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**ALN202:** Zein Pereira  
Afasic Cymru

**Question 1 – New terminology**

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**

Afasic is the UK charity representing children and young people with speech, language and communication needs, working for their inclusion in society and

supporting their parents and carers. Afasic is a member organisation celebrating its 45th anniversary last year. Our members include parents, young people with speech and language and communication needs, professionals and others who support us. Our vision is of a society which embraces 'communication' as a basic human right, and where all children and young people up to the age of 25, with speech, language and communication needs, get the support they require to enable them to reach their potential and participate fully within it.

Afasic Cymru welcomes the change in terminology from SEN to Additional Learning Needs (ALN). ALN retains a focus on education and learning which was diluted in the previously proposed Additional Needs in the 2012 consultation document: 'Forward in partnership for children and young people with additional needs'.

Afasic Cymru also welcomes that the newly proposed system intends to avoid discriminating on level of need within the system. Early identification of need and timely, effective provision of services is crucial given the impact of speech, language and communication needs that cuts across learning, literacy, achievement, socialisation, mental health, youth justice and employment.

Accurate identification of need at the earliest possible opportunity and ongoing active monitoring is clearly important not least because education providers and local authorities have an anticipatory duty under the Equality Act to not wait until a child fails before providing support. We believe that a more detailed definition of what constitutes an additional learning need is still necessary to support consistency and clarify the legal entitlement associated with such a need. Afasic Cymru strongly believes that the value of the term Additional Learning Needs hinges on the effective development of awareness, knowledge and skills of the workforce.

## Legislative proposals for additional learning needs Responses 201-215

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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### Supporting comments

Afasic Cymru welcomes the extension of the age range for children and young people from birth up to the age of 25. Implications to consider include the following:

a) Early/timely access to speech and language therapy services is crucial to the parents who talk to us. Parents are adamant that where they received early intensive speech and language help, their child's life and family life was

positively transformed. Waiting for appropriate professional assessment and intervention is a source of extreme frustration for parents and the child or young person in need of support. A parent said: "It wasn't until the speech therapist assured us about sentences and gave us strategies that things got better. It could have ruined our family life." Afasic Cymru is concerned that the critical importance of early identification, assessment and duty to provide from 0-5 years is missing in this White Paper.

b) Consistency of approach regarding multi-agency working across different geographical areas in Wales and across local authority borders. How easily and effectively an Individual Development Plan will transfer will affect continuity and quality of care.

c) Transition planning. Afasic Cymru welcomes the commitment to improve transition planning for young people with additional learning needs. Young people continue to develop their speech, language skills throughout adolescence. Speech, language and communication needs (SLCN) may only come to light in secondary school due to increasing social and academic demands. In some young people, their difficulties appear to resolve during primary school only to re-emerge during secondary school. Again the development of the workforce crucially underpins accurate and timely identification and effective provision at secondary and tertiary education. A parent of a child with severe speech and language needs who spoke to us said that the secondary school said that they "would take him but can't educate him."

d) Overstretched services. We are concerned that existing speech and language therapy services across Wales are already severely stretched. We would seek assurances that there is appropriate investment in this crucial service for children and young people so that existing resources are not compromised to cover the extension to the age range.

### Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

Afasic Cymru welcomes the proposal that all children and young people with additional learning needs should be entitled to a statutory IDP which recognises different levels of learning needs as equally important and recognises a wide spectrum of need.

It is also not yet clear how a child or young person will move from an initial identification of a possible need for support to a robust assessment of need that may result in an IDP.

The learning provision set out in the IDP should specify timescales in the best interests of the learner and based on accurate identification and a thorough, joined-up multi-agency assessment.

Afasic Cymru broadly welcomes the proposal that a statutory IDP should replace statutory assessments, statements of SEN and Individual Education Plans (IEP) under School Action and School Action Plus. A unified legislative framework for children and young people aged 0-25 would be welcomed by parents who often find the differing strands and their thresholds within the current system, confusing and impenetrable.

We welcome the proposal that the key information that must be included in an IDP will be listed on the face of the Bill. The format and required content of a statutory IDP needs to be set out in a way that is both legally enforceable and user friendly for the child/young person and their family.

Apprenticeships offer a positive opportunity to prepare young people with speech, language and communication needs for the workplace. We are concerned that in these proposals, the IDP does not apply to apprenticeships.



## Legislative proposals for additional learning needs Responses 201-215

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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### Supporting comments

Afasic Cymru agrees that the local authority should be ultimately responsible for the preparation of the IDP for 0-25 and for ensuring that agreed provision is delivered effectively and reviewed appropriately. Consistency across local authorities will be important to enable a consistent approach and continuity of care.

The relationship between the role of the ALNCo and the local authority is not

clear. The roles and responsibilities of all concerned with the preparation, delivery and review of the statutory IDP need to be clear, consistent and easy to understand. It is important that ALNCo is part of the school leadership team. Supporting Additional Learning Needs should be part of a whole school ethos and the ALNCo would be in a position to directly and strategically influence the development of the school workforce.

Although a diagnosis should not hold up the provision of appropriate support, provision should be based on a robust and appropriately specialised assessment and understanding of a child or young person's additional learning needs.

How a young person is able to understand, listen, remember, explain, and use language to sequence, reason and interact...these skills are fundamental to participating in the assessment, planning and review of their needs. It is not clear how a child, young person or parent will be meaningfully involved in developing the focus of an IDP and its subsequent review. The person-centred aspect of the current proposals needs to be clarified and strengthened. Children and young people with SLCN by the very nature of their language and literacy needs may find it difficult to understand proposals and make their voices heard. The IDP process should allow time and be facilitated and co-ordinated by someone who has received appropriate SLCN training or the family should have access to an SLCN trained advocate. We are keen to see an improvement in the meaningful participation of parents, children and young people in the review process. One parent who spoke to us reported that her son (who is in Year 10) was not allowed to participate in an annual review of his needs because "it would take too long."

A robust quality assurance framework that inspires the confidence of parents and professionals is crucial. In preparing an IDP and discharging their duty to ensure that provision in an IDP is delivered, local authorities must demonstrate a clear understanding of how to support the additional learning needs associated with SLCN to enable maximum progress and standards of achievement.

Effective workforce development and monitoring of minimum standards are critical to a quality assurance framework. In our experience from training that has been delivered and feedback from parents and professionals across Wales, even basic level awareness training to enable an appropriate initial approach is not routinely received. This is worrying as SLCN cuts across SEN 'labels' and may be associated with a range of diagnoses, be misinterpreted as behavioural needs as well as existing more specifically as a 'hidden' disability.

The (further) development of provision pathways for children and young people with SLCN could support both workforce development and a quality assurance framework by

- highlighting key issues relevant for SLCN,
- setting out minimum standards, and
- enabling an informed and transparent approach to provision set out on an IDP.

We do not agree that the universal application of provision pathways would run contrary to the differing needs of the individual. Flexibility to enable an

individually tailored approach can be built into a provision pathway and Afasic Cymru would welcome the opportunity to work with the Welsh Government on this.

### Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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### Supporting comments

Afasic Cymru strongly believes that the new Code of Practice should contain clear mandatory requirements to enable the application of the legislation in the best interests of the child or young person in line with UNCRC and the Equality Act. Mandatory requirements would drive a consistent, integrated and collaborative process to ensure the right support is put in place at the right time and in the right way.

We are concerned that a duty to provide which would clarify the entitlement to get ALN met has not been proposed.

Provision pathways could facilitate the delivery of a consistent, integrated and collaborative response across Wales.

The mandatory requirements in a new Code of Practice should apply to private, voluntary and independent early years providers as well as local authorities, schools, further education institutions, local health boards and the tribunal. We would like further detail and clarity on how mandatory duties will be scrutinised to ensure high quality standards and prevent complaints. We have considerable concerns about the clarity of the term 'best endeavours' and expand on our concerns in question 4.

The focus on quality assured early intervention and the fundamental importance of providing an integrated response in the early years should be strengthened and part of the mandatory requirements as applied to all bodies listed above.

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

We agree that FE institutions should be included in securing the additional learning needs provision specified in the IDP. However we are concerned and disappointed that the proposals to secure provision do not currently include vocational work based learning programmes and apprenticeships.

In response to the independent curriculum review, young people with SLCN identified the following as important changes needed to improve education in Wales: "More help given," "More time in lessons", "Be able to go at own pace", "Teach life skills". Vocational work based learning programmes and apprenticeships may offer practical ways of developing skills and in combination with a focused IDP to support their speech, language and communication could offer young people with SLCN a positive route into employment and improved independence.

A disproportionate number of young people who are not in education, employment or training (NEET) are reported to have speech, language and communication needs and without accurate identification, assessment and an IDP their needs may not be identified or supported. A study into young people classified as NEET, showed that over half (54%) of the individuals who completed the speech and language therapy assessments had a severe communication disability. Only 21% had previously been referred for speech and language therapy (Lanz, 2009).



Afasic Cymru is very concerned about the term 'best endeavours'. 'Best endeavours' does not equate to an entitlement and a duty on the local authority and other bodies to secure and provide additional learning provision. We have concerns about the interpreted meanings of the term 'best endeavours' as "to do all that they reasonably can" in the context of these proposals and in relation to the UNCRC and the Equality Act. 'Best endeavours' could be interpreted as institutions trying their utmost and 'bending over backwards' to secure and deliver appropriate provision or alternatively interpreted as 'having a fair go within existing resources and systems'. Neither interpretation focuses on outcomes nor the impact on the child/young person in relation to the additional learning needs specified on the IDP.

### Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input checked="" type="checkbox"/>
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### Supporting comments

Afasic Cymru is concerned that the proposal for local authorities to be responsible for securing specialist provision for post-16 learners outside of the further education sector may represent a conflict of interest as the funding is not currently set to be ring fenced. Afasic Cymru believes that to ensure the best possible and appropriately resourced assessment and provision it seems fundamental that the funding should be ring fenced.

Parents have told us of their concerns that timely access to specialist provisions will be prevented because of the proposals not to ring fence funding and the responsibility of the local authority for assessment and identification of provision.

If local authorities are to be responsible for securing specialist provision, we recommend that local authorities and educational establishments receive training to support their awareness and ability to identify speech, language and communication needs right across the age range. Once speech, language and communication needs are recognised and identified, families and post-16 professionals tell us that it is difficult to access appropriate assessment. If SLCN are not properly assessed, the young person is unlikely to receive the appropriately targeted support that is needed to participate fully and benefit from education and training. This is important because of the well documented impact of SLCN in terms of literacy, attainments, mental health, youth offending and employment.



**Question 6 – Placement at independent schools**

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

## Legislative proposals for additional learning needs Responses 201-215

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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### Supporting comments

Afasic Cymru agrees that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision in the IDP. It is imperative that the provision identified to meet a child/young person's additional learning needs is provided effectively.

However Afasic Cymru is aware that there are no specialist secondary schools or post 16 provisions for meeting specific and complex speech and language needs in Wales. We would seek assurances that registration is accessible for schools outside of Wales to enable young people who need such highly specialist support to have their additional learning needs met.

### Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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### Supporting comments

Afasic Cymru is encouraged by the drive for improved joint working to ensure the best outcomes for children/young people with additional needs and their families together with the recognition that delivering multi-agency services for learners requires a legal framework of duties.

Afasic Cymru welcomes the duty to share information and co-operate on a multi-agency basis in assessing, planning and delivering support to meet additional learning needs. The duty to share information within appropriate data protection parameters with all bodies including the parents and child/young person could enable the active and holistic joining up of information to develop the IDP and support its effective delivery. Effective joint working makes a difference. One parent said to us: "the language unit and the speech and language therapist gave her (daughter) a life."

Given the critical importance of early identification and intervention the duty to share information needs to be applied across Early Years settings and providers and across local authority boundaries to facilitate continuity and quality of care.

However Afasic Cymru is deeply concerned that a duty to share information and cooperate, and a specification of agreed responsibility and provision on an IDP does not equate to a duty to provide to meet additional learning needs. This is very concerning to parents and we would urge the Welsh Government to extend the duties placed on statutory bodies to a duty to provide what is specified on the statutory IDP.

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

### Supporting comments

The mandatory content of the statutory Code of Practice will be critical to improvements in multi-agency working across Wales.

Scrutiny of multi-agency working in close consultation with children/young people and their families will be a crucial part of a quality assurance framework.

Plans to develop the workforce need to include person centred planning and the meaningful participation of children, young people and their families in the focus, the delivery and review of the IDP. Training of multi-agency teams, including advocacy services, needs to include speech, language and communication awareness training.



## Legislative proposals for additional learning needs Responses 201-215

### Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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#### Supporting comments

SLCN cuts across labels. The Office for National Statistics (2004) which examined looked after children between the age of 5 and 17 in Wales found that approximately 13% of the children were reported by their carers to have speech and language problems. However in our opinion and from our experience of training foster carers, this is likely to be an underestimation as children who have intelligible speech may still have speech, language and communication needs but they may be more difficult to identify. For example, SLCN may look like and be part of behavioural difficulties, mental health needs and/or literacy difficulties.

An IDP for looked after children needs to encompass additional learning needs, health, social support, and care with more frequent reviews likely. The IDP should be transferrable across local authorities so that a potentially lengthy process doesn't start from the beginning leaving a child or young person without support in place. It is difficult to comment on the suitability of the IDP for looked after children as we don't yet know what the IDP looks like.

### Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

Disagreement resolution arrangements need to apply across 0-25 settings including early years and post-16. The additional learning needs of the child/young person should be of the utmost importance and Health and Social Care need to be part of these dispute resolution arrangements for more equitable multi-agency accountability. Parents, young people and professionals must see the system as fair, accessible and easy to understand with clearly defined processes and timescales.

The resolution of disputes needs to be undertaken by impartial and highly skilled personnel. The parents and young people need to be clearly and effectively supported and informed. We believe that it should be mandatory for every local authority to report on the type, numbers and outcomes of disputes to promote transparency and enable monitoring within a quality assurance framework.

## Legislative proposals for additional learning needs Responses 201-215

- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input checked="" type="checkbox"/>
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### Supporting comments

It would depend on the quality of the local complaints processes. Delivering timely and effective provision to meet a child/ young person's additional learning needs is the central priority and should be safeguarded. Parents and young people should not be denied timely access to tribunal if a complaints system is inaccessible, lengthy and unhelpful.

### Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

Afasic Cymru strongly supports the extension of rights of appeal to tribunal to all children and young people 0-25 with additional learning needs as stated.

The proposals state that the tribunal's decisions are binding but we would want assurances that the tribunal's decisions will be enforced in the event of non-compliance.

### Question 11

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.

Afasic Cymru is disappointed that a duty to provide for additional learning needs identified on an IDP is still missing from these proposals. We are very concerned about the term 'best endeavours'.

We believe that a strong, comprehensive and mandatory Code of Practice is critical to the success of these reforms.

Afasic Cymru urges the Welsh Government to ensure that there is full commitment to the mandatory development of the workforce about speech, language and communication to underpin the delivery of these reforms for children and young people aged 0-25. This should include all care and educational institutions, including apprenticeships and begin with a whole systems examination of the environment that includes the practitioners and staff.

The development of universal and specific provision pathways would link workforce development with quality assurance for best and consistent outcomes across Wales. Afasic Cymru would welcome the opportunity to support the Welsh Government in its drive to develop the capacity of the workforce to meet the needs of learners.

We support mandatory requirements for the provision of independent advocacy services. Advocacy providers should be required to receive high quality speech, language and communication awareness training to enable the meaningful and positive participation of children and young people whose needs are often misunderstood, unidentified and 'hidden'.

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐



**ALN203:** Jonathan Bishop  
Centre for Research into Online Communities & Research Systems

**Question 1 – New terminology**

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**

I was given a SEN statement under the Education Act 1981. Since that time and making use of the university equivalent DSA I now have 4 degrees, which I would not have achieved without that SEN Statement. Being an educationalist as well I am of the view that someone should not need a medical label to

overcome a learning impairment, as everyone has weaknesses which could amount to ALNs.

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input checked="" type="checkbox"/>
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**Supporting comments**

I would like the transition between school and university to be removed so that the support continues regardless of education provider. However, there should be no age limit. If someone has an ALN and are taking part in education they should be supported regardless of age.

## Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input checked="" type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

It should be a legal right to have a ILP implemented. If one has a learning impairment EU law in the form of the Equality Act 2010 requires reasonable adjustments to be made. The right to such adjustments for people with ALNs should not be diluted, if anything strengthened.

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input checked="" type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

When I was 14 I had a judicial review - R v Mid Glamorgan County Council (ex parte Bishop) to force the LEA to implement my SEN statement. I lost the case but it resulted in a change of the law - The Education Act 1996 - so all parents got the rights mine fought for me to have. I think Estyn would be a more effective body for ensuring ILPs are enforced. I was a minor authority school governor and when I complained about the quality of education the LEA did not uphold my complaint and I was suspended for whistleblowing. Estyn confirmed what I said was true during the routine inspection, and thus I feel they are trustworthy and impartial. LEAs are too deep rooted and would not take action in order to prevent upset to those who are acting in a way contrary to a pupil's needs.

## Legislative proposals for additional learning needs Responses 201-215

### Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

Local Authorities currently have SEN Guidance, but it is rarely followed. I would like Estyn to have the power to take enforcement action against LEAs

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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### Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

I currently have an HE needs assessment that is not being implemented, and there needs to be a body with teeth to enforce it, as the university I am at is getting away with not implementing it as I lack the means to bring effective legal action myself - I am in the same position I was with my judicial review when I was younger.

### Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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### Supporting comments

I think LEAs should be abolished and their powers brought into the Welsh Government as has happened in Northern Ireland with their assembly. Having local people auditing other local people will not be effective as there are often pally, as I found out in terms of my LEA with regards to how they dealt with my university and school governing body.

### Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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### Supporting comments

My judicial review - R v Mid Glamorgan County Council (ex parte Bishop) - led to section 7 of the Education Act 1996 which means the right I asked for - for my parents to decide which school my SEN statement should be implemented at - is available to all. The LEA wanted to put me in a school unsuited to my needs and the Welsh Office agreed with parent's choice. LEAs cannot be trusted to make decisions in the best interests of children with ALNs, as happened with me when local councillor, Gerald Walters and Margaret Williams did not think more money should be spent on me than students without any impairment, using biased language like "our Officers" and "our authority" to refer to the LEAs's decision not to place me at the school of my parent's choice.

The independent school I went to at my parent's request turned out to be the best one for me, because the ILP I had gave me the skills and structure I needed to excel at university where such discipline was needed. LEAs should be abolished and powers to decide to be done by the Welsh Government and the tribunal service. Having been a school governor I have seen first-hand how rules are not enforced by LEAs as the various people are pally with one another.

Also, as a student I have seen that universities are not always the best to assess learning impairments, so independent assessment centres should be used to write ILPs, and if they are not implemented a tribunal should require them to. It should not be a requirement to disclose medical conditions to service procedures in order to get an ILP. The University of South Wales has pioneered this in so far as only their Disability & Dyslexia service handles medical evidence and tutors are given ILPs which state what must be done and not why it must be done. This could be taken one step further so no university has the right to know anything about a student's diagnoses, only the support they need because of them.

## Legislative proposals for additional learning needs Responses 201-215

### Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input checked="" type="checkbox"/>
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#### Supporting comments

Do not really care as they do what they want anyway regardless of the law!

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

#### Supporting comments

LEAs should be abolished and become part of the Welsh Government's education department. A 'Welsh Courts of Justice' should be created containing a tribunal free for those with ALNs to use that can direct education providers to provide for that person's ALNs in a given way.

### Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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#### Supporting comments

The system should be as similar as possible for all education providers and portable between all localities in Wales.

## Legislative proposals for additional learning needs Responses 201-215

### Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

Agree	<input checked="" type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

Yes - an independent tribunal should be responsible for this with all education providers regardless of age, with decisions made by people who are judicial and not political with responsibilities for budgets or the requirement to be re-elected.

- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

Things should always be attempted to be resolved with the service provider prior to going to a tribunal.

### Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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### Supporting comments

Yes! There is a significant problem working through internal procedures as it can take years to get a final outcome, leaving many people deciding to give up their rights rather than fight for them - I found this out recently when a county court stuck out my claim against Rhondda Cynon Taf County Borough Council and Cardiff Metropolitan University for not implementing my needs assessment. This was because they didn't understand that I had to go through the internal process first, which ended after the limitation period for Equality Act 2010 claims. The case was not stayed for the Office for the Independent Adjudicator's opinion, three years after the problem started, and I am still nowhere with my studies at Cardiff Metropolitan University who refused to implement my needs assessment because it did not fit with their way of doing things, even though I had those rights on other degrees at other universities. The early intervention of a tribunal where ILPs are not being implemented is essential, as the current county court model favours education providers with huge legal budgets which cannot be completed with my members of the public, like myself - the judge award around £13,000 in costs against me. Had it been an employment issue - such as failure to make reasonable adjustments - it would be easily enforced in the free to use employment tribunal. If a free tribunal is not created then it should be a requirement that any public funds spent by a state-funded education provider in opposition to a member of the public, such as those with ALNs, the equivalent should also be made available to that member of the public - to assure their rights are fairly defended.

### Question 11

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 proposals by the Welsh Government may come too late for me, as Cardiff Metropolitan University has so far managed to get away with not implementing my needs assessment, meaning I wasted 2 years of my life studying there and £4,000 in tuition fees with nothing to show for it and a £13,000 owed in court fees because they have the money to hire expensive solicitors - Hugh James - in order to convince District Judge Doel to decide against me. A tribunal would have helped me ensure the rights to which I was entitled - for my needs assessment to be implemented in accordance with the Education (Student Support) Regulations 2012 - were put in place at no cost to my family or me. District Judge Doel did not understand the role the OIA played - which is not judicial - and thus could not appreciate the time taken in order to get a completion letter from Cardiff Metropolitan University was the norm. Had a tribunal been in place they would have had the knowledge of the system that District Judge Doel, who is not specialised, did not have.



I am not the only student with a disability who attended Cardiff Metropolitan University to have this problem, either as a student or member of staff. Here are examples of others who I think would have benefited from an independent tribunal if it had been in place:

\* 'Same Difference': <http://samedifference1.com/2010/12/05/disability-wales-raises-benefit-poverty-concerns/>

\* Mared Jones:

<https://www.youtube.com/watch?v=HuWR7dsrnWE&index=1&list=PLsAzWHmnQybthnAna93Rvo9FWoQB5lvrl>

Here is an example of a disabled person who by going to an employment tribunal was able to get Cardiff Metropolitan University to stop discriminating against them, which shows the benefits that could come to students like Mared Jones and myself if this was made available to us:

\* Jane Croad: <http://www.walesonline.co.uk/news/wales-news/lecturer-withdraws-discrimination-claim-2227072>

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

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### **ALN204: Sarah Rees**

I am writing to you to express my opinion in changing the statementing process. I don't agree with the changes and don't think you will be giving the children with learning difficulties the best opportunity at a good quality of an education that these young children truly deserve.

I believe if you were to change things then their education will suffer as a result of this.

**ALN205:** Kate Harris

**Question 1 – New terminology**

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**

Specialist support is also required.  
There are groups of children however that fit this but are not included such as children who have english as a second language and more able/talented children. Such children fit the definition of the phrase additional learning needs

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**

The inclusion of the younger and older age ranges has enormous financial and communication implications. There would have to be a process put in place which ensures that all babies/infants have access to the same opportunities and this in turn requires guaranteed financial backing. Like wise the same would be necessary for 16-25year olds. It would be essential for every child/young person to have a named point of contact within their local authority to ensure continuity of support.  
An effective efficient and appropriate means of tracking individuals needs etc would have to be devised - possibly in the form of a type of portal to ensure maximum communication between all members of the individuals multidisciplinary team.

## Legislative proposals for additional learning needs Responses 201-215

### Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

it is impossible that the one plan can be effective across all the age ranges and all the massively varying degrees of support that individuals need. THE CURRENT STATEMENT OF EDUCATIONAL NEEDS FOR INDIVIDUALS IN EDUCATION DOES NOT NEED TO BE DISCONTINUED IT NEEDS TO BE IMPROVED. There will be an enormous number of children who, under the planned approach, will need to be assessed in the same way whether they are in current terms just falling into the school action criteria or are well within the realms of needing a SEN. This is an enormous amount of paperwork and planning/assessment which will likely not get done correctly or in a timely fashion. ONE SIZE DOES NOT FIT ALL.

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

There will have to be a nation wide template to ensure consistency and to allow audits / reviews to take place to ensure that there is fairness for all individuals across Wales. The local authorities will have to work very closely with Health/Social Services to enable any of the recommendations to work. Especially in the early years when Health often has the biggest input into a child's life.

## Legislative proposals for additional learning needs Responses 201-215

### Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

This will only work if there is a definater requirement on all members involved in the individuals care to regularly share information and effectively communicate with one another.

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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### Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

Best endeavours is not appropriate. If a need has been assessed s necessary by a professional then the provision must be provided. The use of this term is a get out clause for authorities who are not prepared to financially support provision. There has to be a harmonious system across Wales for this to work for FE institutions as there are unlikely to be a FE provision suitable for all individuals within their own LA's. Indeed there would have to be discussions/agreements with England LA's and FE establishments..

### Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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### Supporting comments

Absolutely, if the assessment of those involved in the planning for that young adult have deemed it appropriate. Many individuals may be more suited to apprenticeships / on the job training opportunities etc, all of which should be as available as actual FE courses.

### Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

### Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

Any new process cannot work unless this happens. This is especially the case for individuals outside of full time education.  
WHAT IS THE ASSESSMENT PROCESS?

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

### Supporting comments

## Legislative proposals for additional learning needs Responses 201-215

### Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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Supporting comments

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### Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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Supporting comments

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- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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Supporting comments

Need an independent body.
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### Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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Supporting comments

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### Question 11

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

WHAT IS THE ASSESSMENT PROCESS. THE IDP IS A PLAN AS A RESULT OF A PROCESS OF ASSESSMENT THAT HAS NOT BEEN DEFINED. COMMUNICATION BETWEEN ALL MEMBERS OF THE mdt WILL HAVE TO BE MADE ESSENTIAL

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐

**ALN207:**                      **Zoe Richards**  
**Learning Disability Wales**

#### Question 1 – New terminology

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

Learning Disability Wales (LDW) agree that the new term is more appropriate, reflecting the social model of disability rather than the medical model and is line with the adoption by the National Assembly of the social model. Although we agree that the terminology is correct we are still unclear about the definition that will be adopted for the new term. We are concerned to ensure that the 3<sup>rd</sup> sector are identified as partners in the design process of the definition.

We trust that the reform process will bring a fresh approach to supporting children and young people rather than continuing to base assessment and identification on the old model and merely re-packaging it. The new term will encompass new learners who were not part of the previous statement, school action and school action plus programme. It is therefore important for the Welsh Government to acknowledge that there will be a need for training of the workforce on the new challenges around identification and assessment.

## Legislative proposals for additional learning needs Responses 201-215

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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### Supporting comments

LDW welcome the age extension from birth to 25 years. It will allow a more seamless journey through all of the transition stages of a child/young person's life. We will be keen to see the legislation identify who will be responsible for identification and assessment of those children from birth to age 5. This currently is the responsibility of health and it will be an opportunity for Welsh Government to legislate around multi agency working from an early age. The extension to the age of 25 years is also welcomed as it will allow better structural opportunities to be developed to better support young people with ALN into vocational training, job tasting and toward paid employment.

The logic of extending ALN up to 25 years is that the IDP is then used to move beyond school age education and further education and into identifying vocational opportunities like apprenticeships and UK and Welsh government work programmes. This will be essential if the ambitions for reform of achieving a seamless transition between ages and services is to be truly realised for people with a learning disability.

Very good examples of how this type of progression works best can be seen from the evaluation results of the Early Support programme for Early Years and the Real Opportunities programme for transition to adulthood.

### Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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### Supporting comments

LDW agree in principle. We are attracted to the simplicity of having one main plan that runs from early years potentially through to age 25. However, we are still unclear about what an IDP will look like. We would like reassurance that it will be a template which will be transferable between Local Authorities and different service providers.

We are keen that the plan is truly person centred and that it has a meaningful legal status that can be utilised by parents and/or the young person if a dispute finally has to be considered at tribunal.

It is extremely important that children/young people and parents feel confident and empowered to have real aspirations as a result of the plan being developed rather than it be utilised by the authorities as a way of restricting aspirations.

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

If the plan is to be used as a multi agency planning tool and to be person centred, then there will need to be an acknowledged and shared responsibility by agencies to contribute to it to varying degrees at different times in the child/young person's life. It is very rare that the local authority education

department will be involved in a child's early life and be able to identify and assess for those between birth and the age of 5. Equally when a child leaves full time education and is possibly with a training provider or supported employment agency or even in paid work the local authority will need to explore how they ensure accountability. Clear guidance around multi agency working will need to be available to all those involved in the process.

### Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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## Supporting comments

LDW agree that mandatory requirements are hugely important in the legislation process. They will be key to ensuring that the code is solid and respected. It should be a working tool that can be used by professionals, parents and young people to ensure that when reform is implemented it delivers the goals of the legislation.

As part of the Social Services and Wellbeing Act social firms/enterprises will play a new and important part in the delivery of key services. We believe that it will be important that mandatory requirements can encompass these types of organisations and the independent sector as they may well play an increasingly important role in post 16 vocational provision.

LDW will be very willing to assist in the development of the code of practice.

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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## Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input checked="" type="checkbox"/>
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## Supporting comments

LDW would firstly ask Welsh Government to provide clarity on the legal status of 'best endeavours'. We would suggest an alternative term is required that carries far more weight and places a greater obligation upon the named agencies and organisations.

We welcome the inclusion of F.E. institutions in the reform package. This brings far greater coherence and ensures that we have a consistent approach to additional learning needs, regardless of the provider.

If F.E. is brought within the ambit of the reforms, which we support, substantial training will need to be delivered to the F.E. workforce as a whole around topics such as disability equality, working with families, person centred planning and multi agency working.

At an organisational level, Welsh Government and F.E colleges will need to be clear about what they are and are not able to deliver to assist young people with a learning disability. Currently there appears to be an issue around the decrease in availability of courses for young people with additional needs if they do not lead directly to paid employment or cannot demonstrate 'progression.' If F.E. colleges are to provide more assistance to young people with additional learning needs there needs to be a recognition of the validity of 'soft' outcomes and social outcomes for individual students.

### Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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### Supporting comments

LDW agree in principle but are unsure about what the duty will mean for those young people assessed as needing to attend specialist college provision and private colleges outside of Wales. It will be important that these placements are inspected by ESTYN or that there is agreement and discussion with OFSTED about how we evaluate and monitor placements.

### Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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### Supporting comments

We agree that this should be the case. We believe that there must be a strong link between the IDP and appropriately registered providers.

We also agree that registration should be a quicker and more straightforward process so that the needs of potential students can be more rapidly responded to.

## Legislative proposals for additional learning needs Responses 201-215

### Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

LDW strongly supports this proposal. We would also ask that the legislation prescribes which agency is responsible for which part of delivery and at which age. Voluntary organisations, independent sector and social firms providing any statutory service through procurement should also be required to share information and be responsible for delivery that meets ALN requirements.

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

#### Supporting comments

LDW believes that key to promoting multi - agency working is having a process that really is person centred and that the professionals in each agency understand and interpret this approach in a consistent and common way.

Training the workforce in the Person centred agenda will be of significant importance in promoting multi agency working.

Recent programmes in Wales such as Early Support, key working and Real Opportunities have provided good practice examples in multi agency working.

### Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

We support this proposal, so that the needs of looked after children are not marginalised.



## Legislative proposals for additional learning needs Responses 201-215

### Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

LDW agree and would like to see a standard approach across local authorities. LDW also feel strongly that the role should be carried out by individuals who are trained and skilled in this area.

It is important that information about the process is made available to parents/carers and children and young people in an accessible way. This would include easy read as well as sensory versions.

There may also be a need for parents and children/young people to access advocacy during this time and consideration must be given to how this will be provided given that now most families will not qualify for free legal advice.

- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

LDW agree but would note that parents may view this a delaying tactic. Therefore we would ask that maximum timescales be placed in the legislation and that local authorities be required to report on number of complaints, disagreement resolutions and tribunals taking place and their outcomes in order that poor practice can be highlighted and be subject to scrutiny.

### Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

LDW strongly support extending the right of appeal to all young people regardless of level of need. It will ensure children and young people with less

obvious need are able to fully access their right to education and to raise their level of aspiration. We are still unsure of the assessment process and referral process. This would need to be made clear from the outset.

### Question 11

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.

LDW are generally supportive of the direction that Welsh Government are taking with the reform. We would still like to see more details about what would be included in the IDP on the face of the bill.

There are a number of additional points we would like to draw attention to. These are:

1. The consultation process for the white paper has been inaccessible to young people with ALN. The young person's version is badly designed and not written for the young people we believe the reform has most relevance to. It is not sufficient to produce a colourful document with less wording. An easy read version should have been written.

2. The process of only consulting with young people in school settings is inappropriate and unsatisfactory. Head teachers would have acted as gate keepers and only chosen to engage if they felt there was time in the curriculum. It is a bad time of year to ask schools to add something extra to the daily school programme.

3. We believe that the young people with the most insight into how the ALN process should work for them is the 18-25 age group, that is those individuals who have already gone through the system. There has been no consultation process for these young people.

4. The ambitions of this reform will be achieved only if there is a change of culture amongst all providers and stakeholders. Person centred thinking will need to be central to the reform work if support for children and young people is to be transformed. There is insufficient reference to Person Centred Planning on the face of the bill.

5. The evidence of the Real Opportunities project is that even where an extensive programme of p.c.p was organised and provided free to the many staff active in the nine participating local authorities, there can be significant resistance. The staff in some of the schools and agencies were really keen to benefit from training and to adopt p.c.p tools and techniques. Unfortunately some were unable or unwilling to take up these training places. The provision of extensive PCP training will be necessary if such barriers are to

be effectively challenged.

6. We support the underpinning of the reform programme by the UNCRC. It is perverse to refer to this Convention and fail to refer to the U.N. Convention on the Rights of Disabled Persons This Convention applies equally to children, young people and adults and includes several important Articles that are solely concerned with children and young people and a right to education and meaningful employment.

7. F.E. colleges can and will play an important role in post 16 years provision. However we would wish to see the Act being more specific and comprehensive. It should take account of, and bring within the reforms those 3<sup>rd</sup> sector organisations that deliver vocational training, job tasting and supported employment. Their activities complement FE provision but their important role is unacknowledged and is not subject to statutory requirements. For some individuals going to these agencies is more appropriate than going to F.E.

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐

**ALN208:** Vin West  
Arfon Access Group

#### Question 1 – New terminology

- a) Do you agree that a new term, ‘additional learning needs’, (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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#### Supporting comments

I am responding both as Chair of a Disabled People’s Organisation and as Parent / Carer for a young woman with some learning difficulties.

‘Additional Learning Needs’ is of course is not a new term but it is very welcome that Welsh Government have at last moved the conversation around provision for young people with

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learning difficulties in a Social Model direction.

These proposals have been characterised by some as mere semantics but the words we use about each other are important, otherwise some of the racial slurs that are heard less and less, such as the 'n' word, would not have so much power.

It is also desperately important that Welsh Government fully adopt, and are seen to adopt, the Social Model of Disability. Welsh Government nominally adopted this approach in 2002 and yet, 12 years later, vanishingly few civil servants or Assembly Members understand the concept, let alone apply it, while the majority have not even heard of it.

Previous terms [current terms in most public bodies] such as 'people with disabilities', 'learning disabilities' and 'special educational needs' are pejorative and degrading to disabled people and imply that the 'blame' lies with the disabled person instead of where it really lies: with society.

In adopting the Social Model the Welsh Government acknowledged institutional disablism [disability discrimination]. This is no more acceptable than institutional racism and yet disablism is ubiquitous, pervasive and entrenched across all levels of government, as it is across all sectors of society - still.

The terms and language that we use about each other are both influenced by how we perceive each other and can influence those perceptions if we choose positive language models based on the terminology choice of those we are referring to. In the case of disabled people this has been very clear since Paul Hunt and Vic Finkelstein expounded the Social Model in 1973. Since then disabled people have stated repeatedly and clearly that it is society that 'disables' them and this must be clear in using the term 'disabled people' as the term chosen by disabled people.

It is no longer acceptable to infantilize women by referring to them as 'girls' and yet Welsh Government continues to infantilize disabled people by insisting that they "need care" as though disabled people are all helpless babies.

So disabled people are prevented from functioning by the barriers that society confronts them with but in order to overcome these barriers they have to enter a 'care' system that demeans them and insults them before it will give them the support they are entitled to.

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

Professionals will need to become familiar with a co-productive approach to creation of development plans, both in terms of the young people the plan is intended to support and the parents or Carers involved. This means a genuine partnership of equals, which requires staff to challenge their own [unconscious] attitude to 'service users', 'clients', 'people in need' and the many other more or less pejorative terms in current use.

Alongside this new partnership of equals there will be a need to capacity-build some of the partners to have the tools and skills to engage in the discussions. This is needed because historically public bodies have [intentionally or otherwise] developed an exclusive language and terminology, made further obscure by the attendant acronyms, that requires a dictionary on hand to interpret jargon into plain language.

### Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

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- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

However, the partnership / co-production approach should be maintained throughout.

### Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

## Legislative proposals for additional learning needs Responses 201-215

### Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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#### Supporting comments

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### Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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#### Supporting comments

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### Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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#### Supporting comments

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## Legislative proposals for additional learning needs Responses 201-215

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

### Supporting comments

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### Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

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### Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

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- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

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### Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

### Question 11

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.

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

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**ALN209:** Nicola Massey  
Shire

### CONSULTATION RESPONSE

#### Introduction

Shire welcomes the opportunity to comment on the Legislative proposals for Additional Learning Needs (ALN) – White Paper and thanks the Department for Education and Skills for bringing forward this consultation.

Overall, we are supportive of the efforts to simplify the system for children with ALN and their families. We have noted below some specific points and hope these will be of benefit as discussions develop around plans for the legislation. We also hope to have the opportunity to feed in further information and evidence around many of the more detailed points in the consultation for a revised Code of Practice in due course.

### Specific comments

#### **1. Changes to terminology**

One of the main goals set out in this White Paper is to redefine the terminology associated with this area of need as an attempt to reduce the stigma faced by children and adults covered by the term. Shire is strongly supportive of this change; research has shown that adolescents with a history of ADHD tend to experience greater peer rejection, have fewer close friendships<sup>1</sup> and are 10 times more likely to be bullied than their peers<sup>2</sup>. Perceived stigmatisation may have negative consequences, potentially contributing to symptoms such as anxiety, social stress and depression<sup>3</sup>. ADHD has also been associated with low self-esteem<sup>4</sup> and suicidal thoughts in some individuals<sup>5 6 7</sup>. We believe that a move to make language less emotionally loaded will make a difference to how individuals with ALN feel about themselves and how they are perceived by others.

#### **2. Who will get an Inclusion Development Programme (IDP) and how will that be decided?**

Under section 1.3 point two, the White Paper states that the "fairest way to remove the inconsistencies [...] is to entitle every child or young person with ALN to receive the same statutory plan – the IDP – which recognizes their learning needs as equally important, irrespective of how complex they are". Shire welcomes this sentiment and agrees that it is essential that every child or young person with an ALN should receive an IDP. However, we are concerned that the White Paper does not sufficiently clarify what conditions will be covered by ALN and therefore, who will be entitled to an IDP. We strongly advise that if this is not clarified in the primary legislation, a definition, which includes a list of conditions, is referenced in the revised Code of Practice that will follow the proposed legislation, as it is in England. Without this definition, there could be disputes about who is entitled to a plan.

The White Paper does state that the process of considering whether someone has an ALN will "involve the child or young person, their parents and relevant agencies (including education, social services or health and others as appropriate to their needs) working together using a person-centered approach to determine whether an IDP is required". It also states that it will require local authorities to prepare and put in place any necessary IDPs. While Shire acknowledges that an effort has been made here to determine who has responsibility, it is not clear from the White Paper who has the final authority or what happens when there is disagreement. Shire believes that it is imperative to have a transparent breakdown of responsibility in order to ensure young people are receiving the most appropriate services in a timely manner.

#### **3. Early identification**

Shire is pleased to see that the White Paper will require that the Code of Practice provide guidance to professionals on the early identification of children with ALNs. There is considerable evidence to show that early recognition of ALNs has a significant impact on a wide range of outcomes for children. For example, ADHD can impact on many areas of an individual's life with potentially far-reaching and disabling consequences. These may result in an individual failing to reach their full potential in life. Early recognition of ADHD is needed, particularly for children with

predominantly inattentive symptoms in order to minimize these negative consequences. Too often ADHD is associated with child hyperactivity only, with not enough consideration given to inattentiveness, cognitive impairment and emotional instability. For many people with ADHD, recognition and understanding of the disorder may help to alleviate some of their burden and that of society.

### 4. Information and Advice

The White Paper also sets out plans to create a fair and transparent system for providing information and advice, and resolving concerns and appeals. Shire agrees that greater transparency in the system is important for families navigating the system and vital to ensure that professionals are clear about their roles and responsibilities.

We do, however, think it is important that the legislation make clear, either in the primary legislation or in the revised Code of Practice, what guidance should be followed, by whom (which professionals) and in which circumstances. For example, in the case of ADHD, we believe that professionals making up a multidisciplinary team supporting a child with ADHD should be required to refer to NICE guidance about the management of the condition.

We welcome the reference in the White Paper that a refreshed Autistic Spectrum Disorder (ASD) Strategic Action Plan for Wales is due to be published for consultation later this year and "should reflect the priorities for action identified by stakeholders". Shire recommends that the revised Code of Practice reflects the findings from of the ASD Strategic Action Plan consultation.

### Conclusion

The White Paper outlines important issues and acknowledges gaps in the system and Shire believe that it makes important steps forward in improving the system for children and adults with ALNs. Broadly speaking, we are content with the proposals that are included, though we do believe that in some areas greater clarity is still needed. In addition, we hope to have the opportunity to respond in more detail to any consultation around revisions to the Code of Practice.

### **ALN210: Sally Rees**

I take this opportunity as I gather that it is the last day for consultation on the Paper and, I would agree, having listened to Mike Charles that it falls way short of what will be implemented in England. I have experience services both sides of the border since 2004/5, had a 360 degree perspective and been involved I worry about the future of the next generation, given the state LA's and Health Boards in their ability to respond. Weekly I get emails from those I've worked with asking for support and help but not in a position to fully respond. I am now a position where my own son's placement has to change after 18 mths of being settled so he faces a big move and for a young person who does not deal with change it will be yet another upheaval. It doesn't go away!

Briefly, the White Paper, whilst there is a nod to the holism again it does not fully address the multi-agency dimension - it is in fact education focused which has always my concern nor does it explore fully the relationship with the Social Care and Well-being Bill. Finally, the White Paper doesn't go much further than Forward in Partnership in giving more substance to the IDP and further evidence that it will be more effective than the current Statementing Process than it being person-centred,

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which also needs further explanation for many people to comment who are not familiar with the approach. Furthermore, unless there is a duty on the social services and health boards in terms of the contribution and delivery of support and services then we are no further forward. In terms of transition young people will continue to fall the gap and many will not be able to access adult social care support and no IDP or plan currently will address this issue. The structural and cultural difference inhibit seamlessness.

**ALN211:**                **David Jones**  
                              **Coleg Cambria**

### Question 1 – New terminology

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

Additional learning needs is much better than using the old versions of Special Educational Needs and is far less likely to stigmatise the help that young people need, which will enable them to access this support and not feel less able than others. A clear definition of the scope of the new term Additional Learning Needs should be developed as soon as possible in order to avoid ambiguity and address current inconsistencies in interpretation and provision.

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

All assessments, Individual Development Plans and the Action Plans should follow the young person through to the end of their education; ensuring a full profile is produced that can be reviewed. Currently the full background information on a young person is hard to obtain and when it is obtained it is not from initial diagnosis to present date.



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### Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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#### Supporting comments

The proposal will ensure that the new process when implemented will be fully person centred and ensure that those in connection with the young person will be involved. Clear guidance on completion of IDPs should be developed to avoid inconsistency and ensure adoption of best practice.

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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#### Supporting comments

Making the local authorities ultimately responsible for the IDP will ensure that this follows the young person through their educational life. Quality Assurance in the new arrangements is essential in order to ensure consistency and maximise compliance.

### Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

This will ensure that the minimum expected will be produced and will be standardised for all. Clear definitions of responsibilities need to be developed to ensure that responsibilities of individual agencies/organisations are as unambiguous as possible, for example, respective responsibilities for care, support and learning.

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

It is vital that Further Education institutions are included as each institution has provision for these learners. This will enable the institution to ensure that the learner gets the best available person centred learning. It will also ensure that the institution receives the knowledge required to implement this. At present date this is adhoc with the necessary documentation not always being received in order to fully help the young person.

### Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

In order to ensure that a young person not engaging in Further Education has the same standard of provision, the local authorities need to maintain control.

### Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

All schools delivering this provision should be registered with the local authority in order to maintain standards and ensure that the provision that the young person receives is of the standard expected.

### Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

In order to gain a full picture of need and develop a coherent package of development a multi agency approach needs to take place. This will ensure that the IDP is fully informed. Responsibilities of the various agencies needs to be clarified as unambiguously as possible in order to ensure that appropriate packages of provision can be put in place quickly and without confusion or conflict.

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

#### Supporting comments

Some form of regulatory body should be set up in order to ensure that the code of practice is being implemented fully and to the correct standard.

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### Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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#### Supporting comments

IDPs will support the plans already produced by the local authority for looked after children. These children should also be entitled to the same help as other children, to ensure this happens they should be part of the same system.

Different systems or documentation will stop this happening fully.

### Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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#### Supporting comments

All disputes should be dealt with centrally by one body as early as possible.

- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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#### Supporting comments

A standard procedure should be used that is fit for purpose.

### Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

All persons involved or their legal guardian should have the right of appeal.

### Question 11

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.

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐

### **ALN212: Angela Burns AM, Shadow Minister for Education Welsh Conservatives**

The Welsh Government White Paper on ALN is a positive start to what we hope will eventually become a radical Bill that changes the landscape for children and young people with learning needs in Wales. My sincere wish is that the Government will recognise the concerns and input of all political parties so we can jointly deliver a ground-breaking solution to an issue that has no place in partisan politics and can break hearts and families rather than the ground. We recognise, and are in accord, with the focus that has been placed on the provision of equality and fairness for all learners with needs whether they are transitory or complex. However, the White Paper does throw up some areas where we intend to share some specific concerns and it is more discursive for us to detail those concerns below rather than merely answering the questions listed on the response form.

**Current Situation.** It is extremely difficult for many parents to get a statement for a child with moderate needs at present as the system appears to be in a holding pattern because, for some time now, there have been discussion about IDPs and their possible introduction. This has created a hiatus in the provision of statements making it doubly difficult for parents and young people. We are concerned that this hiatus will continue until this Bill is passed. Whilst the White Paper recognises this issue the Government needs to put in place a concrete instruction to Education Authorities for the interim. For children and parents waiting for help, even a few more



months feels like an incredibly long-time with a great deal of opportunity lost whilst waiting.

**ALN Definition.** The term *additional learning needs* is a very broad term which covers everything from behavioural to mental health issues and physical disabilities, all of which can impact upon a child's ability to learn. The nature of some of these issues may be particularly complex and difficult to approach. Given these circumstances, the Welsh Government has to carefully define each of these issues and decide who within the local authority or school setting has the capacity to provide a diagnosis for them. Do educational psychologists have the capacity to deal with socio/emotional issues and physical disabilities? There needs to be greater clarity on who is responsible for this judgment call and what is required in terms of their background and training. The Welsh Government should also make especially clear, which aspects of additional learning needs are protected by statute, so that the relevant bodies have a non negotiable understanding on what has to be done and what the consequences will be if they don't deliver.

**Collaboration.** Based on the information contained within the White Paper, someone within the local authority is likely to play the lead role in the diagnosis and treatment of ALN. This person must have the ability to *buy-in/co-opt* professionals from other organisations, including health, social care and charitable organisations. This person should also be able to provide some degree of clarity on how a problem is identified, diagnosed and managed by each of the bodies involved and how these bodies interact with each other. This person should be able to access a huge range of health services including physiotherapy, dietetics and speech and language therapy without the usual constraints affecting treatment, like waiting times for example. Many paediatricians have waiting lists which are considerably long, but a child cannot have their education put on hold for periods of months and years. Treatment should therefore be delivered according to the child's developmental milestones and the individual coordinating the treatment should have the ultimate authority within this chain of command should there be any disagreements between professionals. Their pay should be ring-fenced from the financial pressures that a local authority faces and there should be a wall between the local authority and this professional. This will provide a clear understanding that the professional is there to represent the child and not the authority – with unequivocal clarity. As far as the parents are concerned, money shouldn't cloud the ability to communicate the truth.

A further issue for consideration is the report from the Commission on Public Service Governance and Delivery (the Williams Commission). The report has recommended merging the existing 22 local authorities, and the Welsh Government has recently indicated its preference for 12 authorities. Whichever option is chosen will result in a timeframe for changes and mergers. It is vital that any proposed ALN measures are not allowed to fall through the gaps when authorities merge. As I have already stated, a child's education cannot be put on hold to meet other organisations timescales. Collaboration between all public service bodies involved in ALN must not be allowed to suffer when these mergers occur.

**Resources and Funding.** This level of collaboration will require a huge level of funding and a change in culture both of which I appreciate may be difficult to provide in the present circumstances. The National Assembly's Children, Young People and

Education Committee has called for evidence and is conducting an inquiry into CAMHS (Children and Adolescent Mental Health Services). This is due to previous enquiries that have touched on this area, as well as empirical evidence and a recognition by most people that resources and capacity within CAMHS are already incredibly overstretched to the point where in 2013/14 there were 2,629 referrals not accepted, and a further 2,410 children and young people who are currently waiting for a CAMHS outpatient appointment. Furthermore, educational psychologists are working in fewer numbers with increased workloads and specialists dealing specifically with behaviour and communication are rare. There must be a range of trained and well-equipped professionals available to manage the variety of issues that fall under the definition of ALN. At the moment, we have some educational psychologists who are doing a very good job and a number who are not. Above all we have a shortage of qualified individuals within many of the areas this level of service provision will require and limited ability for training and CPD within Wales. All learners should be able to access support of the same quality. Current provision is not equitable, with services differing wildly between counties. Parents will always fight 100% for their child and this can cause conflicts between parents and authorities. This can, in turn, affect the quality of provision those parents receive. An equitable level of service should be provided across individuals, departments and counties and training will play a key factor in delivering this. Furthermore, ALNCOs/SENCOs should have dedicated training suitable for their role. The ALN component of the *Masters in Educational Practice* (MEP) is a welcome component, but this might not be in-depth enough for an ALNCO/SENCO, who will also need to know how to deal with, manage and access needed resources. Given that the MEP is optional and can be obtained very early on in a teacher's career, many inexperienced teachers might end up fulfilling the role of ALNCO/SENCO unless there is a stipulation that this teacher should be an experienced teacher. If trainee teachers are going to learn about ALN early on in their careers then perhaps it should form part of their initial teacher training so that it is compulsory rather than optional. I have repeatedly put on record my support for the MEP programme, but I do have reservations that it comes too early in a teacher's career. It is not entirely improbable that a school would appoint a NQT teacher who is in the first year of their MEP, studying the ALN module. That teacher, with potentially the only ALN background in the school, might be asked to have some form of ALNCO role. This would put far too much pressure on them, and this needs to be addressed. Schools will have different numbers of ALN learners to one another, of varying levels of severity. One school ALNCO may have responsibility for ten students in a hundred. Another ALNCO may have responsibility for thirty students in a hundred. In terms of human resources, this will require a substantial time investment from the ALNCO. It is not clear in the white paper where the ALNCO will come from – if it will be a teacher with extra responsibility, or a member of staff. Irrespective of who it is, it is vital that an ALNCO responsibility does not detract from their existing role.

The school's resources should also be given greater consideration. If a school is expected to provide 4 hours of additional learning from their own budget, some thought should be given to the cumulative impact on this budget when a high number of the children attending that school require additional learning. Early Education Plans and Action Plans are a great idea, providing that the school can afford to follow them. At the moment, a child who is told they will receive 8 hours of learning per week will find that they actually receive 4 hours when large numbers of children

needing additional support become unmanageable. We must work out how we can provide the resources to deliver the education that these children are entitled to whilst being realistic with regards to the school's capacity.

**Impact of Regional Consortia.** These bodies have a huge footprint and the capacity to understand ALN on a large scale and a responsibility for delivery. This doesn't mean, however, that ALN is best treated on a large scale. Centralising special schools within each region for those with complex needs would put enormous pressure on a child who is already disadvantaged due to the physical and emotional costs involved in travelling long distances to and fro school. Whilst ideas of this nature might work well in urban areas, further consideration should be given to learners in more rural areas.

**Tribunals.** Tribunals should be seen by all involved as an ultimate last resort. Tribunals are costly, time-consuming, overly confrontational and mostly unbalanced. Mediation is a good way forward, but the length of time that is spent mediating should be limited. In terms of a child's education, months and months is far too long. However, tribunals should only be a last case scenario. Many local authorities can employ a first rate Barrister to work full-time a specific case. On the other hand, most parents cannot afford the time to put together a top flight legal case, the knowledge or a lawyer of equal standing and are effectively left defenceless. Local Authorities should be prevented from pitting Barristers against parents in such a way and there should either be a fund for parents to access a lawyer of equal quality and stature or a ban on Local Authorities using Barristers. This would also prevent the parents' costs from drastically spiralling. The Welsh Government might also consider a further right to appeal after a tribunal but this would require careful consideration of the grounds on which an appeal could be launched.

**Statutory versus Guidance.** The Welsh Government cannot keep relying on subordinate legislation and 'due regard'. All children should have equal access to a good education and in my view this should be made statutory. The National Assembly for Wales was founded on the premises of equality and sustainability and that should be reflected in this Bill with a statutory underpinning. In past legislation, as indeed highlighted by the ALN White Paper, legislation has relied on authorities having to pay "due regard" to something, and then the Government attempting to enforce this through Codes of Practice. This is not a statutory obligation, and I believe it allows children and students to fall through the gaps. A Code of Practice cannot fill gaps in primary legislation. Any ALN measures taken forward must be done on primary legislation that places a statutory duty on a LEA.

**Home Education.** A small number of children with ALN are educated at home because the parents either believe the state cannot currently meet their needs or they have had to remove them from settings. Home education is acceptable, so long as it is a parent's personal choice and not something that they are obliged to do in order to compensate for the failings of the state. We acknowledge the positive discussions that have centred on post-16 children and their inclusion in the education system. However, younger, home-schooled children should also be given more thought. A Bill needs to be crafted so that these parents can bring their children back into the heart of the education system, particularly those with physical disabilities. Furthermore, when a child is educated at home, the other children within

that family can feel marginalised. If the child educated at home could follow the same path into education that is taken by his/her siblings then the family would be alleviated of certain additional pressures involved in providing a home education. We also achieve the objective of not marginalising those children who would like to be part of some form of school setting but can't have that choice.

**Certification of the School.** Parents should have a choice in where they can send their children to school regardless of the child's additional learning needs. Many independent schools offer a viable alternative education for children with specialised needs. Whether it's because the classrooms have smaller numbers and therefore fewer distractions or because the young people are effectively not in a "school" setting such as Coleg Elidyr or Plas Dwbl. Teachers and other professionals are also better able to address their specific needs. I would like school certification to be viewed through a neutral prism and would suggest Estyn should be responsible for making decisions on a school's capacity to provide for additional needs, rather than a local authority whose decisions may be biased by their capacity to fund placements. Nevertheless, the criteria on which these decisions are based should be looser and broader. For example, if a school has many highly trained teachers with the ability to teach children with specialised needs in smaller classes, the school should not find themselves unable to get registration simply because they don't have a sensory room which may be what a child with a different need may require.

**PRUs.** The Welsh Government should reassess why we have Pupil Referral Units (PRUs) and who they are designed for. A high proportion of children in PRUs are children with SEN, but equally, a high proportion of children who attend a PRU are also those with behavioural issues. These problems are very different and in some cases, the PRU becomes a prison for children with SEN where they are effectively sent to a unit to be educated alongside children who have behavioural issues that a school simply can't manage. According to the Edinburgh Report, nearly 90% of people educated outside of the school setting were SEN. Of these, 40% were in PRUs. Which brings us back to the definition of ALN because if a child with anger management or attachment issues cannot cope in a mainstream school environment then they too have an additional learning need.

**Impact on Existing Legislation.** The National Assembly for Wales has recently passed the Social Services and Well-being (Wales) Bill and will soon look at legislation on the recommendations of the Williams Commission. The changes made to education provision in the ALN Bill should consider these. Looked After and Adopted children should be given an automatic and statutory right to request an IDP and the SSW Bill needs to be reflected on in this case. Furthermore the direction of travel for health provision in Wales will also have a profound effect on the impact of decisions that need to be made under this Bill.

The Welsh Government has embarked on an ambitious legislative programme since 2011. A number of Bills are set to pass through the National Assembly in the next Assembly year. ALN provision will not just have an impact on existing legislation, but on any new legislation. I strongly hope that the ALN measures that result from this White Paper will be integrated fully into new legislation.

I welcome the opportunity to respond to this consultation, and I strongly believe that the ALN White Paper is the start of a vital piece of legislation to protect some of the

## Legislative proposals for additional learning needs Responses 201-215

most vulnerable children and young people in our society and to try and secure a more sustainable and successful future for them.

This is something most of us wish for. To be the best we can be.

**ALN213:** Sue Painter  
Portfield School

### Question 1 – New terminology

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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### Supporting comments

Some of our parents are worried that this term will be too broad so the definition will need to be clear.

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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### Supporting comments

This is a very good proposal. However, there is currently a lack of appropriate Welsh provision for post-19 students who have the most complex needs. There are also transition issues that need to be addressed. The current transition from school to adult services is unsatisfactory.

### Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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### Supporting comments

IDPs are definitely the way forward. However, there are significant resourcing and capacity issues. Meetings without all stakeholders being present are not effective. It is highly unlikely that health professionals will have the capacity to attend meetings as well as provide for the pupils' needs. When resourcing issues are being discussed, 'senior' staff will need to be present. Also, the IDP documentation will need to include detailed 'professional' documents in addition to the action plan. There are issues regarding the sharing of information particularly using IT. These need to be addressed.

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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### Supporting comments

The responsibilities of health & social services need to be clearly articulated. It is not acceptable for either agency to make recommendations that they cannot resource. The current situation where LAs are forced to fund the shortfall in health provision is totally unacceptable.

## Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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### Supporting comments

Absolutely!

## Legislative proposals for additional learning needs Responses 201-215

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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### Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

'Best endeavours' could be a 'get out of jail card' for institutions not able to meet the needs of children & young people. This needs to be guarded against.

### Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

See comments in Q1(b).

### Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

This is a very positive suggestion. Clearly, quality control measures need to be in place to ensure that the independent providers are able to meet the needs of the young people being placed.

### Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

This is essential if the needs of pupils with ALN are to be met. However, it is our view that the legislation should place greater accountability on local health boards and social services to provide the levels of support that these agencies identify in their assessment reports. It is not fair or appropriate for health providers to identify a level of need and then say that they do not have the resources to provide it. Currently, when such situations arise, LAs are expected to pay for the additional health provision as they are legally responsible for the delivery of the Statement. This approach is reinforced by Tribunal outcomes where therapy provision is often the key issue contested by parents. Sharing information is absolutely crucial - a secure IT system must be possible in 2014. Sharing protocols need to be established and all stakeholders need to have secure access to the information. Co-operation needs to be defined in terms of securing resources to meet needs.

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

#### Supporting comments

It needs to be written in the legislation.

### Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

Absolutely. Currently there are too many different plans and duplication of information requested by the different agencies.

## Legislative proposals for additional learning needs Responses 201-215

### Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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#### Supporting comments

It is much better for all concerned to resolve issues at an early stage and hence save the costs of more lengthy tribunals.

- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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#### Supporting comments

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### Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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#### Supporting comments

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### Question 11

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 significant resource implications in providing for pupils with complex needs. In light of squeezed budgets for local authorities the needs of pupils with the most complex difficulties are likely to require legislation to ensure they are met.
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## Legislative proposals for additional learning needs Responses 201-215

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐

**ALN214:** Paul Catris  
St Patrick's Primary School

### Question 1 – New terminology

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

<b>Agree</b>	<b>Yes</b> <input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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#### Supporting comments

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- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<b>Yes</b> <input type="checkbox"/>
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#### Supporting comments

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### Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<b>Yes</b> <input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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## Legislative proposals for additional learning needs Responses 201-215

- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

<b>Agree</b>	<b>Yes</b> <input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

I can understand the need to have an IDP for pupils that are in need of statementing and possibly those at SA+ but to have these for children at SA is a 'big ask' and would be very time consuming to administer.

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<b>yes</b> <input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

I cannot envisage the LA having the 'man-power' to take responsibility for preparing IDPs for every child on the register. In our school we have 58 children on the register.

## Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<b>Yes</b> <input type="checkbox"/>
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### Supporting comments

I understand the need to have mandatory requirements but must stress the practicality of having IDPs for every child – arranging meetings and reviewing the plans on top of children having IEPs as well would be an enormous undertaking.

## Legislative proposals for additional learning needs Responses 201-215

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

<b>Agree</b>	<b>Yes</b> <input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<b>Yes</b> <input type="checkbox"/>
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#### Supporting comments

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### Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<b>Yes</b> <input type="checkbox"/>
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#### Supporting comments

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### Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

<b>Agree</b>	<b>Yes</b> <input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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## Legislative proposals for additional learning needs Responses 201-215

### Supporting comments

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### Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

<b>Agree</b>	<b>Yes</b> <input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

However, I am unsure as to the capability of these institutions to meet the demand that would be created by having IDPs for all children on the register. I attend CP core group meetings and some institutions find it difficult to attend these!

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

### Supporting comments

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### Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

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### Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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#### Supporting comments

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- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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#### Supporting comments

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### Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<b>Yes</b>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
			<input type="checkbox"/>		

#### Supporting comments

What happens when families don't attend these review meetings – some of our parents find it difficult to attend IEP reviews so to double up on the number of meetings in a term is very unrealistic.
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## Legislative proposals for additional learning needs Responses 201-215

### Question 11

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.

I feel that IEPs could be amended to include some of the contents of an IDP, where it was felt applicable, rather than create a potential 'bureaucratic nightmare' for already overworked ALNcos.

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

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### ALN215: ANONYMOUS

#### Question 1 – New terminology

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

This is a very good proposal. However, there is currently a lack of appropriate Welsh provision for post-19 students who have the most complex needs. There are also transition issues that need to be addressed. The current transition from school to adult services is unsatisfactory.



## Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

IDPs are definitely the way forward. However, there are significant resourcing and capacity issues. Meetings without all stakeholders being present are not effective. It is highly unlikely that health professionals will have the capacity to attend meetings as well as provide for the pupils' needs. When resourcing issues are being discussed, 'senior' staff will need to be present. Also, the IDP documentation will need to include detailed 'professional' documents in addition to the action plan.

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

The responsibilities of health & social services need to be clearly articulated. It is not acceptable for either agency to make recommendations that they cannot resource. The current situation where LAs are forced to fund the shortfall in health provision is totally unacceptable.

## Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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## Legislative proposals for additional learning needs Responses 201-215

### Supporting comments

Absolutely!

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

'Best endeavours' could be a 'get out of jail card' for institutions not able to meet the needs of children & young people. This needs to be guarded against.

### Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

See comments in Q1(b).

## Legislative proposals for additional learning needs Responses 201-215

### Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

This is a very positive suggestion. Clearly, quality control measures need to be in place to ensure that the independent providers are able to meet the needs of the young people being placed.

### Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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#### Supporting comments

This is essential if the needs of pupils with ALN are to be met. However, it is our view that the legislation should place greater accountability on local health boards and social services to provide the levels of support that these agencies identify in their assessment reports. It is not fair or appropriate for health providers to identify a level of need and then say that they do not have the resources to provide it. Currently, when such situations arise, LAs are expected to pay for the additional health provision as they are legally responsible for the delivery of the Statement. This approach is reinforced by Tribunal outcomes where therapy provision is often the key issue contested by parents. Sharing information is absolutely crucial - a secure IT system must be possible in 2014. Sharing protocols need to be established and all stakeholders need to have secure access to the information.

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

#### Supporting comments

It needs to be written in the legislation.

## Legislative proposals for additional learning needs Responses 201-215

### Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

<b>Agree</b>	<input checked="checked" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

Absolutely. Currently there are too many different plans and duplication of information requested by the different agencies.

## Legislative proposals for additional learning needs Responses 201-215

### Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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Supporting comments

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- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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Supporting comments

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### Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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Supporting comments

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### Question 11

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.

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Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☒