be

discussed with Transport Officers.

Transport

- Should consider the needs of young carers, children of refugee families and children looked children in rural areas who may have significant challenges in relation to gaining access to public transport.
- Access to transport should be considered based on a 'vulnerability' criteria.

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

From the LA's point of view as the timescale (6 weeks) for providing information mirrors the existing timescales it seems an appropriate one. However seek health body confirmation that this timescale is practical.

Exceptions noted in 15.7 and 15.8 seem reasonable.

15.10: Why does the request for help/information need to be passed back to the LA?
Unnecessary bureaucracy.

The opportunity to request information from a "relevant person" is good as it permits information to be requested from specific individuals.

Timescales and compliance

- Additional consideration should be given to children looked after, children on CPR and children in need of care and support should be prioritised to minimum school absence and safeguard them.
-

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

This is difficult for us to comment on as we don't know the full picture from their perspective i.e. staffing, expertise and Welsh-language provision.

However we are aware that coordination of all Health professionals' information in the current system is often not holistic/effective.

Also that this is more possible where the CYP is already known to the Health professionals especially where they have been involved over time or there is regular multi-agency review.

When they have not been involved previously or in some cases where they have just become involved assessment is carried out over time in response to intervention and they may not be in a position to answer this question within the 6 week timescale, for example Speech and Language Therapy, Specialist CAMHS.

This process may also depend on the quality of supporting information available with the IDP describing the CYP's ALN and the clarity of the Objectives that the ALP aims to meet.

It will be very helpful to have a clear provision map from LHBs with clarity about the objectives of the Service or treatment.

The Designated Education Clinical Lead Officer ("DECLO")

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This guidance on the DECLO is clear and emphasises the requirements of the role. The DECLO is required to have a specific skill set to carry out these duties.

It's a huge role for one person and we are concerned about the potential issues should this person, for whatever reason, be away from work.

We believe that the 'should' statement should be 'musts' in order to ensure that the role is carried out effectively.

Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This Chapter on review and revision of IDP is clear. The flow diagrams are especially helpful.

We feel that there is ambiguity unless there is it is made explicit as to how this is decided.

- How is this resolved in the instance of a dispute?
- Sets out the process which can take up to 35 days but it is still up to the LA to decide

on their actual processes.

- Processes will have to be shared with all stakeholders, including children and young people and make a direct link to the code
- There is likely to be ambiguity around what an IDP will contain as it will be person centred led and fit for the individual and their circumstances.
- Whose role will it be to provide quality control around IDPs?
- There is a need to ensure staff feel confident and competent in being able to review and revise IDPs without calling on 'specialist advice'.
- How will a child/young person trigger a 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Yes the proposed period is appropriate and hopefully realistic.

Health/Education

- Working to different systems which aren't always compatible
- Consider the volume of reviews

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The content and structure of Chapter 17 is mostly clear

However, 17.11 begs the questions that if a local authority prepares an IDP for a child or young person in the area of a local authority in England and if not allowed to describe other provision (i.e. a place at a particular school or other institution or board or lodging) in it and the child or young person requires such provision who can do this? Would this be grounds to ask the Local Authority in England to consider an EHC assessment? What would happen if the LA in England refuses to do so?

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes – the proposed period is appropriate as exceptions are permitted.

The timescale of 7 weeks is too short on several counts:

- 1) LA consideration of a request to revise on IDP follows parental or child/young person dissatisfaction and likely disagreement resolution and the LA’s decision can be appealed and therefore the LA is likely to want, in a number of cases, to have enough time to secure and consider additional advice which may not have already been available therefore the process is more akin to the 12 week timescales process of a LA producing an IDP, if it is to be done thoroughly as a person centred process.**
- 2) The 7 week timescale is not realistic if it falls just before or during the Summer holiday period of 6 weeks.**

It is good to see in 17.25 that where a school or FEI are considering asking a LA to take over responsibility for maintaining an IDP that they ‘should’, i.e. it is expected as good practice, consider consulting an EP to see whether this is appropriate as the EP is able to provide objective child/young person centred advice on how the school or FEI could meet needs inclusively. However, should this be an expectation and therefore a ‘must’ to seek to avoid this request being made of the LA without this evidence being available? If this was the case this would enable a possible shorter timescale to be met by the LA in making a robust decision.

Also, we would not advocate use of language in 17.25 that could be interpreted as the EP having a gatekeeper role. It should be the LA who has this role and the EP role should be to provide expert consultation to support education settings to meet identified ALN inclusively. A further concern is raised by 17.22 where education settings may vary in ‘the ALP that they might reasonably be expected to provide/secure’.

The ALN CoP has as its vision that ALN should be met in mainstream as far as is possible. This depends on the level of protected funding that is made available to do so and the specialist training, advice and support. The LA should therefore only need to maintain the IDPs of a very small percentage of those with ALN where specialist education is required or the level of provision in mainstream is exceptionally high and needs to be additionally funded by the LA centred funding. Clear LA expectations re ALP that we would expect to be available in inclusive mainstream educational settings needs to be set out in ‘local offers’ if this system is to provide equity across Wales. This will support the process that Chapter 17 refers to.

Without these frameworks and processes in place there is a real concern that the LA may be overwhelmed with such requests and indeed that Appeals to the Tribunal will increase significantly unless the LA is willing to take over a significant number of IDPs.

Chapter 18 - Meetings about ALN and IDPs

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	✓	No	☐	Not sure	☐
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Supporting comments

- Helpful to outline principles of meeting and the flexibility to meet individual circumstances in each meeting e.g. timing and numbers present, “Needs led!”
- It is clear that child is at the centre
- Coordinator - indicates most appropriate to run meeting (i.e. not necessarily ALNCO!!!)
- In general – seem methodology has clear cross reference to WG documents re Person Centred Practices
- Attendees etc (18.7) clear
- 18.11 provides a good solution if professionals are not able to attend
- If professionals are not in attendance then it does need to be explicitly written that they can’t be signed up to action by others, unless there is a prior agreement, and that it is good practice that the Coordinator or someone else present in the meeting agrees to contact them as an action
- 18.14 Welsh requirements need clarification e.g. make explicit implications of organising translation, cost and possible delay in organising this additional service for meetings when this is required to provide everyone with full access and participation in the meeting.
- 18.15 is clear but should it be stated/written in record that there is a difference in opinion with the implication that this may lead to mediation/LA resolution process etc.
- 18.18 and 18.34 Should the definition of Coordinator role and where it is stated be referred to here (as there is an expectation that chapters can be read as stand alone)? Should it state that the Coordinator could be a range of professionals/contributors?
- 18.22 “should” better than “must” as it is about good practice and pertinent to transitions e.g. FP to KS1 etc.
- 18.28 the term “impact monitoring” would be usefully clarified.

Chapter 19 – Planning for and supporting transition

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	✓	No	☐	Not sure	☐
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Supporting comments

As transition across stages is key the Code needs to make clear who is the person responsible for coordinating transition at each stage. The LAs’ schools have effective transition pathways across all phases and person centred practices involving parents ensures effective transition.

This chapter includes more practical guidance re transition process than other chapters do and this level of information would be welcomed in other chapters to support best and consistent practice across Wales. When LAs are responsible for holding the IDP they are also responsible for the transition overview including EY transition into school.

N.B. 19.16 missed transition from KS2 to KS3 out (Yr 6-7)

We like that there is a need to plan multiagency sometimes two years in advance and hold IDP planning Review meetings annually when transition planning needs to be considered and informed by Person Centred practice.

Timing should allow ALP to be put in place in a new setting prior to them attending.

19.60 We will need more information re when an independent special post 16 institution should be considered and the process for this.

Chapter 20 - Transferring an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

20.1 Use of ‘normally transfer’ begs the question of clarifying the exceptions. Are the only exceptions outlined in 20.23?

20.12 ‘Where the LA believes that it would be reasonable for the FEI to secure the ALP set out in the IDP’ – it would be helpful to clarify what factors would need to be considered in arriving at this decision, i.e. what ALP is reasonable for the FEI to secure i.e. What ALP is reasonable for the FEi to secure.

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

20.12 ‘Where the LA believes that it would be reasonable for the FEI to secure the ALP set out in the IDP’ – it would be helpful to clarify what factors would need to be considered in arriving at this decision, i.e. what ALP is reasonable for the FEI to secure. Clarification of ALP that could not be delivered in a FEI?

Welsh Ministers decision if FEI do not agree to LA request – what is the reason for this process? Is it an arbitration mechanism?

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes this is clear and reasonable.

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

21.8 Not sure why use governing body here rather than school/setting?

21.10 We would welcome clarification on 'reasonable needs for education and training'.

21.14 Would you also inform the Social Worker of a LAC as they have parental responsibility?

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This section is confusing. The timeframe for reconsideration for LAs is tight. Does this section need to include the LAs timescale for reconsideration and clarification that only following this reconsideration process can an appeal to Tribunal be initiated. We have already noted that we would like the LAs timescale reconsideration to be 12 weeks rather than 7 weeks to allow for robust gathering of information as this decision could lead to a Tribunal appeal. Do not understand the timeframe for appealing to the Tribunal.

Chapter 22 – Children and young people subject to detention orders

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The structure is clear however rather than referring back to Chapter 12 as stated in 22.16 it would aid clarity to repeat this information in Chapter 22.

We would think that a detained child/young person as defined in 22.2 a) and b) would

benefit from ALP being made if they have ALN (and no prior IDP) whilst detained in youth accommodation or hospital not just on release. However, we note if they have an IDP on being detained this must be sent to the Youth Accommodation

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes - see above.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

22.54 Currently for a child/young person with a Care and Treatment Plan and a statement of SEN it is the Local Authority’s statutory duty to provide a Coordinator and likewise if they are Looked After rather than the Health Authority. Will this change in light of this Code’s provision? Educational Psychologists fulfil the role of the Care and Treatment Plan Coordinator in Carmarthenshire for those with statements of sen.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes

Chapter 23 - Children and young people in specific circumstances

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

23.3 and 23.4 It would be helpful to summarise relevant duties rather than refer to Ch.s 9 and 10 if the intention is that the chapter can be read as stand alone for this group of children and young people.

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

We are pleased to see that this is a mandatory role and may be more than one designated ALNCo in a setting if required mentioned and that in some circumstances it may be appropriate to share an ALNCo.

The information continues to reflect the range of settings factors that may influence how the role will work but protects key elements such as registered teacher, member of or clear communication link with SMT as a strategic planning role, the LA role to support the ALNCo.

This is a significant role and we wonder if a minimum of teaching years' experience should be made explicit.

Chapter 25 - Avoiding and resolving disagreements

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Same as Question 42. See above.

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It would be helpful to outline what Part 2 of section 84 of the Act refers to.

26.10 How does the Tribunal assess whether a child has capacity or not?

26.11 We note that this list is not exhaustive but a significant omission is the time scale in which the appeal should take place and the decision reported. In the interest of CYP we feel that a timeframe should be specified.

26.14/15 Does the eight week timescale in which parents/cyp can submit an appeal and the supporting case statement give an unfair advantage over the LA or FEI who only have 4 weeks to submit a case statement? Should this also be eight weeks?

26.16 (a) Should the time to comply with Tribunal orders be longer eg 12 weeks equivalent to the timescale for issuing a first LA IDP?

26.22 (d) Clarification on what the interests of justice would mean.

26.25 Should this not also apply to the LA and FEI?

Chapter 27 - Case friends for children who lack capacity

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It is good to see reference to how those who may lack capacity are still required to participate however they can.

We are not sure why this only refers to child and not young person.

27.5 Although this defines what it means for a child to lack capacity in relation to the Act it

would be helpful to have more examples to support consistency in those making this assessment.

27.6 Describes who can decide if a child lacks capacity but does not state how this decision is made i.e. what information is considered and who provides the information.

Any other comments

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.

9.44 Do not agree that the circumstances of a school could affect the school's view on whether it can secure ALP – all schools to meet local need inclusively. An inclusive local authority is likely to provide to schools/setting a level of resource/support/equipment which should allow them to secure the ALP in mainstream.

15.36 This section is weak with regards to the LHB. The Tribunal should not direct a Local Authority to provide what health will not deliver.

We had expected more guidance but understand now from attending the ALN Consultation workshops that this is a legal Code for the ALNET Wales Act and not a Code of Practice and that this may be forthcoming in the future and good practice examples will be welcomed to support consistent good inclusive practice across Wales.

Part 2 of the consultation: 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes but the ALNCo should have a prescribed number of years' teaching experience – at least two.

Missed opportunity to prescribe mandatory on-going CPD related to ALN.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

- **No objection to LACE Role but there will be a need to ensure that the processes the LACE follows is the same as those IDPs coordinated by the school or LA.**
- **ALN (for LAC) should be everybody's business.**

PART 4: children tell us that they wish to be referred to as Children Looked After (CLA) or

Care Experienced Young People NOT LOOKED AFTER CHILDREN (LAC) and documentation should be altered accordingly.

4:12 the role of the LACE in multiagency coordination for ALN places an additional time expectation that may not be wholly achievable depending on geography of LA and number of CLA.

Question 57: yes the LACE coordinator should be a statutory role and a consistent role across Wales.

- Welsh Government Guidance of minimum expectations of the LACE Coordinator role should acknowledge the ‘specialist nature’ of the LACE Coordinator’s role in understanding and linking Corporate Parent and Education Department knowledge of responsibilities.
- LACE Coordinators may require National training in line with their role and this should include trauma informed practice. Possibly the level 5 Diploma in Trauma Informed Practice.
- In some LAs this role may require one member of staff, while in others it may require a specialist team in order to compete all duties.
- Consideration should be given to the position of the LACE coordinator and their relationship to Corporate Parenting Panels to strengthen their ability to influence senior managers/leaders.
- The LACE Coordinator role is that of overseeing and not the doing/writing of IDPs. It is to hold LAs to account if children are placed out of authority without first ensuring their ALN can be met (ratified also by Huw Davies).

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes as it includes the PEP.

- Unclear why there is a difference in language options
- Unclear why no transition box
- Unclear why personal details come at end

The pep should be replaced by an IDP.

- CLA should not have a different process and if the IDP is truly person centred it should comply with all functions of the current PEP.
- Do not agree that there should be a separate standard form for looked after pupils. Promote equality and fear that a different form would further stigmatise pupil’s looked after and be discriminatory. It will be more straight forward for all (children, carers, parents and staff) if the IDP is one document for all. It will be easier for ALNcos in school to have one document for all pupils.
- School staff should complete the IDP for LAC and it should be trauma informed.

(c) Proposed revisions to the Part 6 Code

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

- The IDP should specify who is responsible for actions.
- It should be both the Social Worker (who has PR) and the IRO who contribute to the IDP.

Needs strengthening to describe and clarify the need (must) for LAs to plan for education needs to be met, prior to placement or immediately after, if child is placed in an emergency.

- 110 – needs clarification as to which LA has responsibility.
- 140 – reinforce careful consideration prior to placement.
- 227/228 - IDP should be given to any receiving school.
- 233 point 4 – IDP must be given to carer.

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code to 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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- One plan is much better as it doesn't separate out LAC from non-LAC (which is preference of LAC)

Yes – the IDP safeguards the ALN of those looked after.

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	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Yes

Part 6 has the opportunity to redefine the role of the LACE Coordinator to provide greater consistency of the role across Wales.

- It should acknowledge the 'specialist nature' of the LACE Coordinator's role in understanding and linking Corporate Parent and Education Department knowledge of responsibilities.
- Need to ensure that the role is not stretched to far by the increasing demands of the

ALNET together with the LACPDG responsibilities.

- **In some LAs this role may require one member of staff, while in others it may require a specialist team in order to compete all duties.**

Part 5 of the consultation: Impact of proposals

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

Earlier identification of ALN.

Less standard prescription of ALP and more personalised person centred planning and objectives which change more frequently.

Greater integrated planned action to meet objectives and a more holistic approach.

Professionals in more planning meetings shaping effective interventions.

Local ALP mapped out as a local offer. Joined up planning re this.

Single point of information re provision and process to identify and meet ALN which is accessible to all and kept up to date and impactful.

Person Centred processes and conversations happening when needed.

Greater right to appeal for CYP and parents. Increased activity in advocacy, disagreement resolution, Tribunals.

Greater access to local ALP across educational phases.

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

Q63 – undoubtedly will have a positive impact, increasing the functionality of the language across all areas. When considering that person centred practice is at the heart of the transformation, CYP should have the choice with regards to the language in which they would like the process undertaken to ensure that the best is gleaned from it as long as understanding is evident. There are currently families who prefer to communicate through the Welsh language and allowing this would give a personal, relaxed approach whilst knocking down a barrier. My hope is that Welsh language support/input/provision is available across all relevant professional bodies i.e. health to ensure clarity and consistency whilst following the CYP wishes.

The proposals support the use of the Welsh language and requires consideration of what ALP should be provided through the medium of Welsh for every learner with ALN which should strengthen Welsh ALN provision.

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?

Whilst the workforce is unlikely to be fully bilingual there is a need for translation services to be readily available to ensure everyone can use Welsh and English as they would prefer to do so in IDP Planning and Review meetings and in written communications.

There is a need to provide realistic, regular and frequent Welsh Language Learning opportunities for the workforce built into working time.

There is a need to plan for and increase the level of bilingual provision beyond schools into FE and specialist provision Post 16.

This provision will require additional resourcing.

Within ALN and various school organisation to delivering bilingual Welsh-English education there can be tensions at times and misrepresentations. There is a need for a clear message that bilingual education should be inclusive for all learners and not dependent on their home language/s the balance of teaching language medium provided by different schools and the nature of learners ALN. Schools need to make appropriate provision in both language mediums, differentiation and adjustments to provide access to learning and support progress being made.

For example, where teaching to support progress is not made in a learner's more developed language whether this be Welsh or English; Where a learner attends a specialist unit for a period of time and the balance of teaching and learning does not reflect their home school's delivery of bilingual education thereby disadvantaging the learner on return to their home school; where the expectation to develop both languages is not equitable.

There can be pressure to disapply some learners with ALN from Welsh particularly to free up teaching time to strengthen literacy in English rather than adjust the intensity and nature of a literacy catch up intervention for a period and provide support strategies alongside adjusting the balance of curriculum delivery.

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.

All professionals welcome the focus on roles and responsibilities but think that this could usefully be mapped out for all.

All professionals concerned are that there needs to be clarification re terms used such as 'advice', 'consult', 'consultation', 'assessment' as they can be interpreted in different ways by different stakeholders and will determine processes which will need to be further considered to design systems to achieve the ALN Transformation.

All professionals would like to see mention of the LA role and responsibility in making the ALN Code of Practice user friendly for all stakeholders.

All professionals would welcome greater clarity supporting a common definition interpretation of 'significant difficulty in learning'. We are concerned that the staged approach to determining an ALN is not made explicit in this Code.

It would be helpful to clarify responsibilities for funding ALN processes and ALP across providers including shared, pooled budgets if required.

LA Officers believe that there is a clear need to map out a LA - FE - LHB ALP offer to ensure that there is a framework that can underpin all decision making in a fair, open and transparent process and allow regular systematic review and improvement where required.

EP Service

EPs are concerned that the EP's role and responsibility is not seen as gatekeeper which is part of the educational settings, Local Authorities ALN section and Local Health Boards role and responsibility.

EPs are concerned that the EP's role and responsibility includes supporting educational settings and the Local Authority with holistic identification of ALN and effective intervention to meet ALN inclusively, working in collaboration with others supporting the cyp. EPs would see a strategic role for the EP in building capacity within the system to do this which is both seen as both prevention and intervention.

EPs note that the EP role is valued, key at all phases and mandatory. EPs wonder if there is an intention to widen the involvement of EPs at preschool/under 5 (i.e compulsory school age) as 'must' is used for all children with and who may have ALN. Currently EPs are not resourced at a level to become involved with all of these children and therefore prioritise those where there are significant barriers to making progress despite interventions that are likely to prevent barriers to accessing teaching and learning in a mainstream setting. EPs are awaiting more guidance re post 16 specialist provision assessments and anticipate that this will impact on EP activity which has been very limited in this area to date. There will need to be CPD and systems developments post 16 FE and specialist college provision.

EPs note that the EP role is valued, key at all phases and mandatory. EPs wonder if there is an intention to widen the involvement of EPs at preschool/under 5 (i.e compulsory school age) as 'must' is used for all children with and who may have ALN. Currently EPs are not resourced at a level to become involved with all of these children and therefore prioritise those where there are significant barriers to making progress despite interventions that are likely to prevent barriers to accessing teaching and learning in a mainstream setting.

Respondent Details

Information	
Name	Peter Jones
Organisation (if applicable)	Guide Dogs Cymru

GUIDE DOGS CYMRU RESPONSE TO CONSULTATION ON DRAFT ADDITIONAL LEARNING NEEDS CODE FOR WALES

GENERAL COMMENTS

Timescales in the draft code

I agree with the general approach to the timescales for the schools/FEIs and local authorities. From a child and parent perspective if the new Code is going to be transformational it is important that there is no watering down of these proposals. It makes sense to have general exceptions provided it is spelt out that this should be only be in very exceptional circumstances. In terms of Chapter 26 (paragraphs 26.14 – 26.15) it is disappointing that there are no exceptions to the 8-week timescale for appeal application and supporting statement. Yet alongside this, in paragraph 26.13, more latitude is given to statutory agencies. I will pick this up in my specific comments.

Gaps in Code in relation to links to Social Services

It is encouraging that the Code now includes some references to the Social Services and Well-being (Wales) Act 2014 Codes of Practice. However, there is a significant gap. Unless I missed it, there is no reference to habilitation anywhere in the Code. I did brief the Minister for Education about the need to reference habilitation in the Code during a constituency visit on 8 June 2018. Paragraphs 185-186 of the Social Services Part 2 General Code of Practice provide the following guidance:

“185. Habilitation is central in enabling children and adults with a disability to live as independently as possible with the right level of support as it is key to acquiring and developing skills that otherwise would have been learnt incidentally. It is vital where an individual has been unable or delayed in developing those skills. Identifying preventative services that help people to learn, keep or improve skills and functional ability is integral to promoting well-being. As with reablement, effective habilitation should support physical, sensory, social and emotional needs and be delivered in partnership between the local authority and the Local Health Board. Habilitation support may differ from standard reablement services and require a different approach, one that focuses on the specific needs of the individual and their family. As a result, a more structured programme of support may be required, and for a longer period of time.

186. Effective reablement and habilitation should be delivered in partnership between the local authority and the NHS”.

You are currently funding, through your Additional Learning Needs Transformation Programme the training of 4 habilitation specialists in Neath Port Talbot, Powys, Pembrokeshire and Ceredigion. Given this it is very surprising that reference to habilitation is not included in the new draft Code. It should be. I will return to this in my specific comments.

United Nations Convention on the Rights of the Child

It would be helpful if this was referenced early in the draft code.

SPECIFIC COMMENTS

Paragraph 5.14

In the bullet point starting “Specialist services after “impairment” add “and habilitation specialists”.

After “Welsh Language provision” add “and specialist sensory support”.

Paragraphs 6.18 and 6.19

These paragraphs are very helpful in terms of advice about accessible information. These messages need reinforcing in other parts of the draft Code

Paragraph 7.16

After “sensory support” add “especially habilitation as set out in the Social Services Code of Practice”. The Social Services Part 2 Code should be referenced here.

Paragraph 7.23

This is an example of a good link to the Social Services Act.

Paragraph 7.37

In the penultimate bullet point after “health boards” it might be worth adding “and third sector organisations providing specialist support”. Guide Dogs Cymru provides specialist habilitation support to several Local Authorities under contractual arrangements. It would be a pity to miss this source of evidence. I attach at the end of this letter some anonymised case studies which provide examples of the types of support we provide.

Paragraph 7.59

After “teach” add “and support”. I am thinking here about qualified habilitation and rehabilitation specialists who are often called upon to support children with sensory loss. Whilst the role of the Qualified Teacher of the Visually Impaired is vital the expertise that is available from qualified habilitation or rehabilitation specialists must not be overlooked.

Paragraph 7.60

The list here needs to include “qualified habilitation and rehabilitation specialists”.

Paragraph 7.61

For the same reason as in 7.59 above after “teach” add “and support”.

Paragraph 8.10

After “other agencies” add “including third sector”.

Paragraph 8.44

After “social services” add “third sector agencies providing specialist support”.

Paragraph 9.66

As already emphasised under general comments it is important to adhere to the proposed timescales.

Paragraph 10.42

I have a general worry about this paragraph in that it might be used by a FEI as an escape route not to provide ALP. I am particularly worried about the wording in the third bullet point – “beyond the reasonable resources of the FEI”. This is far too subjective and goes against the principle of meeting need. Children with sensory loss often have very personalised equipment. I’d suggest removing the bullet point about equipment and in the first sentence of this paragraph after “could” add “in exceptional circumstances”.

Paragraph 11.7

At the end of sub-paragraph (b) add a new sentence – “The need, where appropriate, to provide accessible information in preferred formats and taking account of communication needs must always be adhered to”.

Paragraph 11.13

Sub paragraph (a) – same sentence as in 11.7 above to be added.

Paragraph 11.23

Sub paragraph (b) – same sentence as in 11.7 above to be added.

Paragraph 11.29

I disagree with the sentiments expressed here about 1:1 support reinforcing dependency and hindering the acquisition of independence. This is far too subjective and needs to be removed from the Code. As set out in the Social Services Code of Practice habilitation is central in enabling children and adults with a disability to live as independently as possible with the right level of support as it is key to acquiring and developing skills that otherwise would have been learnt incidentally. This is a good example of where this draft Code needs to provide consistent messages to already published Welsh Government Social Services guidelines. We strongly believe 1:1 support often improves the journey to independence.

Paragraph 12.14

Sub-paragraph (b) – same sentence as in 11.7 above to be added.

Paragraph 12.59

Sub-paragraph (b) – same sentence as in 11.7 to be added.

Paragraph 13.15

It is very encouraging to see the references to accessible communication in this paragraph.

Paragraph 13.38

I agree with the sentiments expressed here about detailing the training or qualifications any staff will require. In terms of the provision of support for sight loss we always maintain that qualified QTVIs, habilitation or rehabilitation specialists should be involved.

Paragraph 15.19

At the end of the third bullet point it would be worth again referencing the guidance about habilitation in the Social Services Part 2 Code of Practice – see general comments above.

Paragraph 15.45

It would be worth referencing here the All-Wales Integrated Pathway for Children and Young People (0-25 years) with Visual Impairment and their families.

Paragraph 15.47

After “speech and language therapists” add “qualified habilitation and rehabilitation specialists”.

Paragraph 19.12

In the final sentence after “include” add “providing accessible”.

Paragraph 25.19

The second bullet point reinforces the concept that decision making will be centred on the needs of the child or young person and they will receive the level of support they require. This reinforces my belief about how poorly worded paragraph 10.42 is – see my comments above.

Paragraph 26.14 and 26.15

I note that in paragraph 26.13 that, despite the regulations, an LEA or FEI may apply for an extension to the timescale. I want timescales to be adhered to but in exceptional circumstances could not some discretion also be applied to children or young people submitting an appeal. It just feels wrong that statutory bodies, with all their professional resources, are provided with leeway whilst appellants are not.

I do hope that you find my comments helpful and that they will be carefully considered. From my perspective the key to making the new Code transformational is to improve the way Education, Health and Social Services work together. I have tried to keep this in the front of my mind when formulating this response. If I can provide any further information, please let me know.

I am content for this response to be shared or published