

# Help us

We want your views on the way we talk about representatives for young people, and parents, who lack mental capacity

**A Young Person's consultation on Chapter 31 of the draft ALN Code**

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.



**Introduction** **3**

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**We are consulting on Chapter 31  
of the draft ALN Code** **4**

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**Chapter 31 of the draft ALN Code** **5**

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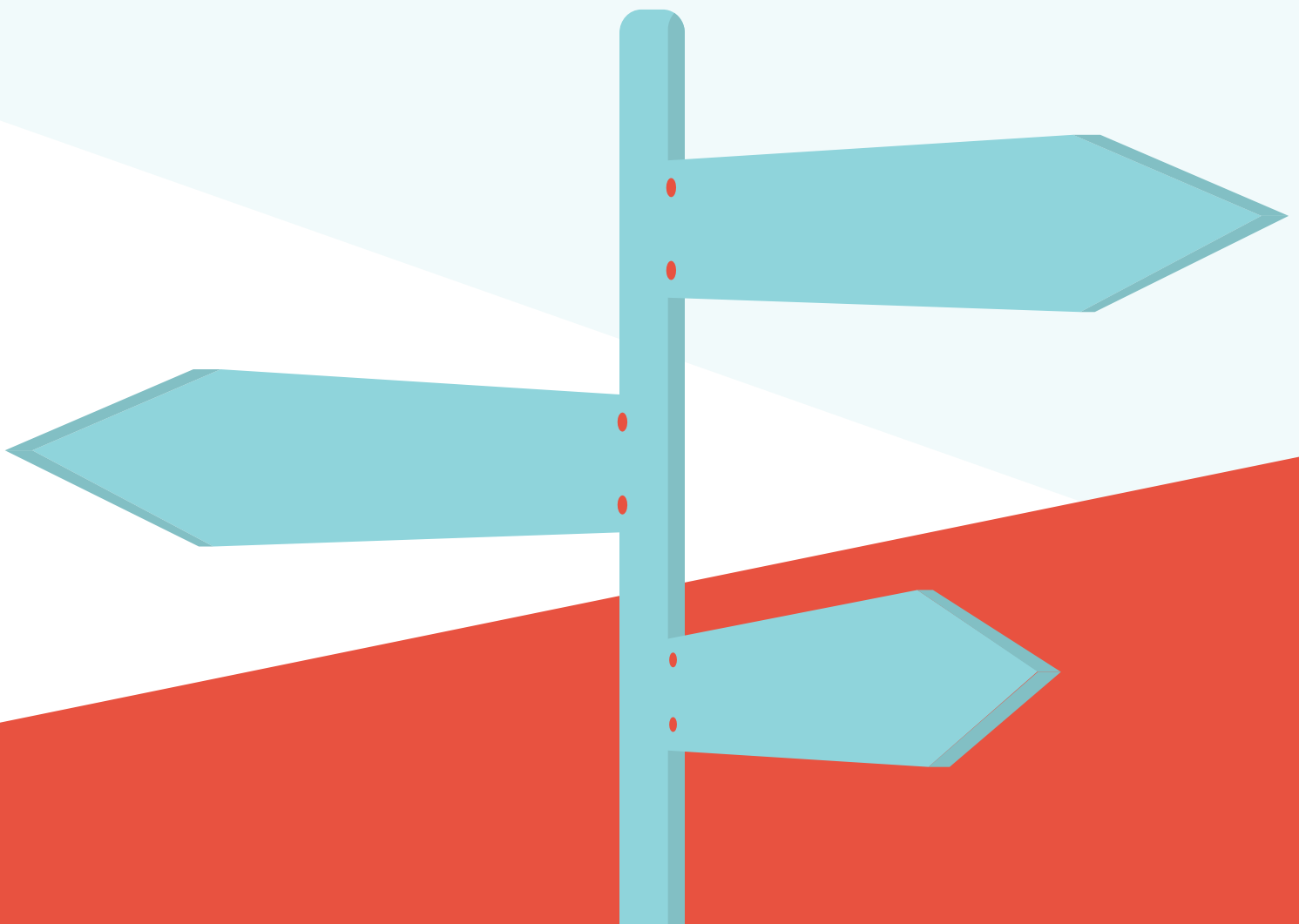
**Our ideas for Chapter 31** **7**

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**What happens next** **8**

---

**Questions** **9**



# Introduction

Last year (2019) we asked you what you thought about our ideas for an **Additional Learning Needs Code**. Now we have some more questions. But first let's find out what it means.

## Additional Learning Needs

Additional Learning Needs is often shortened to ALN.

Children and young people with ALN need extra support to learn. Everyone is different, but here are some reasons why people need extra help:

- Even though they can attend their local school, they have a disability or other difficulty that means they need extra support

- They find it harder to learn than other children and young people their age
- They can't attend the local college or school as it doesn't have the facilities they need for their disability



## What is the ALN Code?

We have nearly finished writing the Additional Learning Needs Code. It will be a document that contains rules and advice for everyone working with children and young people with ALN. It will help to make sure that all children and young people have the best opportunities in life.

# We are consulting on Chapter 31 of the draft ALN Code

## What is a consultation?

A consultation is when we ask people what they think about our ideas. We set out the information, then ask questions. The answers that everyone gives help us to make decisions. Replying to consultations is one way of being a good citizen.

## What is a draft?

We are asking about the **draft** ALN Code. Draft means that it isn't finished and could change once we have looked at everyone's answers to our questions.

The draft ALN Code is a large document with many chapters. When we asked about the draft ALN Code last time we weren't able to ask about Chapter 31, as it wasn't ready. Now it is ready, and that's why we are asking about just one part of the code.

We want to know what you think about our ideas. We are also asking adults who work with children and young people, parents, and organisations who support their families.

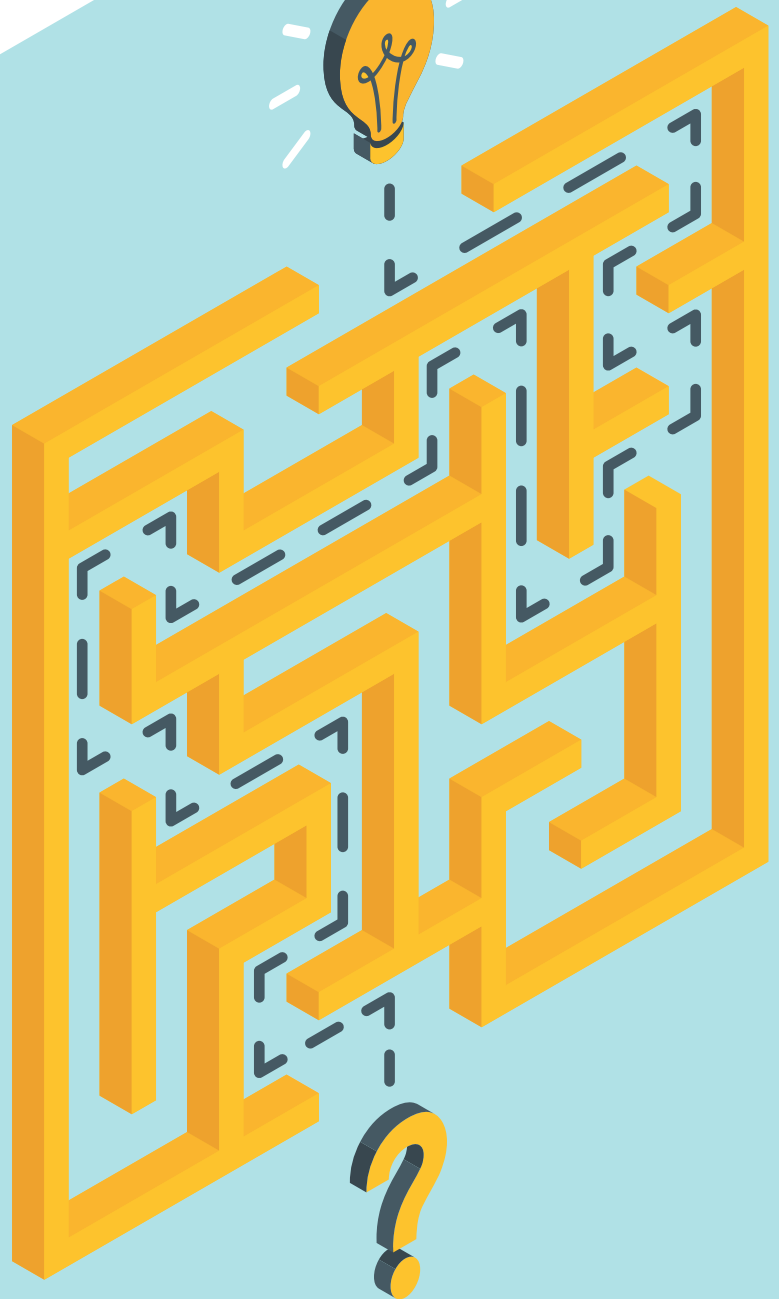
Have a look at the information about Chapter 31 and our ideas for it, then answer the questions at the end. They are not difficult, and there is space for you to add any other thoughts you have too.



If you want to see the full consultation it can be seen here:

<https://gov.wales/representatives-young-people-and-parents-children-lacking-mental-capacity>

# Chapter 31 of the draft ALN Code



## What is Chapter 31 about?

There are many reasons why children and young people have additional learning needs, and they are dealt with in other chapters of the draft ALN Code.

Chapter 31 is about people who do **not** have **mental capacity**.

**Mental capacity** means being able to make your own decisions at the right time.

People who do **not** have mental capacity cannot make their own decisions at the right time. This might be because they can't understand the information they need to make that decision, or they can't remember it for long enough. They might not be able to think about it, or are unable to let people know their decision.

Chapter 31 is about **these people** do not have mental capacity:

parents who do not have mental capacity who have a child between 0 and 15 years old or young people who are between 16 and 25 years old

# Who can make decisions for them?

You probably know about children's rights, and that it's important that your wishes and feelings are taken into account when decisions are made that affect you. This is the same for all children and young people, including those with ALN.

Children and young people who do not have mental capacity should have a **representative** who can make sure that they are getting their rights. If a child's parent does not have mental capacity they should also have a representative.

## Representative

A representative is a person who will help to make decisions for a child's parent or young person.

They will have all the information they need to make the decision and they should always take the rights, thoughts and feelings of the young person or child's parent into account.

## Who can be a representative?

A representative could be someone who has been chosen by the Court to make decisions for a child's parent or young person.

If a young person doesn't have someone chosen by the Court, then their parent can be their representative. Usually, a parent will understand their needs and want the best for them.

If a person who does not have mental capacity does not have a representative, people working to support them should help them to get a representative if they need one.

## What can the representative do?

They can:

- Make decisions for a child's parent or young person
- Deal with paperwork about ALN
- Go to meetings to discuss plans for the young person or child
- Let people know if they disagree with something. They can ask a special panel called the Education Tribunal to look at a decision again if they do not agree with it.



# Our Ideas for Chapter 31



We want to ask you about how we use words in Chapter 31 when we talk about a **child's parent or young person**.

Remember, in Chapter 31 of the draft ALN Code, a **child's parent** does not have mental capacity and they have a child who is 0 – 15 years old. A **young person** is 16 – 25 years old without mental capacity.

When we say **child's parent** we want it to mean either:

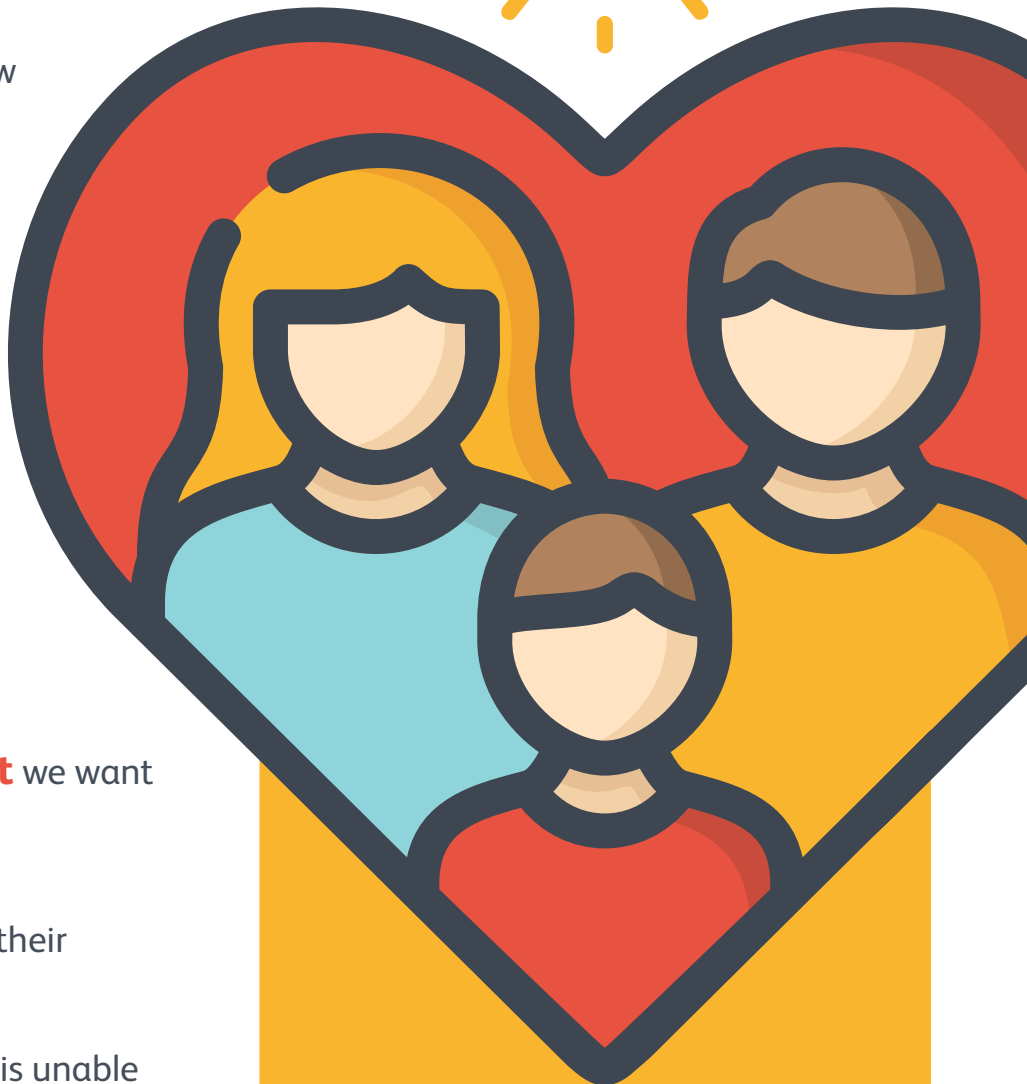
- their representative **or**
- the child's parent **and** their representative.

This is because, as the parent is unable to make decisions, they would have a representative to help them.

When we say **young person** we want it to mean either:

- their representative **or**
- the young person **and** their representative.

This is because, as the young person is unable to make decisions, they would have a representative to help them.



We want this to be the same as in two important documents:

The **Additional Learning Needs and Education Tribunal (Wales) Act 2018** and

The **Equality Act 2010** which talks about things to do with the draft ALN Code.



# What happens next?

We want to know what you think about using the words **child's parent, young person** and **representative** in this way and whether you think it is a good idea.

In the next section you will find four short questions. We would be really pleased if you answered them and also let us know any thoughts of your own.

Please send your answers to us by  
29 October 2020.

## **By post:**

Additional Learning Needs Transformation  
Branch  
Support for Learners Division  
The Education Directorate  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

**By email:** [SENreforms@gov.wales](mailto:SENreforms@gov.wales)

Once we have everyone's answers, we will decide how we use words in Chapter 31, and finish writing the document. People will be able to start using the ALN Code in 2021.

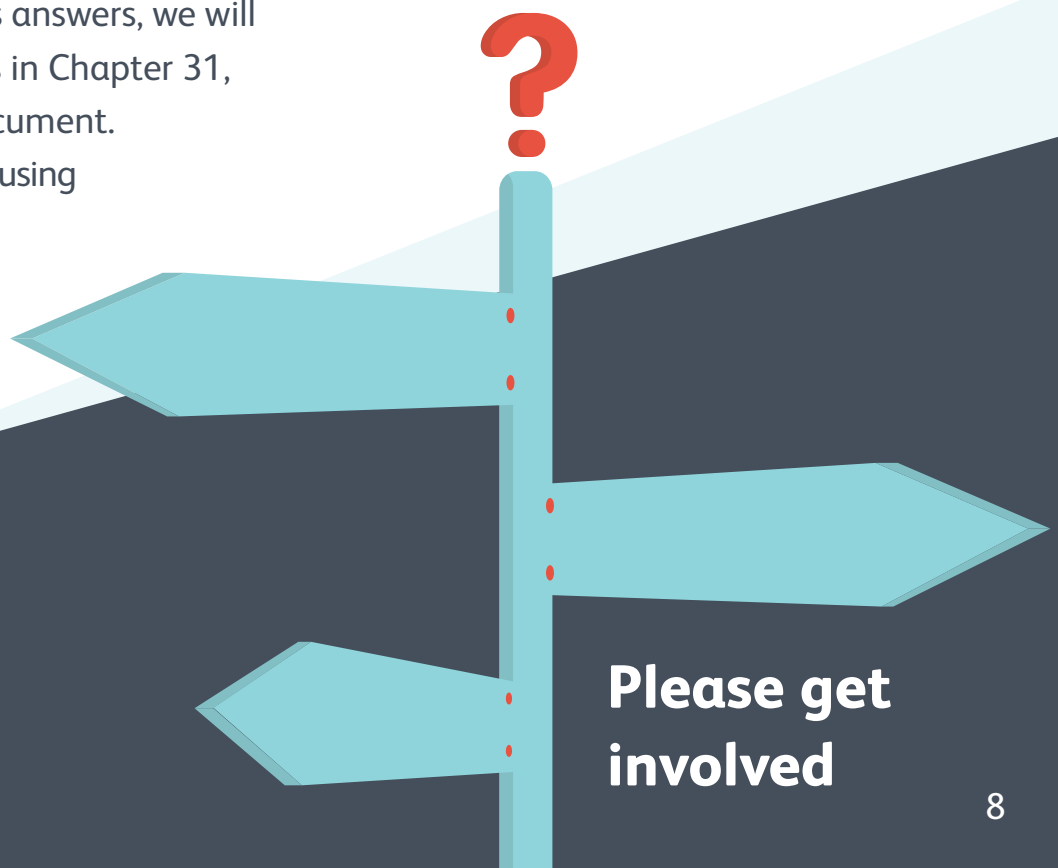
## **More Information**

If you would like to see the adult version of the consultation on Chapter 31 of the draft ALN Code, you can find it here:

<https://gov.wales/representatives-young-people-and-parents-children-lacking-mental-capacity>

If you want to know more about the consultation on the rest of the draft ALN Code, you can find it here:

<https://gov.wales/draft-additional-learning-needs-code>



**Please get  
involved**





## Question 1

In Chapter 31 of the ALN Code we will write about a child's parent.

We want this to mean either their representative or the parent and their representative. That's because sometimes the child's parent and their representative need to be involved in one part of the ALN process, but at other times only the representative needs to be involved.

**Do you think this is a good idea?**

## Question 2

In Chapter 31 of the ALN Code we will write about a young person.

Young people are 16 – 25 years old.

We want this to mean either their representative or the young person and their representative. That's because sometimes the young person and their representative need to be involved in one part of the ALN process, but at other times only the representative needs to be involved.

**Do you think this is a good idea?**



### Question 3

**If a young person with ALN does not have a representative, do you think it is a good idea for their parent to be their representative?**

### Question 4

**If there is anything else you want to tell us about the draft ALN Code and Chapter 31 please tell us in the box below.**

**Thank you**

# Data Protection

## – what will we do with your answers?

Welsh Government will look at everyone's answers to make decisions about **Chapter 31 of the ALN Code**. Sometimes other organisations help us to make decisions and they may also see the answers that people give. However, we will follow the law when we use your information.

When we write a report about what people have said we sometimes write people's answers with their names and addresses in the report or on the internet. When you send us your answers, please tell us if you do **not** want us to write your name and address in the report or on the internet.

**Data protection laws** say that you should be able to:

- know what information we have about you and how you can see it
- make us change any mistakes in the information about you
- ask us not to use the information in some cases
- ask us to delete the information we have about you in some cases
- move the information about you somewhere else in some cases
- complain to the **Information Commissioner's Office** if you need to.

If you would like to know more about how your information is kept and used please contact us at:

Data Protection Officer  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

**Email:** [Data.ProtectionOfficer@gov.wales](mailto:Data.ProtectionOfficer@gov.wales)

You can also contact the  
**Information Commissioner's Office:**

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

**Tel:** 01625 545745 or 0303 123 1113

**Website:** <https://ico.org.uk>



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