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ALN182: Sian Prince
SHINE 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?

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

SHINE Cymru agrees in principle

- 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

SHINE Cymru believes it is vitally important that all agencies in particular Health and Social Services engage in the transition process from the start.

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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Legislative proposals for additional learning needs Responses 181-200

Supporting comments

Currently IEP's are reviewed under the current CoP three times a year. It is proposed that IDP's be reviewed once a year although early reviews can be requested. What happens if school/LA's refuse?

- 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

However, more clarity/detail is needed on how this will implemented.

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

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

SHINE Cymru has concerns using the terminology "best endeavours". It should be "Mandatory" that provision specified in the IDP is provided.

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

This is a positive step forward however, see response in Question 11

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

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 checked="" type="checkbox"/>
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Supporting comments

We agree in principal. However what if a parent, child/young person doesn't want to share sensitive, personal/intimate health 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

From experience, SHINE Cymru knows that children and young people with spina bifida and hydrocephalus have very specific and complex health and educational needs and multi agency/partnership working is imperative to ensure that children and young people are fully able to access education and training.

Legislative proposals for additional learning needs Responses 181-200

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

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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?

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

Local Authorities already have Disagreement Resolution Services in place. How would the proposed Disagreement Resolution process differ from the present. More clarity is needed.

- 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

As long as this is done in a timely manner to lessen the impact on the Family

Legislative proposals for additional learning needs Responses 181-200

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

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.

Parental Rights of Appeal :-

"Parental right to request maintained school of their choice is named in the statement" If the LA refuses, parents have right to appeal to SENTW. However, in list of appeals set out on Page 36 of the white paper, it does not mention educational placement. It is an important parental right and one that results in a significant number of appeals to SENTW.

Post 16 Provision - Proposal to transfer duty for securing provision to LA's:-

Concerns that the money for post 16 provision is not "ring fenced" and will be transferred to the Revenue Support Revenue Grant. LA's having responsibility for accessing need and paying for provision. Could become difficult especially with current financial constraints.

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: ☐

ALN183: Llamau

Llamau welcomes the overall ethos and the summary that “the current system is complex, bewildering and adversarial.” (p2) We recognise that “Families ... feel that they have to battle at each stage of the system to get the right support for their child ...” (p2). Parents and families can indeed feel excluded (p25) from processes. However, we remain concerned for those who do not have families to battle for them.

Llamau is too aware of young people who have lacked family support through their schooling and often work with those who have ALN which have not been recognised previously and who have thus been further excluded from support.

The introduction of Individual Development Plans (IDP) to replace statements of SEN seems a sensible move and we are pleased that these should be in place for all children and young people aged 0 -25 who have been determined as having ALN and are receiving or wish to receive education or training.

(Key Proposals 2, and 5 p5) Replacing Personal Education Plans with IDPs (Key Proposal 15, p 6) for those who are looked after by a local authority would also make sense in avoiding duplication.

The further detail given on p31 that “local authorities would initiate the IDP process for all looked after children” is to be welcomed but we would wish to challenge any assumption that all care leavers have Additional Learning Needs, and this should be taken on a case-by-case basis, particularly as often it is other additional needs which form the barrier to learning. However, we welcome the commitment to ensure that IDPs connect with other plans including those for care leavers (p31). Llamau’s experience is that we have not always had access to previous educational plans, often these have not been completed in line with the statutory requirement and the young people we support are often unclear about the detail of their educational history.

Learning 4 Life’s experience would concur that it is often difficult to gain relevant information about the young people we work with (p17). Young people are not always aware of their qualifications, if any, nor if they have been statemented or had support. Young people lack information and thus lack strategies for how to overcome any ALN.

Again, Llamau is all too aware that, “For looked after children, the SEN statutory assessment is just one of many assessments and the separate processes are not well integrated.” (p27) Llamau is also very conscious of the fact that young people have to “repeat the same information lots of times for different people or purposes” and welcomes any proposals which ensure efficient information sharing. As looked after children may undergo changes in placement, which may lead to changes in

school, some are particularly vulnerable to repeated assessments but also to ALN being missed due to frequent changes and disrupted schooling. It is not unusual for Llamau to work with young people who have had over 40 or 50 different placements and around 10 or 20 different schools.

Legislative proposals for additional learning needs Responses 181-200

We look forward to the Code of Practice to give clear guidance as to how other providers of education and training such as Llamau's Learning 4 Life, will have a role in supporting young people with ALN. We also look forward to knowing more about the "key information which must be included in an IDP" (p21). This detail would be key in assessing the efficacy of the strategy.

The documents makes reference to person centred planning (p13 and p37) – Llamau has experience of operating such a holistic approach and would advocate for such an approach. We would be keen to see the guidance, and we would be happy to input into the development process of the guidance that will be given around this approach.

Finally, we are glad that the third sector is, albeit briefly, included: "We recognise that third sector bodies already fulfil important roles on behalf of children and young people and will look to build on this as we develop the systems around ALN." (p30)

The proposal has raised two questions that we would welcome a considered response which could further develop thought around the proposal.

How do the Legislative proposals for additional needs link with NEET strategies and the youth progression framework? The proposals refer to post-16 learners in FE but what about those young people who attend provision such as Learning 4 Life or are aiming to attend work placements such as provided by Llamau's "Symud Ymlaen / Moving Forward"? These young people may also have complex needs (p14). Yet the NEET strategy is not mentioned in change 12 on p29 where we would expect reference.

"Local authorities would be able to discontinue for IDPs for children and young people who took up post-16 opportunities (such as higher education or work based learning) outside of a school, FE institution ..." (p22/23) Why exclude work based learning? How can the transition be smooth if ALN is not addressed within work based learning or alternative educational provision? Llamau's Learning 4 Life, offers support to those who have not succeeded within mainstream provision; our participants often have ALN.

ALN184: Helena Griffith
Powys Children & Young peoples Partnership

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

This is a more inclusive term so a clear definition is needed and clarity about which children and young people this covers.

- 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 checked="" type="checkbox"/>
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Supporting comments

The main implications are how health, social care and the voluntary sector become involved with their various age configurations

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

If IDPs replace IEPs for School Action & School Actions plus there are significant implications for the assessment of needs and commitment of resources from a small amount of current resources.

Legislative proposals for additional learning needs Responses 181-200

- 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 need to be clear guidance on the use of statutory powers as it will

not always be in the Local Authorities remit to provide all the support required. The interaction with health, social care or commissioned resources will need to be clear.

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

The role of all organisations involved needs to be clear and costed.

- 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

If this is an all-age policy then all childcare provision should be included.

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

Not sure of the implications of this for both childrens and adult social care particularly in light of the recent Social Services & Wellbeing Act.

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

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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?

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 for this process to work as is the need to holistically allocate resources

Legislative proposals for additional learning needs Responses 181-200

- 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

Consideration is needed for compatible information systems to facilitate joint assessment and resource decision making.

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

Does this assume that all children in care have ALN? What if they don't? If they were included it would require all developmental needs to be covered.

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

This will need to be seen to be as fair and objective as possible and involve advocacy for the child or young person.

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

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

A complaint is not an appeal but about how processes are followed or specific members of staff. They can be referred to the LGO as final arbiter - is this intended?
How would the interpretation of the evidence by the LA be examined?

Legislative proposals for additional learning needs Responses 181-200

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

There is general concern about extending the right of appeal to a wider field - estimated to be 20% of the school population rather than 2%.

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: ☐

ALN185: The Children's Commissioner for Wales

I welcome the genuine intentions to introduce a unified legislative framework and an integrated model for multi-agency collaboration and service provision for children and young people with additional needs. The White Paper sets out a comprehensive and compelling case to establish a new assessment and provision process places the centrality of focus upon meeting the needs of children and young people with additional learning needs, regardless of statement.

I am pleased to see that a Children's Rights Impact Assessment Process has been completed in developing the White Paper, and I am also pleased to learn that Welsh Government has proactively sought to capture the views of children and young people in the process. It is clear to me that considerable effort has been undertaken to consider the strengthening of children's rights within this process. The proposals have significant resonance with Article 29 of the United Nations Convention on the Rights of the Child:

Article 29

1. *States Parties agree that the education of the child shall be directed to:*
 - a. *The development of the child's personality, talents and mental and physical abilities to their fullest potential;*
 - b. *The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;*
 - c. *The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;*
 - d. *The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;*
 - e. *The development of respect for the natural environment.*
2. *No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.*

I would, however, like to see a greater and more explicit reference to the United Nations Convention on the Rights of the Child and the United Nations Convention on the Rights of Disabled Persons within the legislative framework.

I also urge Welsh Government to recognise that the proposed changes cannot exist within the legislative and policy rhetoric alone. It requires significant reflection and a considered practical application to ensure these changes are sustainably realised in practice – steps should be taken to redress the real challenges of integration to ensure wrap-around strategies and provision place the rights and wellbeing of children and young people at their heart.

The unified legislative framework, and subsequent Code of Practice, must provide an interprofessional bridge between the sectors; making the most of the differing professional identities and boundaries, cultures and values, systems and practices in order to develop a shared framework for child-centred delivery and holistic support.

ALN187: 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

This term is more neutral and does not use the term 'special'.

- 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 type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<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?

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

WE DO NOT AGREE that IDPs should be prepared for children under SCHOOL ACTION, an IDP would be sufficient for these children as there are no outside agencies involved. A one page profile could also be prepared for children on S.A.

Legislative proposals for additional learning needs Responses 181-200

- 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

This should be done in liaison with the school.

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

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- 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?

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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?

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

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?

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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?

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

Yes, but who is going to be responsible for updating the IDP? If this is not an online document, it will fall to the ALNCOs to update. Therefore, we believe that these should be for children on SA + and statutory assessed pupils, not SA pupils.

Legislative proposals for additional learning needs Responses 181-200

- 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

Online filling of the IDP as it is difficult to get medical/paediatricians to attend meetings.

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

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

- 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

Legislative proposals for additional learning needs Responses 181-200

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 type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" 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: ☒

ALN188: **Karen Taylor**
 Bryngwyn 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

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Legislative proposals for additional learning needs Responses 181-200

- 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

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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?

Agree	<input type="checkbox"/>	Disagree	<input checked="" 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

Replacing the current system by IDPs will result in an even greater beaurocratic and financial burden. It is not needs led.

- 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 checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

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Legislative proposals for additional learning needs Responses 181-200

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

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- 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 type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<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?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<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?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<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?

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

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- 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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Legislative proposals for additional learning needs Responses 181-200

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

IDP is unmanageable, a PEP is an effective meaningful working document.

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

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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?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<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)?

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

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Legislative proposals for additional learning needs Responses 181-200

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.

Role of ALNCo - To accept to manage this proposed system would have to be a non teaching role.

While IDPs may be manageable in a primary setting I fail to see how it can be a meaningful document in a secondary school, which leads me to question wheter there were any secondary ALNCoS involved or was it led by Educational Psychologists and primary ALNCoS?

The current system needs to be replaced bu a needs led system not an administrative task.

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: ☐

ALN189: **Zoe Richards & Catherine Lewis**
Third Sector Needs Alliance (TSANA)

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

TSANA welcomes the new term, it is more suited to the learning group previously termed S.E.N which itself has attracted negative connotations. We believe that Welsh Government will need to provide greater clarity around what the definition means and what the legal status of ALN will be. The definition will need to be holistic and encompass multi-agency responsibilities. TSANA are happy to work with Welsh Government to achieve greater clarity with the above.

Legislative proposals for additional learning needs Responses 181-200

- 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	x	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

TSANA agree that the age range should go from birth to 25. This will assist with transition stages throughout a child's learning and development. We are concerned that insufficient investment is available for the extended age group. Children have a right to education throughout their lives beginning at birth. Welsh Government have a duty to provide education from the age of 5. We note that the white paper places the duty on the local authority to provide the IDP. Support for under-fives is provided by health and the voluntary sector. How will the legislation address the issue of a child's right to education before the age of 5?

We welcome the extended age range to 25 in the reform. However, we recognise that this will mean a significant overhaul of further education, training and apprenticeships. Providers will need training in order to work in a person centred way with young people and their families. We note that the IDP is not currently applicable to apprenticeships and government work programmes. We feel this should be reviewed and legislated for to increase the number of young people with ALN in paid employment.

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

TSANA welcomes the single approach that brings together learning support currently provided under School Action, School Action Plus and SEN and agree that the IDP should become the unified planning process. TSANA members would welcome seeing an early

Legislative proposals for additional learning needs Responses 181-200

draft of the IDP and ask whether will there be one transferable template that will work across all local authorities. The IDP is a just a plan and to underpin this there must be a full and rigorous assessment of need. TSANA enquires how the Welsh Government will ensure that the workforce is sufficiently skilled in identifying and assessing a child/young person's additional learning need within the different stages of their life? We believe that any child who isn't meeting average learning and development milestones should be entitled to an assessment. It is also important that the assessment of need and support offered is delivered in the child / young person's chosen language.

Once again TSANA are happy to assist Welsh Government on these issues.

- 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	x	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

TSANA agree that the local authority should be ultimately responsible for the preparing, delivering and reviewing an IDP but will want to see duty placed on multi agency working in order that those children from birth to five are receiving appropriate assessment and services. Currently health are the identified providers for this age range, consequently we recommend that legislation mandates a shared responsibility from 0 -25 years.

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

TSANA agrees that there should be mandatory requirements placed on the above bodies as this will ensure consistency across all local authorities and service providers.

- 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	x	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 181-200

Supporting comments

TSANA believes that guidance should be set out for all providers of education and training. This should include 3rd sector, social firms/enterprises and organisations funded to provide statutory services. Whilst we welcome guidance across all sectors, we recognise that this is issues without the weight of statutory duty and therefore training would be needed to ensure duties are delivered.

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

TSANA members believe that the terms term 'best endeavours' needs to be clearly defined to avoid provision being dependent upon available funding. We would urge that cross border placements in non-Welsh schools be included in the legislation and that Welsh Government work together with ESTYN to ensure that there is an inspection process for private and cross border providers. TSANA also recommends that work based college programmes, apprenticeships and vocational learning - are included in the term best endeavours as they offer a route of further learning and education for young people with additional learning needs.

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

TSANA agree that Local Authority should be responsible are aware that the funding for post 16 specialist provision will be transferred from the WG to LA via the RSG. There are no plans for this to be ring fenced and TSANA is concerned that there will be an incentive to push young people with ALN towards cheaper mainstream provision which may not meet their needs. We also recommend that there is firm guidance set out around early planning to

Legislative proposals for additional learning needs Responses 181-200

ensure that young people's transition to specialist provision is smooth and that L.As plan funding well in advance.

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

TSANA agree in principle but would like urge Welsh Government to work with providers to ensure the registration process is accessible to all providers and is regulated by ESTYN or OFSTED as some specialist provision is not available in Wales.

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

TSANA welcomes the requirement to share information but would like to see this backed up with a duty to provide the provision. The duty to share information will provide opportunities for greater multi agency working and providers to work more closely together. TSANA recommends that Early Years providers should also be required to cooperate and share 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

TSANA believe that independent scrutiny of partnership working and funding is important in evaluating and driving forward the multi-agency agenda. Ensuring that IDP's are person centred is a tested mechanism for multi-agency working within Early Support and The Real Opportunities Project. Training for the workforce in Person Centred Planning will be a vital tool.

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

TSANA agrees in principle that the IDP should replace PEPs for looked after children but with a note of caution as we still do not have information as to what the IDP will look 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	x	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

TSANA agrees that disagreement resolution should be put in place before appeals to Tribunals are made but that there is a specified time scale attributed so that parents do not feel that it is a delaying tactic employed by the Local Authority. We believe that there should also be a requirement on L.As to report all complaints made and which stage they get to in order that identification of compliance can be made by Welsh Government.

Legislative proposals for additional learning needs Responses 181-200

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

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

TSANA agree in principle but again have concerns that this process may be seen by some parents as bureaucratic and a delaying tactic. We believe that there should be a uniform approach across Wales that is appropriate and accessible to all parents and children and young people.

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

TSANA welcome the extension but would like to see the tribunal have the right to redress if the provider fails to comply with the directions and order from the tribunal.

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.

1. TSANA welcomes the fact that the right of appeal has not been weakened as it would have been under the proposals in Forward in Partnership
2. TSANA members have deep concerns with the process of the consultation for children and young people - the children and young person's version is not easy read and therefore is completely inaccessible to most children and young people the reform addresses. Also the children's version was only available as a PDF file which isn't accessible to some children and young people with a visual impairment.
3. The process of consulting only with children in schools has left many interested children/young people out of the process
4. The SENCO/ALNCO should have mandatory training in disability equality
5. Duty of regard to the UNCRC and United Nations Convention Rights Disabled People should be placed on the face of the Bill.
6. TSANA members support the introduction of provision pathways for disabled children and young people which should set out an outline of what all providers should aspire to and plus supplementary pathways relating to specific groups of children and young people with an additional learning need. This specific information should be retained

Legislative proposals for additional learning needs Responses 181-200

as a safeguard for disabled children and will support professionals working with them. Provisional pathways have already been prepared by TSANA members to include children who have autism or who are deaf or blind and these have been submitted

7. TSANA is concerned that the importance of support and provision in the early years is not adequately addressed in The White Paper. We acknowledge the reference to Flying Start but this programme is a targeted service, focusing on children up to the age of 4, while children with additional needs also live in non-Flying Start areas. TSANA was disappointed that there is no mention in the White Paper of the Welsh Government funded pan Wales Early Support programme which aimed to improve the lives of children with additional needs and their families, and was specifically aimed at children aged 5 years or under. One of the key components of Early Support was the vital role of the key worker, who not only supported parental involvement in the process but supported multi agency working and TSANA members had hoped that this role could be replicated in the ALN reform and feel that the learning from Early Support is being ignored.

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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ALN190: Nick Davies

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

Children with severe disabilities/learning disabilities need special attention and sufficient money/services devoted to them. In recent years, the definition of Special Needs has become too wide as schools look to access money - on top of their current funding and deprivation grants.

Legislative proposals for additional learning needs Responses 181-200

- 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

For very disabled children, have health professionals contribute to annual reviews and transition plans as a norm rather than an exception.

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

Strongly disagree - loss of statutory background to a statement to guarantee delivery of services/adjustments to meet our childrens specific needs.

- 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 checked="" type="checkbox"/>
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Supporting comments

I would prefer the welsh Govt to control funds for accessing specialist colleges post-19. The money to this 'ring-fenced' and not lost in a hard-pressed LEA budget.

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

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

Yes while FE colleges should be included, I object to the term 'best endeavour' as it is not legally binding.

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

Please keep the current arrangement with WG deciding on funding - I worry this money will get lost/discarded if it went to the LEAs.

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

Parents should still be able to choose - we are the real experts and will look at such places very carefully before deciding which setting is best.

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

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- 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

Avoid silo budgets and NHS bodies refusing to provide services like SALT and O/T even though seriously disabled children need them.

Legislative proposals for additional learning needs Responses 181-200

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 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?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<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?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" 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)?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<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.

Please remember/retain parent choice as to which school/college the child attends and keep the statutory protection of a statement.

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: ☐

ALN191: **Lisa Edwards**
 The University & College Union 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

Although changing the title does not change the issues, it is important that a distinction is made between the old and new systems, as a way of highlighting the change. It is also important that the same terminology is used across the whole age range in order to reduce confusion about the provision available.

- 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

Because the age range 0-25 covers a wide variety of settings and transitions, information for the multiple agencies involved, needs to be easily accessible to ensure that the child or young person receives continuous care to meet their needs. Issues around data protection and information sharing may need to be explored so that professionals can obtain accurate and up to date information.

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

Individual needs change overtime. IDP's could help to provide more continuous assessment to help ensure that needs are met across developmental stages.

- 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 checked="" type="checkbox"/>
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Supporting comments

It would seem seem sensible that a single body should have responsibility for preparing IDP's and ensuring that agreed provision is delivered and reviewed, and that that responsibility should cover the entire age range from 0 - 25; however this might not necessarily be the Local Authority.

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

Clear guidance on requirements needs to be given, so that the same level of provision is available to all children, young people and their carers, but care should be taken that 'mandatory' does not translate as 'inflexible'.

- 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

The requirements for additional learning provision should not be different at post-16, however consideration should be given to the implications that this may have on resources and staff training for FE, if 'best endeavours' are to produce positive outcomes for young people with ALN.

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

FE may not be the best course of action for all young people with ALN, but this should not prevent them from being able to access an appropriate pathway, with equal support.

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

It would seem sensible that independent schools should be registered before an LA can place a child, but care should be taken that suitable independent schools are not overlooked, just because they are not already registered.

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

The sharing of all information is vital if needs are to be met with appropriate provision. It is not helpful when information is delayed or withheld, as the individual's needs cannot be accurately assessed.

Legislative proposals for additional learning needs Responses 181-200

- 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

Without knowing what will be contained in the code of conduct, it is difficult to comment.

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 type="checkbox"/>
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Supporting comments

We are not in a position to comment on this issue.

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

A fair and transparent disagreement resolution arrangement should be in place and it should be common across all authorities in Wales to ensure that all cases are subject to the same procedures.

- 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

Yes, early resolution of issues at local level is usually preferable to the tribunal process, as long as the complaints procedure is fair, transparent and timely.

Legislative proposals for additional learning needs Responses 181-200

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

Access to appeals to independent tribunals should be available when necessary and should be open all children and young people, not just those with complex needs or those under 16.

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.

It is agreed that the status quo is not the way forward and that all

children and young people should be able to access education services that allow them to achieve their potential. Therefore the proposal to improve the links between schools and FEI's and to reduce bureaucracy is to be welcomed. Changes to the assessment and appeals procedures will hopefully provide better access to appropriate learning pathways, to those with additional learning needs. One of the consequences of this may be that there is an increase in the number of students with ALN who are enrolled on courses provided by FEI's, which may result in greater demands on financial and staffing resources. We would ask that the scope of the impact of such changes be fully explored and consideration be given to the need for staff development and teaching resources in Further Education to ensure that students with ALN are able to access quality provision.

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: ☐

ALN192: General Teaching council for Wales (GTCW)

General Comments

Additional Needs rather than Special Educational Needs / Extended age range

1. Council welcomes the move to the concept of Additional Learning Needs (ALN) and the inclusive and child and person centred ethos behind the proposals. Council also welcomes the extension of age to 25 which should facilitate a better transition into adulthood. However, Council would emphasise that the success of extending provision crucially depends on increasing and sustaining the resources available.

Multi agency working

2. Council broadly welcomes the multi-agency approach outlined in the Bill. However, Council is concerned about how these systems will operate in practice. Local authorities, education consortia and local health boards each operate within different geo-political boundaries. There are also variations in approach across local authorities and consortia. In some areas, ALN and Inclusion work has been retained at local authority level. Council is of the view that this is not a realistic goal as things are currently organised, particularly given the inconsistent progress towards consortia working across Wales.
3. Council remains to be convinced that the system is ready to meet the demands outlined in these proposals. Capacity needs to be developed at all levels in existing structures before moving to a new system in order to lessen chances of failing the children and young people the proposals are intended to support.

Role of the ALNCO

4. Council notes that the Bill is placing duties on governing bodies of maintained schools to designate a member of staff as the ALNCO, while the proposed new Code of Practice will 'ensure' that this person will have certain experience or qualifications or both.
5. While it would indeed be advantageous for ALN provision in school settings that designated staff have consistent levels of experience / qualifications, this will depend on sufficient resource being made available to schools as well as the availability of suitable professional development nationally for ALNCOs and those aspiring to the role.
6. Council wonders why similar minimum requirements in terms of not qualifications or experience are not specified in these proposals for professionals from other sectors.

Legislative proposals for additional learning needs Responses 181-200

Appeals

7. Council welcomes the move to expand the right to appeal to include all those with ALN, not merely those with a statement as is the case at present.

Impacts

8. Council is encouraged by the sensible and realistic acknowledgement that changes will require a programme of promotion and training for staff in schools and other educational settings.
9. Council would urge the Welsh Government and all partners involved to work together to meet the ambitious targets set out in the consultation in order to achieve the real improvements proposed in the Bill.

ALN193: Carmarthenshire Education & Child Psychology Service

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 ☒

Disagree ☐

Neither agree or disagree ☐

Supporting Comments

We think that a change in the term should help to support the significant shift that this proposed legislation sets out and that 'additional learning needs' is a good descriptor so long as it is very clearly defined in linking to 'additional learning provision' which will also need to be very clearly defined.

We would hope that there will be a shift achieved in the new legislation and supporting new Code of Practice as to what is seen as good inclusive teaching and learning practice which is made available universally in educational establishments

serving 0-25 year olds, which may have been viewed in the past as additional learning provision/special educational provision. Also that there will be clarity as to what 'additional learning provision' we can expect schools to make, and local authority support services (Education and Children's Services) and Health to provide. This will help with clarity around which providers need to make provision that supports not only progression with learning outcomes but also access to learning opportunities where disability, health and social circumstances make this difficult without additional or different provision being made available in educational establishments.

Without a definition of universal provision that educational establishments should be expected to make available to meet a wide range of learner needs then we cannot avoid the perception of the postcode lottery or effectively challenge and support establishments through School Improvement processes etc. to meet their duties under the 2010 Equality Act.

Such a shift should reflect the fact that over time we have raised teaching and learning capacity for the vast majority of pupil needs through a good level of universally available provision and training in all educational establishments, e.g. Specific Learning Difficulties friendly training and approaches.

The proposals to deliver the changes of providing statutory IDPs to a wider group of pupils with ALN within the same level of resourcing can only be realistically achieved if this shift reduces the percentage of pupils who require additional learning provision.

We are not wholly convinced that using the term ALN will remove the stigma that SEN can bring, as there is an equal risk that over time the same stigma may shift to how ALN is perceived.

- 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 ☒ Disagree ☐ Neither agree or disagree ☐

Supporting Comments

We agree that the new system should apply to children and young people from 0 up to age 25 if this allows for a single integrated person centred planning process for those young people who need significant support in moving into adulthood due to very significant additional needs. This should help to provide a seamless process at key transition stages.

This has significant implications for multiagency cooperation and alignment of assessment, planning and support processes, which we hope can be achieved as it is a fundamental requirement of person centred thinking and planning, which underpins this new proposed legislation.

Having said this, this demands significant systems change and central legislative and policy alignment as well as local service coordination in delivery! Services need to be clear about their roles and responsibilities in identification, assessment, intervention and provision/funding and also need to provide some flexibility in delivery in order to coordinate assessment, timely and accessible information and attendance at key planning and review processes which are person and family centred.

There is a real concern that the proposals suggest that this can be achieved with realignment of existing resources. Currently planning at key transition stages is not fully contributed to by all key professionals/services and this is an area in which person centred planning is likely to demand improvements. It is very difficult to arrange reviews when all professionals are available to attend.

It seems that there is an immediate need to model the workforce requirements for the proposed changes to demonstrate whether the model is workable given the potential requirements re numbers of pupils with IDPs, the number of key transition stages from 0-25, the possibility of frequent review meetings and more opportunities to challenge decisions.

With the proposal to align LA responsibility for 16 plus education, training and employment assessment of need and securing for some young people special education placements, there will be an increased workload on Local Authority Officers to deliver this. Educational Psychologists will be well placed to contribute to this new LA duty but there will be a considerable capacity issue to address.

There is also a significant increase in the LA's monitoring and challenge and support role for educational establishments, with some of which the LA does not already have a working partnership, e.g. FE Colleges, Specialist FE Colleges.

LAs will have to be accountable for delivery of some elements of provision outside of their control and additional governance processes will need to be set up for this purpose.

LAs will also have potentially many more disagreement resolution processes to manage and contribute to.

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 ☒

Disagree ☐

Neither agree or disagree ☐

Legislative proposals for additional learning needs Responses 181-200

- b) Do you agree that IDPs should replace statutory assessment and Statement of Special Educational Needs, assessments for 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 ☒ Disagree ☐ Neither agree or disagree ☐

Supporting Comments

We agree that a single approach such as an IDP across these categories of need/transitions would be helpful but would expect clear guidance re a graduated response and complexity reflecting the level of needs. We would expect this to cover identification of need, assessment of need and who should be involved in assessment and agreeing the IDP action plan, matching to additional learning provision with clear criteria for special education placement in particular etc.

There is also a need to be clear about who 'gatekeepers' re receiving different ALPs and if a child or young person needs or doesn't need an IDP. There also needs to be a clear process should views differ amongst professionals, or with families and children and young people.

As previously stated, Health would need to have a duty to participate and make provision to enable a child or young person to access learning should Health needs present a barrier and this would need to be set out in the new legislation if this is to work effectively.

We would also note that there would still be a divide with some children and young people having an IDP and others not. Shouldn't all children and young people have a development plan? Can this be supported by all having a One Page Profile alongside learning targets? This would support a graduated approach.

We think there is a missed opportunity for legislating for a single integrated plan and would ask that if it is not timely to legislate for this now that thorough consideration is given to legislating for a process that can easily move towards this in the future. We would agree that Person Centred Thinking and Planning is an ideal vehicle for achieving this and again clear guidance re the principles and approaches would need to be provided, along with a considerable and far reaching training programme across educational establishments, Local Authority, Health and Voluntary Sector professionals who work with children, young people and their families.

We note that there is no mention of the Mental Health Care and Treatment Plan which is currently linked to LA duty to coordinate for pupils with Statements of SEN, a role often falling to Educational Psychologists as registered Health and Care Professionals. We would also ask if the increased incidence of mental health issues from 19-25 that may impact on ALN and ALP has been accounted for when considering this proposal and resourcing levels.

We would see this proposal as leading to a greatly increased workload for Educational and Child Psychologists as well as LA administration and support.

Legislative proposals for additional learning needs Responses 181-200

We would argue that the role of the Educational and Child Psychologist in contributing to assessments, the content of plans and specification of additional learning provision, is absolutely central for a high proportion of children and young people with ALN.

This will lead to some training needs particularly for 16 plus.

- 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 ☐ Disagree ☐ Neither agree or disagree ☒

Supporting Comments

Whilst it seems that LAs are best placed to hold ultimate responsibility there has to be a duty on the other providers for which the LA does not hold responsibility (such as Health, preschool settings, FE and specialist colleges) to cooperate in the process of preparing an IDP, making provision and reviewing the IDP.

We cannot expect LAs to prepare IDPs for such a considerable increase in numbers and age range and there would need to be clear agreements that educational establishments coordinate preparation and review of plans, such as ALNCOs, in line with the new Code of Practice. For pupils electively home educated parents would need to secure appropriate additional learning provision and guidance in the new Code of Practice should set out what this might include.

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 Institutes, Local Health Boards and the Tribunal must act?

Agree ☒ Disagree ☐ Neither agree or disagree ☐

Supporting Comments

This will be essential! We would also wish to stress that definition and process needs clarity and specificity wherever possible in order to avoid different interpretations.

We have already made a number of points above about some of what we would

expect a new Code of Practice to cover. We would expect clarity about roles and responsibilities of different professionals as well as when and how they might be involved.

Legislative proposals for additional learning needs Responses 181-200

We would expect Educational and Child Psychologists to play a key role in assessment of ALN and identification of the type of ALP that should meet the ALN especially in complex or puzzling presentation of ALN which requires thorough and holistic formulation of hypotheses. We would also expect ECPs to be involved in supporting the development of innovative or personalised ALP through consultation, training, action research and direct intervention for some of the more complex presentations of ALN.

There is also the need to consider voluntary sector and private sector providers/professionals.

- 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 ☒ Disagree ☐ Neither agree or disagree ☐

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 ☐ Disagree ☒ Neither agree or disagree ☐

Supporting Comments

We would argue that there should be complete clarity about the legal status of the requirement to secure additional learning provision. This needs to be set out in the underpinning legislation and made clear in the related Code of Practice.

We do not like the term 'best endeavours' as it is too vague and could be misinterpreted.

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 ☒ Disagree ☐ Neither agree or disagree ☐

Supporting Comments

It makes sense that the LA continues to work with the family and young people in a seamless process to secure ALP post 16 if the young person's ALN cannot be met in the FE sector. However we would want FE colleges to plan and be resourced to a level which allows them to provide the widest range of education opportunities and ALP in line with their duty to meet the needs of their community under the Equality Act. We would expect that there would therefore not be a great need for specialist education provision outside of FE.

The necessary resourcing would need to be made available to the LAs to be able to fulfil this new duty, both with regard to the cost of placements and additional administration.

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 ☒ Disagree ☐ Neither agree or disagree ☐

Supporting Comments

We agree with this proposal.

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 co-operate and share information in accessing, planning and delivering support to meet ALN?

Agree ☒ Disagree ☐ Neither agree or disagree ☐

Supporting comments

We agree that there should be a duty across agencies and educational establishments to cooperate, share information, in assessing, planning and delivering support to meet ALN.

We are concerned that there will be a workforce capacity issue to address as the logistics of coordinating multiagency meetings, especially up to 25, is going to be considerably difficult to achieve. Services may need to allocate regular days where multiagency IDP meetings can be planned into diaries in advance.

There may need to be guidance about which ALN will require specific professionals' contribution especially to the collaborative planning process in an IDP meeting/key transition review e.g. Paediatricians.

We would also want to add preschool settings to this list.

- 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

Appropriate levels of resourcing will strengthen multi-agency partnership working, clarity around roles and responsibilities, protected service activity for IDPs, consideration of manageable caseloads, prioritisation of an easily accessible vehicle to share information, shared training, regular meetings to review effectiveness of processes and provision with the aim to agree improvement actions, alignment of plans and multiagency reviews with IDP process.

Integrated services, teams, systems will help.

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 ☐ Disagree ☐ Neither agree or disagree ☒

Supporting Comments

We agree with this if the LAC has an ALN but would not want everyone to have an IDP. If all children and young people were to have a One page profile accompanied by targets/an action plan if required then we are confident that using both as a graduated response could replace and function as the PEP.

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 ☒ Disagree ☐ Neither agree or disagree ☐
Supporting Comments

Local Authorities already do put in place disagreement resolution arrangements and encourage direct communication from parents. Local Authorities often experience difficulties where parents do not raise their concerns directly with the Local Authority before proceeding to SEN Tribunal for Wales. We would wish to see a requirement for parents to participate in the preliminary stages of discussion and negotiation.

A core issue within the proposal is that the services may be required for a vastly increased number of cases, implying a need for significantly more resources. The implied increase in both the age range and the breadth of cases that would require IDPs implies a massive increase in the potential numbers being offered the enhanced statutory rights. Please see comments in the following section.

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

Agree ☒ Disagree ☐ Neither agree or disagree ☐

Supporting Comments

We would suggest that the sequence should always be one of direct contact and communication between parents and the Local Authority in the first instance, i.e. using the representation stage of the complaints process. However, we would argue that there should be a requirement for parents who still feel the need to pursue discussions via the disagreement resolution route before proceeding to the SEN Tribunal for Wales.

We feel that the new Code of Practice should encourage Local Authority officer roles to support parents, children and young people through the processes of identification, assessment and meeting ALN in parallel to educational establishments and professionals working with families, as this has been very effective in resolving difference in views and managing expectations and anxieties. We would see this as preventative action.

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 ☒ Disagree ☐ Neither agree or disagree ☐

Supporting Comments

Whilst supporting the right of appeal we have concerns that the proposals imply a massive increase in the number of cases that could potentially access the SEN Tribunal for Wales, due to the extension of the age range and the number of stages when an appeal could be made.

Perhaps there is a need to also consider a reasonable timescale between potential appeals, possibly linking into key transition stages.

We would note that extending the right of appeal, in the context of the other proposals, would also imply that Local Authorities would find themselves in the position of defending Tribunals taken in respect of matters over which they have little or no control e.g. FE provision.

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.

We would expect that the ALN Coordinator role will need available in all educational establishments – preschool to FE not just mainstream schools as stated on page 6 and have considerable input in strategic management of staff capacity building, pupils outcomes and provision to meet ALN.

If the infrastructure is already in place for HE there is a need to ensure that these processes and definitions are aligned.

We are very concerned that PCP training guidance needs to be forthcoming from WG immediately as it is our experience that this will need to be adopted across systems and will take time to bed in good practice. The principles to Person Centred Planning and Thinking are key to driving practice and there is a real risk that unless taken on as an overarching ethos the new radical system will not be realised and IDPs will replace old plans and content, approach and actions will not radically alter, offering little improvement.

We see major implications and activity for school improvement in these proposals in the areas of building capacity, monitoring outcomes and providing challenge and support.

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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ALN194: **James Cooper**
Together for Short Lives

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

Together for Short Lives is the leading charity for UK children's palliative care. We support everyone who loves and cares for babies, children and young people with life-limiting and life-threatening conditions - families, professionals

and services, including all of the UK's children's hospices. Our work helps to ensure that children can get the best possible care, wherever they are, and whenever they need it.

There are 3,200 children and young people in Wales with life-limiting and life-threatening conditions, which mean they may need palliative care. Between them, they have a several hundred different conditions - some are well known, such as Duchenne Muscular Dystrophy and cancer; others are rarer and have no name until recognised in an individual child. Many children have a range of different needs and require complex, individualised health interventions to manage their conditions. Many also need additional social care and education support.

Together for Short Lives supports aspirations to introduce (i) a unified legislative framework to support children and young people aged 0 to 25 (ii) an integrated, collaborative process of assessment, planning and monitoring which facilitates early, timely and effective interventions; and (iii) a fair and transparent system for providing information and advice, and for resolving concerns and appeals.

We are, however, disappointed that the Welsh Government has narrowed the scope of the reforms to education only. We supported the Welsh Government's initial proposal in the 2012 consultation "Forward in Partnership for Children and Young People with Additional Needs" to change the terminology from SEN to "additional needs" (AN). We are concerned that this has now been weakened to "additional learning needs" (ALN).

Together for Short Lives felt that, if underpinned by appropriate statutory provisions, the original reforms had the potential to encourage more effective integration between health, education and social care services. We do not now feel that this is the case in this latest consultation paper.

We do still welcome the fact that the new approach could benefit all disabled children and those with complex health needs, including those who are not in receipt of a SEN statement. It is certainly the case that many disabled children and young people also have special educational needs. However, some do not. Research cited by the Every Disabled Child Matters campaign in England has estimated that in the region of 25 percent of disabled children may not have SEN. Similarly, there are children who have specific health conditions, such as cancer, who would significantly benefit from a more integrated approach from health, education and social care, but who would not meet the requirements of an SEN statement.

We believe that it is crucial that these children and young people, many of whom will have palliative care needs, have access to the improved services and the better co-ordinated provision that should be the outcome of these reforms.

We believed that the replacing SEN with AN would send a strong and clear message to all the agencies involved that the Welsh Government intended to improve local co-ordination and support for all disabled children and young

people, regardless of their specific education needs.

For children who need palliative care, it is certainly the case that a substantial element of their care will be met by health and social care agencies, as well as education. We believed, therefore (as the original consultation document stated) that there was potential for AN to signal a “move away from education services being perceived as in the lead, to one of full partnership between education, health and social services”.

Together for Short Lives calls on the Welsh Government to return to the proposals originally made in 2012.

- 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

We support the Welsh Government's proposal to broaden the age range of the new system to include individuals aged 0 - 25. Due to advances in medical technology and better understanding of complex conditions, many more children in Wales with life-limiting and life-threatening conditions are now surviving into adulthood. Where this is the case, it is vital that young people experience smooth transitions from children's to adult's palliative care services.

There are 3,200 children and young people aged 0-19 in Wales who have long-term health conditions which many eventually end their lives and for which they may require palliative care. This represents a 25% increase between 2000/01 and 2009/10. There was a 70% increase in the number of young people aged 16-19 years old living with life-limiting conditions during this period.

Transition needs to be planned for years in advance, yet planning is often disjointed and poor. The reduced services and support routinely offered by adult agencies, which are often focused on older people and end of life care, comes as a distressing shock to many young people and their families. Parents have described transition as like "standing on the edge of a cliff, about to fall into a black hole".

Poor transitions lead to greater illness for young people, adverse social and educational outcomes and premature death. We encourage Welsh Government to return to the proposals originally made in 2012. These would have encompassed all disabled young people, including those who, because of the

nature of their needs, are unable to continue in education or access employment.

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

Together for Short Lives supported the principle of an Individual Development Plan (IDP) for all children with AN. We know from evidence that a disjointed system of planning and delivery of care presents many challenges for families of children with life-limiting and life threatening conditions. In 2011, we conducted a series of Square Table discussions. These were 43 unique listening events held across the UK, including a recent national event in Wales. Each event - called a Square Table to symbolise the equal weight and importance of all participants' views - was a forum for discussion and debate among those with an interest in children's palliative care about the challenges faced by families with life-limited children and young people and the ways that society and state, both locally and nationally, can work together to improve services for them.

Perhaps the strongest and most consistent theme was the need for better partnership working and integration, in both the planning and delivery of care. Many parents and professionals have said that health, education and social care agencies work independently of each other, creating difficulties for families in navigating the patchwork of services available. There was universal agreement that the best outcomes for children and families are achieved when parents, professionals and volunteers work together in partnership.

This experience is common among families of disabled children. However, for families whose children's lives are likely to be short, time wasted navigating through the system in this way can be particularly distressing. As one parent said at a local Square Table event:

"It's a minefield and you get frightened going through it. Services don't join up and people don't explain things to you. They don't tell you what all the services actually do. By the time I had made it all fit together my child had passed away - that makes me sad that he could have had so much more out of life".

We are therefore disappointed that an IDP will now not help children and families to address the challenge of disjointed planning. We call on the Welsh Government to return to the proposals set out in the "Forward in Partnership for Children and Young People with Additional Needs".

- 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

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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

<p>We support the proposal that a new code of practice should include a set of mandatory requirements on local authorities, schools, further education institutions, local health boards and the tribunal. However, we believe that these requirements should be drawn from duties which are part of primary legislation. On this basis, we call on the Welsh Government to legislate to make sure that statutory partners of education, health, and social services are under a legal obligation to play an active part in devising and delivering services for learners with significant and severe and/or complex needs.</p>

- 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

<p>As we state in our response to question 1(b), young people aged 16 - 19 are the fastest growing age group within the cohort of children and young people with life-limiting conditions. They require specific support to ensure that their assessments, plans and services are joined-up as they undergo transition to adulthood. As such, we agree that further education institutions should be required to use their best endeavours to secure additional services.</p>

Legislative proposals for additional learning needs Responses 181-200

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 our response to question 4.

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

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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?

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

Together for Short Lives calls on the Welsh Government to return to the original proposals made in 'Forward in partnership for children and young people with additional needs'. These stated that statutory partners of education, health, and social services should be under a legal obligation to play an active part in devising and delivering services for learners with significant and severe and/or complex needs.

Legislative proposals for additional learning needs Responses 181-200

- 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

Together for Short Lives believes that multi-agency working is crucial to make sure that children and young people who need palliative care get the help and support they need. We know from evidence that, despite good intentions, it is often challenging to encourage health, education and social care services to work effectively together. Services are structured differently and often have different statutory obligations.

We call on the Welsh Government to return to the multi-agency approach set out in 'Forward in Partnership for Children and Young People with Additional Needs'. This included establishing Support Panels for those children and young

people with the most complex needs.

We acknowledge that while statutory levers and greater accountability would be useful, genuine multi-agency working requires individuals and services to proactively engage with one another. This means that culture within services must change, as well as legislation. We encourage Welsh Government to explore what is already working effectively across Wales to inform how to establish a long term cultural move towards 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 type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

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

We are open to the proposal to introduce local disagreement resolution arrangements. We call on the Welsh Government to shift the emphasis away from dealing with disputes to a more preventative strategy of mediating and resolving disputes at an earlier stage. We also ask that legislation brings about a consistent framework of local systems for resolving disputes across Wales.

We encourage Welsh Government to further pilot the dispute resolution process to better understand how it works for families. This would help make sure that issues are resolved quickly and consistently, without increasing the bureaucratic burden on families.

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

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

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

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: ☐

ALN195: **Julian Jeremy**
Applied Psychologists in Health National Specialist
Advisory Group (APHNSAG)

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

'Additional Learning Needs' (ALN) would appear to be less stigmatising than

many terms that have been associated with children and young people who experience difficulties with aspects of their learning. However, stigma and prejudice seems to become attached to seemingly neutral terms over time. Regardless, there is a case to be made in arguing that there is nothing 'special' about experiencing certain needs or difficulties.

Whether the change in terminology and its adoption in relevant legislation and supporting documentation will lead to more inclusive practice is less clear. The term ALN seems to attempt to place all learners onto a continuum of need, ranging from 'no' or 'very little' additional needs to 'very significant' additional needs, and such a continuum of terminology logically leads to the concept of a continuum in terms of opportunities, provision and resources. This stands in contrast with the current practice of identifying an individual as having SEN and therefore providing additional resources, where their entitlement to these resources are protected. A continuum concept could diminish this protection for certain individuals.

- 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

There is significant benefit in having a single process for identifying, conceptualising and addressing needs from birth into adulthood and it is likely to promote more seamless transition into different provision and educational opportunities. It also has the benefit of making progress and development easier to monitor for a longer period in such individuals' lives.

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

Has sufficient thought been given to how an IDP would 'mesh' with a Care and Treatment Plan (which includes a section on 'Education')?

- 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

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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

Mandatory requirements would appear to be the only way to promote appropriate and consistent practice. Clearly defined roles and responsibilities would also promote this. However, effective practice is reliant upon competent professionals and the key role in gaining an understanding of the individual's personal processes and functioning, and the systems within which they operate (e.g. family, peer, school) is that of the Educational Psychologist. These are the only educational professionals (with their advanced doctoral level training) who are capable of genuinely understanding the individuals concerned and producing formulations as to the nature of their particular needs and the resulting interventions that are required.

It is unclear if appropriate regard has been given to the Mental Health (Wales) Measure, 2010 (not named in the White Paper), as this also has mandatory requirements that impact on mental health clinicians (Clinical Psychologists, Counselling Psychologists, Psychiatrists, CPNs) and Educational Psychologists. Would it still be possible under a new Code of Practice that an Educational Psychologist to be the Care and Treatment Plan Coordinator for a client/learner they have little or no involvement with?

- 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

The term 'best endeavours' seems too weak.

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

Havign had additional needs identified, these needs should be met, regardless of the educational setting. However, this will have significant implications in terms of resourcing Local Authorities to achiee this. A key professional is likely

to be the Educational Psychologist, a rare animal under current arrangements, with only one Educational Psychology training course in Wales. FE colleges would also need to be encouraged to do more to meet their responsibilities, not least of all throught the promotion of equality of opportunity.

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

Placing an individual into such circumstances would seem to contradict the principles of an IDP and would likely leave the learner significantly disadvantaged. Such use of independent schools would also need to be examined in terms of the value they provide, in comparison with LA provision, both financially and in terms of the right of such individuals to be fully included into their community. Such considerations might even clash with the individual's (or parental) wishes.

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

Sharing information is often and unquestioningly thought of as being a positive and desirable action on the part of professionals. However, conceiving of such cooperation as a 'requirement' gives insufficient regards to the rights of individuals to have confidential information protected and to the need for any consent they give for information to be shared, to be based on properly informed consent. Clients encountered with the Specialist CAMHS setting often demonstrate appropriate levels of concern regarding information sharing with other agencies and may not feel confident that sensitive and private information may not be sufficiently secure in some settings (e.g. schools).

Within the Mental Health setting the Care and Treatment Planning approach, under the Mental Health (Wales) Measure (2010), intends to promote person centred planning and has appropriate regard to consent, supported by the Gillick and Fraser rulings. A requirement to cooperate, if applied to information sharing, may well clash with the need to respect client's rights.

- 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

Communication with agencies that are relevant but outside the education sphere regarding their roles and responsibilities will be essential. It is too common that information regarding new processes is not disseminated to relevant agencies when they are not the primary agency and therefore have little opportunity to consider and prepare for the impact it could have on their service area. Staffing and resource implications could be significant, even outside education, if there is a requirement for such cooperation (e.g. attending meetings would reduce the time available for clinical activity).

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

This would promote consistency in practice and there would be no logic in having two, competing plans.

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

- 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

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

It is appropriate that individual learners (or their parents when appropriate) should have a right of appeal against any decision that has significant implications for their future.

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: ☐

ALN196: Sian Griffiths, Nicola Lewis & Eirlys Thomas
Abertawe Bro Morgannwg University Health Board

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

ABMUHB supports the new terminology and feel it is a more positive term.

Thus allowing holistic integration of services to meet need.

- 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

ABMUHB agrees in principle and looks for assurance that this will mean the education system will support the needs of young people up to the chronological age of 25 years, specifically in support of young people whose developmental age is far below their chronological age.

Services for children and young people within health, social services and the voluntary sector are currently not set up in comparison of age range to support a service from birth to 25 years. Even though this is advocated in the NSF.

Further consideration is required in relation to the legal framework that supports service delivery within all agencies and the voluntary sector in relation to this age range. For example how would this interface for young people beyond 18 years in receipt of Continuing Care, given the difference between WG guidance relating to responsibilities by way of statutory services between the Adult Continuing Health Care and Children and Young People (C&YP) Continuing Care.

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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Legislative proposals for additional learning needs Responses 181-200

- 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

ABMUHB recognises that an IDP will support the identification of the specific learning needs of individuals and has the potential to put in place bespoke support to maximise learning and development, but has some concern in relation to the statutory obligation that will be placed on education to meet these needs and seeks clarity regarding any potential change in legislation.

ABMUHB also seeks clarity and assurance that the best skill mix will be put in place to support individual learning needs, which is often beyond the competency of teaching staff.

- 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

In principle yes, ABMUHB agrees that ultimate responsibility remains with Local Authority (LA), however, as indicated in 2b, the Network is concerned with regard to the current skill mix within mainstream, ALN units and special schools.

For example, Paediatric OT have in depth knowledge and skills to facilitate and support learning and development, to provide training for other staff and in support of IDP's, yet whilst openly recognised, employment of these skills within the educational skill mix are a minority and remains patchy.

Current IEP's rely on Paediatric Therapy advice from a mix of education based services and those employed by health, this leads to an inequality and impacts on timely contributions. Health based services have a different statutory obligation and therefore are not compatible with the LA based services.

ABMUHB seeks assurance that in setting up the IDP service, the appropriate skills mix required to meet the needs of C&YP with ALN will be put in place. Timely assessment, recommendations and review assessments are essential for the success of an IDP.

Legislative proposals for additional learning needs Responses 181-200

Clarity is also sought in relation to whether LA as indicated above, includes Social Service? Occupational Therapy employed by Social Service have expertise in environmental adaptations to facilitate access to and within educational settings, but are not currently utilised in this capacity, is there a plan to include these skills to support the provision of IDP?

Not all special schools have access to nursing support within them. Welsh government have commissioned a report advocating the health needs of children within special schools be reviewed as a Multi agency approach. Nursing support is also essential as it allows children and young people to access school, whereby LEA staff are trained and assessed in numerous clinical skills, e.g. emergency management of Epilepsy, Asthma, Diabetes, as well as clinical skills such as gastrostomy feeds.

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

To offer a response ABMUHB seeks sight of the new code of practice in order to consider the implications.

Initial clarity is required on the impact for statutory obligations and the term 'local health board' suggests local independence?

3b refer to 3a, also will recipients of the guidance include private practitioners and parents/those who take on parental responsibility?

- 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 type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" 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

ABMUHB fully supports extending IDP's to include all further education institutions, where an appropriate skill mix is in place. Right staff, right skills providing the right care in the right place as advocated by RCN.

Early intervention and prevention can only be achieved with an appropriate skill mix, where expertise is available to identify ALN at the first possible opportunity. Signs can be very subtle at an early stage and do not become obvious until educational expectations increase. Paediatric OT/Therapies will provide that expertise and reduce the potential for complex ALN. This applies throughout school age and not only pre school.

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

ABMUHB agrees, as per previous comments and recommends that this provision is best placed close to home.

ABMUHB recommends an appropriate skill mix within the education system that includes Therapy and Nursing support. This is essential to the success of post 16 learners, especially in relation to the development of life skills and vocational training. OT has a unique knowledge and skill base that maximises the potential for learning, development and independence for pupils. Including setting realistic expectations and utilising individual splinter skills to facilitate success wherever possible.

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

ABMUHB agrees, in the assumption that the IDP is accurate, appropriate and realistic.

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

ABMUHB recognises that sharing of relevant information is key to informing the IDP and recommends an infrastructure to support management of this information.

ABMUHB seeks clarity on why parents are not included in this question? as we feel parents are central to communication and have primary duty of care and therefore ultimate responsibility for the education of their children.

Further, we seek clarity on where parental consent to share information will fit within this requirement? Should consent not be agreed, how would this impact on completion of an IDP and any subsequent support for an individual with ALN?

- 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

As indicated in the responses above, ABMUHB recommends the development of an appropriate workforce and skill mix to meet the requirements of ALN and the provision of IDP's. The Network, in its extensive experience of working with ALN, recognises that given the increasing number of pupils with ALN, the current workforce lacks the competencies and expertise required to deliver the national curriculum.

Additional recommendations support pooled equipment budgets across Wales,

as recommended in WG report and recommendations, including equipment management structures to facilitate, procurement and core equipment stock. This will facilitate best use of resources and timely provision of equipment required to meet ALN. Current systems rely on manufacturer time frames and individual pricing.

As indicated in 2c, LA employs Occupational Therapists with expertise for environmental adaptations, but do not utilise these in house skills to advise on school environment development, but relies on general advice from Disability Environmental Guidance, which is primarily designed for adults and are very general in nature. Therefore the development of such a framework would be advantageous.

Common thresholds of criteria across agencies will support inter agency practice. these will need to be further discussed.

An IT system to support communication, avoid duplication and support timely access to information. This system would need to be accessible to all agencies.

Co-location of services across agencies, including Educational Psychology within Children and Young People's Community Services.

Shared targets and outcomes , with key indicators.

Capacity to deliver integrated training opportunities between agencies.

A move away from diagnosis led services, co-morbidity is 90+% and diagnosis led pathways has the capacity to increase ALN, without the expertise to identify the presence of co-morbidity.

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

ABMUHB supports that an IDP can function as a personal education plan for C&YP who are looked after by LA. On the premise that attachment and psychosocial development is included as part of the IDP and that the relevant skill mix is in place to support these psychological issues and the impact on

neuro development and therefore ALN.

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

ABMUHB agrees, on the premis that this is an independently commisioned body from a governence perspective.

A multi-agency/professional panel is recommended, with parent and advocate for the child/young person included.

Capacity for the mutli-agency.professional to take part will be required.

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

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

ABMUHB does not feel that this would support integrated working practice in thier current form. Consideration is required as above.

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

ABMUHB agrees in principle, given that it's reasonable and practicable.

It is recommended that evidence based service provision, which has proven to have efficacy should be respcted.

ABMUHB seeks clarity on who can appeal and recommends that this is opened to the multi-disciplinary team.

ABMUHB requests that the IDP is flexible to allow for adjusting need.

ABMUHB seeks clarity with regard to pre-school IDP right to appeal i.e. what would it look like and how would it be funded?

Legislative proposals for additional learning needs Responses 181-200

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.

ABMUHB has included in the body of it's responses recommendations regarding workforce development and seek a response with regard to this recommendation?

Statutory obligations have only been touched upon throughout this consultation. ABMUHB seeks clarity on any potential change to current statutory obligation?

ABMUHB seeks assurance that documentation and processing relating to IDP will be standardised and not open to local interpretation.

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: ☐

ALN197: **Ele Hicks**
 Diverse 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?

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

We warmly welcome the use of the term 'additional learning needs' rather than 'special educational needs'. This is due to the stigma, discrimination and

bullying attached to the word 'special' in both a disabilist context and the misconception that young people are receiving additional support to that which other pupils receive and that gives them an advantage, rather than tackling disadvantage.

Additionally the term 'special educational needs' has often been interpreted by schools, local authorities and other education professionals, to refer only to disabled children and young people, and can even be interpreted as being limited to learning disabled young people and people with cognitive impairments only and requiring a formal diagnosis prior to assessing or meeting any learning needs.

We also welcome the broad interpretation of young people who may have ALN. We feel that it is essential for the additional learning needs of all children and young people to be identified, as many of our service users (primarily disabled people across all impairment groups) have indicated that they and their children have often fallen just below the threshold for additional support under the current system, are classified as not having complex needs, or have difficulties obtaining a specific diagnosis, which is often required to receive ALN support at present. Subsequently these young people underachieve at school, affecting their education, employment, earnings and engagement potential for the rest of their lives. The precise definition of ALN should be developed in collaboration with learners; parents; education professionals; equality and education community groups and charities; and communities. This definition and the engagement regarding the definition should be conducted now, to ensure that the definition on the face of the Bill will be broad enough to encompass all learners with ALN.

However we feel that many educational establishments and organisations will have difficulty implementing the new system and developing individualised development plans as well as assessing which pupils have ALN and require tailored educational programmes, especially if the aim of ensuring that all children and young people with additional learning needs receive the support they need, without having to be classified as having 'complex needs'. Without in-depth statutory guidance and training many education professionals, schools and local authorities may be slow to adapt to the new more inclusive definition of ALN, resulting in the system not changing fast enough to meet the needs of current learners.

This training and guidance should include appropriate methods of identifying the needs and barriers to education faced by individual pupils, as well as the barriers experienced by particular groups in society, in order to ensure that the system does identify all children and young people with ALN and provides appropriate support, without becoming too cumbersome or burdensome for the school; local authority; parents or pupils.

We recognise and welcome the commitment in the consultation document to ensure that the Code of Practice and a programme of education, training and public promotion are undertaken. These must be developed and implemented as soon as possible and should be developed with equality organisations; third sector education organisations; education professionals; Trade Unions; learners; parents; and communities in advance of the enactment of the legislation. If the training and public education is not in place and wide-spread

at the earliest possible opportunity then learners who do not have a confirmed diagnosis or fall below the current threshold for SEN assessments will continue to receive a lower level of support as the system changes. Early support is vital to ensuring that disabled young people with a variety of impairments, including physical, hidden, learning, cognitive, mental health, and sensory impairments and health conditions and other learners with additional learning needs are able to progress as barriers are removed. Therefore not having comprehensive support, training, education and awareness of the new definitions and systems in place early will leave learners currently in education or starting education during the transition phase between systems at risk of lower educational attainment, and therefore limited employment, social, earning and life chances, contrary to the aims of the legislative proposals and new ALN system.

- 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

We strongly support the idea of ensuring that integrated, holistic, person-centred support commences at birth or as soon as additional learning needs are identified and continues to the age of 25.

Our experiences indicate that many disabled children and young people feel that they have no opportunities to progress into further education or employment at age 16 or 18, due to both a sudden drop in support when they transition to adult social services and to post-compulsory education and a lack of support to plan their future.

In addition to extending the age range for Individual Development Plans, we feel that young people should be supported at key transition stages (entering Key Stage 4 and choosing GCSE subjects; 16 and 18 years old) by a dedicated named transitions key worker, who should be trained in career guidance and support; education opportunities and support; employment opportunities and skills development; transitions to adult health and social care services; funding for disabled learners; housing options and developing independent living for young people; and other aspects relevant to the individual young person's needs. This key worker is a vital contact in order to ensure that transitions can be smooth; to reduce disruption for young people; to maintain the young person's health and wellbeing; and to ensure that young people are supported to make decisions for themselves and to access the support required to remove or reduce barriers to progression.

We welcome the change from the previous consultation to ensuring that all learners with ALN who wish to pursue education or training have an IDP in

place and reviewed regularly. If only those young people with severe and/or complex needs continue to receive support after 18 many young people with ALN will find it difficult to identify appropriate education or training, apply for courses, and navigate the system to receive the support they require to pursue further or higher education. It is therefore vital that all young people with ALN are supported to identify, access and pursue courses and support in Further and Higher Education and in work-based or vocational training. Young people also require support to plan their careers and entry into employment and therefore we feel that the duty to support a young person should end after they have received support to enter employment and plan career development. without this transitional support many young people will enter employment, but not be able to identify skills and training development needed to progress in the workplace and will still experience lower earnings throughout their lives.

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

We have found that the threshold for severe and/or complex needs is often set so high that many young disabled people who require significant support in order to be able to pursue education or employment opportunities and to ensure they have the same opportunities and life chances as their peers. For example one young person with severe dyslexia and dyspraxia found that when living in Carmarthenshire they were assessed as having severe and complex needs and received full-time one-to-one classroom support through the SEN and statement system, yet when the same individual moved to Bridgend they were told that their SEN Statement did not stand, that they had low-level needs and required no support.

This variability and the high threshold required in some Local Authorities in order to be classified as having 'severe and/or complex needs' means that some young people feel unable to pursue further education or enter employment and may require several year's further education and support post-16 in order to be able to improve their educational attainment and acquire the skills required

to enter further education or employment, which they could have achieved by 16 with appropriate support.

We feel that there is an urgent need both to address this variability in the classification of 'severe and/or complex needs' across Wales as well as to provide support to all individuals with additional learning needs up to the age of 25, if the new system is to improve outcomes for children and young people. Ensuring that IDPs are available for all young people with Additional Learning Needs up to the age of 25 and that the focus moves to identifying and addressing individual needs and barriers should remove the need for classifications of 'severe or complex need' or for medical diagnosis to lead entitlements, as the needs of two learners with the same medical diagnosis can vary significantly.

Additionally ensuring that the information relating to learning needs and related support gathered during primary and secondary school is used as a basis for assessing support required in post-16 education with amendments for the new course, institution, setting and changes in the individual's needs, is vital to reducing the delay young people with ALN face in accessing post-16 education and training and to ensuring that young people's needs and plans are as comprehensive post-16 as during compulsory school years.

- 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

We strongly support an integrated, individualised, person-centred planning method, which results in a single integrated plan and a single assessment. Many parents and young people have indicated to us that one of the most difficult aspects of care and support is having to act as an intermediary between various different agencies, update all those involved in a child's care and support of what the other agencies are delivering and having to repeat the same information at various different assessments.

A single integrated plan, based on the views and needs of each individual child or young person, should reduce the time, energy and expenditure incurred by parents and young people of having to undergo multiple assessments and update multiple agencies.

However, in order for an Individual Development Plan to work effectively, it is essential that support coordinators are well trained in the variety of individual and community needs and barriers that occur across education, health and social care and in a young person's life. Additionally training in engaging effectively with children and young people with additional learning needs is an essential component in ensuring the health and wellbeing of each young person is maximised and providing appropriate access to education and support.

Services need to understand each other and work together more effectively in listening to the needs and wishes of children and young people and planning support around them. An Individual Development Plan has the potential to ensure that other needs, such as social and personal development and appropriate social spaces; addressing the impact of bullying; and ensuring the family access all finance they are entitled to in order to tackle poverty can be identified and actions delivered to meet all needs. This integrated planning approach is vital in order to ensure that the current situation where some needs are not assessed by any agency or where each agency feels that a particular need is someone else's responsibility does not continue. However in order to do so the Individual Development Plan must include all areas of life and development, including social and recreational activities; finance and benefits; and family and relationships and must require assessments to be made and outcomes to be entered against each area. The mental health assessment tool now in use across Wales, based on an 8 areas of life plus other approach, could provide a basis for such a tool.

We agree that the duty to prepare and IDP and ensure any additional learning provision is in place should rest with the Local Authority on the grounds that a body needs to be ultimately responsible for ensuring that ALN assessments and support plans are developed and implemented. Schools and other educational establishments may not have the capacity to develop the specialist skills necessary to ensure that IDPs are developed and implemented appropriately for an individual learner. Therefore 'best endeavours' may not be sufficient to ensure that all a learner's needs are met in an individualised manner, which best suits their needs, especially in smaller schools. Therefore it is vital that Local Authorities regularly review the processes and individual IDPs in place at all educational establishments, provide parents and children and young people with clear information on how and where to raise a query, concern or issue without necessarily lodging a complaint, and that these reviews are supported by thorough and comprehensive independent evaluation of processes, IDPs, and individual additional learning needs provision by Estyn.

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

It will be vital to the success of the new system and to IDPs that the Code of Practice and the face of the Bill both reiterate the responsibility of Local Authorities to assess and provide for the needs of all learners with Additional

Learning Needs, regardless of whether a diagnosis has been obtained and regardless of the level of that need.

Parents have indicated that sometimes Local Authorities do not implement support required; devolve their responsibilities to schools; or set eligibility criteria so high that young people with Additional Learning Needs do not receive the support they require and subsequently often achieve lower qualifications at school and do not develop communication, social and other skills.

Guidance must set mandatory requirements and these must be clearly mandatory, including those above and the need to review plans on a regular basis.

The principles and aims of the new system should also be cited as underpinning mandatory principles which all education providers and people involved in the IDP development or child or young person's life must regard as overriding mandatory principles. In particular the need to actively involve children and young people and their parents and take their wishes into account in all aspects of IDP development and implementation, education choices, and other aspects must take precedence. Equality considerations should also be included in these overriding principles, including the need to ensure that IDPs and other aspects of individual plans and support must take into account and address any barriers that individual children and young people face in relation to any of the 9 protected characteristic groups.

Whilst we recognise and support the individualisation of the process to meet the very different needs of each child or young person and to involve all agencies involved in supporting the child or young person alongside the young person and their parent(s) we do not feel that this renders making requirements mandatory impossible. It is vital that all children, young people and parents have confidence in the system and are assured that an appropriate process of identifying an individual's needs and barriers by involving the child or young person and their parent(s) and meeting any needs that are identified in an appropriate manner. This includes providing tailored engagement methods to ensure the child or young person's views can be identified, such as involving practitioners trained in using Talking Mats or child psychologists, as appropriate. Requirements to carry out an assessment; identify and involve all professionals with contact with a child or young person; identify and meet communication and other needs to ensure the child or young person can express their views; involving parent(s); planning, support and implementation to address any identified needs; and regular reviews with all the previous elements retained and a focus on future needs at key transition points, should all be stated on the face of the Bill and be reiterated in mandatory requirements in the Code of Practice, with flexibility relating then to the precise form of assessments needed and which practitioners should be involved as well as to the variety of mechanisms to meet individual needs only. It is also vital that, given the level of detail to be included in the Code of Practice and the impact this will have on the operation of the new system and therefore outcomes for individual learners and children and young people with ALN overall, that consultation on the Code of Practice is undertaken as soon as possible and before the Bill is laid before the Assembly if possible. This should include wide engagement in the drafting process by parents, children and young people with ALN, equality charities and community groups across the

protected characteristic groups, education, training and learning charities and organisations, and education professionals.

We feel that the Code of Practice should also be mandatory for independent schools and other non-maintained education and training providers if they wish to provide courses and support for children or young people with Additional Learning Needs. Whilst we recognise that it is important to ensure that the independence of these organisations is retained we feel that it is not in the best interests of any learner for there to be no recourse to the Code of Practice if the setting which best meets their needs happens to be non-maintained. Therefore we recommend that the mandatory elements of the Code of Practice should apply to all providers of education or training to a young person with Additional Learning Needs.

- 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

We feel that it is in the best interests of children and young people with Additional Learning Needs to ensure an IDP is developed and the provision secured in all educational settings where they could receive education, prior to commencing learning at that setting. This is due to the fact that additional learning provision should be identified according to the specific barriers an individual faces and the measures that will support them to achieve their full potential both in terms of educational attainment and personal development. If the identified provision is not secured then a child or young person could fall behind and risk lower educational attainment and life-long impact on their earnings and employment potential, amongst other factors.

If the identified additional learning provision in an IDP cannot be secured at an educational establishment, it is vital that the placement only commence with the express consent of the parents and child or young person and that there are very clear reasons for continuing with placement at that setting, and that the benefits for the individual child or young person outweigh the negative

impacts of not receiving the required additional learning provision.

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

With regard to placements at specialist residential colleges, we feel that it is a shame that Welsh Ministers have not taken the opportunity to rectify the highly discriminatory legislation contained in Section 41 of the Learning Skills Act 2000 which was obviously written before the Equality Act 2010 came into force and which means that funding for a specialist residential college will not be agreed to if a local college says it can offer a young person a course.

The Welsh Government will be aware of the extreme distress and upset this has caused some young people with severe learning disabilities who have expressed through the person-centred planning transition process the clear desire to move on to a given specialist residential college: in order to be considered for funding the young person must visit the college at least once and be assessed in order for the college to offer a place: they will tour the buildings, see the residential quarters, the kitchen, the living areas, the bedrooms, meet with staff and current students to discuss the courses and the social life on offer and at the end of the process the young person can, and often does, develop a strong desire to attend the college.

However, when funding has to be refused due to the above mentioned legislation but because of the very nature of their severe learning disability a young person simply may not have the intellectual capacity to understand that they can't go to their chosen college because Section 41 of the Learning Skills Act prevents the Welsh Ministers from arranging it. They've been there, seen it and simply want to go there and no amount of explaining in the world will change that and prevent the ensuing pain that they experience. The young person's perceived unfairness of the refusal to allow them to go to their chosen college is further exacerbated if their non-disabled older sibling(s) have already moved on to their chosen university.

The enormous emotional stress and loss of opportunity to move towards living independently of their family clearly places such disabled young people at a substantial disadvantage and as such we feel there is a clear duty to make

reasonable adjustments to prevent this disadvantage.

Universities and colleges often do not offer suitable courses and training for children and young with a severe learning disability, but specialist residential colleges do. In essence they offer the equivalent educational, social and life opportunities for this group as universities and colleges do for other young people.

We feel that this situation is contrary to both the principles of person-centred planning and improving outcomes for young people; and the spirit of equality legislation and independent living policies.

Therefore we recommend that when the Bill is laid before the Assembly it is amended to ensure that the needs and wishes of young people are central to their further education, rather than the focus being on funding and that this should be combined with an assessment of the whole life chances and opportunities which different settings offer the young person to develop and reach their full potential and to live independently, not just with regard to strict educational outcomes.

Additionally transferring the funding to Local Authorities via the Revenue Support Grant without ring-fencing creates a situation where there is no guarantee that this funding for securing specialist post-16 education and training could be used to 'prop up' other services, especially in this current climate of reducing budgets and pressure not to cut services from citizens. We strongly recommend that any funding transferred to secure specialist post-16 education is ring-fenced and that expenditure must be accounted for in a clear and transparent manner, which shows that it has not been funnelled into general education administration or other services.

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 feel that it is vital to ensure that the needs of young learners can be effectively met by whichever school or educational establishment they are attending. There must be a mechanism by which the quality of education and support provided is assured, as the quality of learning support services is vital to overcoming disadvantage, barriers to learning, and ultimately barriers to progression to independent living, further education or training, and employment for many people from protected characteristic groups, and

disabled young people in particular. A combination of registration and comprehensive independent evaluation of ALN provision by Estyn could achieve this, if undertaken in a manner sensitive to individual needs and published to be accessible to parents, prospective learners and the community in hard copy, online and in accessible formats.

We feel that not providing quality assurance for education services for pupils with ALN could leave disabled young people in independent schools at risk of exclusion and disadvantage. Such a failure to overcome barriers to learning and progression within a school environment has been shown to be directly related to lower aspirations; lower educational attainment; disengagement from education, training and employment; higher unemployment rates; and lower earnings from employment for disabled adults.

The need to ensure quality of both education and support provision for learners with ALN should be balanced with the wishes of both the learner and parent(s) regarding which educational establishment best meets their needs. This is particularly pertinent for pupils with learning impairments or difficulties or mental health issues, for whom feeling comfortable in the learning environment is vital to their engagement with education and progress.

To address this balance it is vital to have an efficient and quick process for independent and maintained schools to register as providing new ALN provision and to promote early engagement with future learners and their parent(s) to identify the provision which best meets the learner's needs and whether the school of their choice could meet those needs. This consideration should include wider needs than the curriculum and education support, such as opportunities to develop social, communication and independent living skills. For example a school which provides disability sports or opportunities for disabled learners to participate in sports with their non-disabled counterparts could provide opportunities to develop social skills and other soft skills, which may not be available at other schools. It is widely recognised that these skills are as important to employment, health, wellbeing and life chances as educational attainment.

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

We strongly agree that there is a need for a statutory obligation for health, social services and education services to collaborate and actively input in designing and delivering both overall services and individual plans for young people with Additional Learning Needs. Our experiences indicate that without a

statutory obligation to collaborate some areas collaborate effectively, however there is significant variation across Wales as to the extent and nature of collaboration, which is in part dependent on the individual officers involved. Where agencies do not collaborate effectively, there can be severe effects on a young person's development, including some needs not being met by any agency and parents spending significant time, effort and expense performing communication and link roles between agencies. This time could be spent either supporting their child or pursuing their own employment or learning goals, thereby improving support for young people.

We feel that the Code of Practice should require all agencies with contact with a child or young person to be involved in the IDP process, such as independent youth groups, third sector and community organisations, counsellors and childcare providers. Although these are not necessarily statutory services not requiring their involvement could lead to a situation where their input is not valued on the same level and vital information about a young person's needs or provision which could complement education provision could easily be overlooked. It is important to the values of person-centred planning and to reducing the burden on both families and statutory services to ensure that all people and organisations involved in supporting a young person can discuss needs and provision together and develop plans for health, care and support, education, social and person development and other aspects of life together and with reference to one another to ensure that no needs fall through the gaps and that the best interests of the individual child or young person drive all provision. This approach also significantly reduces the costs in terms of time and the outcomes for young people by collaborating early and developing plans through a single multi-agency meeting involving providers from the public, third and private sectors and ensuring regular communication and updates between providers and involvement in reviews, by aligning both timetables and processes into one meeting, which must be stated and laid out in the mandatory Code of Practice.

We welcome the recognition that there should not be a reliance on having a medical diagnosis in order to access ALN assessments, IDPs and provision. This should assist in overcoming some of the current delays in assessing and meeting clear learning needs simply because the cause of these has not been identified. In developing solutions, interventions and support with regard to education the most important factor is what will support the child or young person to reach their full potential, which will vary significantly between individuals even with the same diagnosis, and not a tick-box exercise on medical needs, which would run contrary to person-centred planning.

- 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

See comments above regarding processes and planning arrangements

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 are strongly in favour of any improvements which bring together the development of plans relating to different aspects of a child and young person's needs and prevents the child or young person having to repeat substantially the same information to multiple agencies or at different times. We also feel that an Individual Development Plan should be broad enough to be able to capture all of a young person's educational needs and should link to and reference other needs, wishes and outcomes where other providers are involved. We feel that the most effective way of achieving this is to ensure IDPs cover all educational needs and therefore render personal education plans redundant for children or young people with Additional Learning Needs. However it is important to ensure that looked after children who complete the assessment process and do not have Additional Learning Needs are provided with a personal education plan or preferably an education plan integrated into more holistic development and life plans.

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

We feel that proactive provision of advice and information on complaints, dispute resolution, appeals and other support should be provided to all children and young people and parents in a format which meets their communication needs (which should be identified at the first meeting with all people) is vital to successfully navigating the system and to outcomes for the child or young

person.
We feel that independent advocacy is also vital for children and young people and/or their parents, as systems are complex and many families require support from an independent service to be able to express their views and wishes effectively. This is even more pertinent for some disabled parents or children and young people, who may not understand the information provided to them.

Legislative proposals for additional learning needs Responses 181-200

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

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

We support the move towards mediation and early resolution of complaints and disagreements in principle. We are concerned that the current complaints process often leads to a situation where children and young people do not receive the support they require during a lengthy disputes process, which places them at further disadvantage and increased developmental delays. Therefore the process for registering a disagreement and the rights of parents, carers and children and young people to complain and to register a disagreement without affecting their development and support must be simple, clear, and communicated to all involved at the start of the process in Plain English. There should also be a dedicated officer to receive disagreements and complaints within each agency, who should have received additional training in supporting children and young people to express their views and to pursue a complaint and their contact details should be provided to all parents, carers and young people at the start of any Individual Development Plan process. Providing that the dispute resolution is focused on the needs, wishes and outcomes of children and young people, according to the issues we have outlined above, we agree with the requirement to go to dispute resolution before a case can be taken to Tribunal.

We are concerned that provision of services to meet individual needs should not be unreasonably delayed by this process and therefore feel that 4 weeks period for dispute resolution should be an absolute maximum and that statutory guidance to support the implementation of this policy should emphasise the potential negative impacts on a child or young person of a delay and that agencies should endeavour to resolve disputes as speedily as possible, rather than with a view to resolving disputes within 4 weeks.

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

In order to safeguard the needs and development of young people we feel that it is essential that tribunals should be able to hear and resolve disputes for all individuals with Additional Learning Needs. The impact of not receiving additional support, where a need is identified, for children and young people is often severe, including deteriorating health; deteriorating mental well-being; financial stress and poverty for families; carers or parents having to leave employment; delayed development for children and young people; lower educational attainment; social isolation and an inability to socialise with others later in life; increased risk of bullying and abuse and other issues.

Therefore we feel that all children and young people and their parents or carers should both have the right and support to take an issue to tribunal themselves and to take an issue to tribunal regardless of the level of Additional Learning Need or support assessed.

As referenced in response to the question above, it is vital to ensuring that outcomes are improved for children and young people, that there is a single dispute resolution process regardless of which agency is providing the service for a young person or who would have responsibility to provide the service if the service being refused were provided. Therefore we agree that the remit of the Tribunal should be expanded, and that additional training and expertise in health and social care will be needed in order to provide effective support and decision-making across services.

In order for children and young people and their parents or carers to have the confidence and ability to lodge an appeal it is vital that they receive information about all stages of the dispute resolution process from the moment they start to receive services or an Individual Development Plan is being devised. This should include their rights and the process for lodging an appeal and all information should include dedicated contact numbers; be written in Plain English and Cymraeg Clir; and meet an individual's expressed communication or accessibility requirements.

In considering the range of issues which can be taken to appeal it is vital to retain and explicitly reference the right of appeal against the named education provider or proposed education provider. As mentioned above, Additional Learning Needs Provision can also include a child or young person being comfortable at a specific education setting and receiving appropriate communication, social and personal development support to be able to reach their full potential.

Additionally there should be a right of appeal with regard to situations where there is a lack of involvement of either the child or young person or their parents, including not providing independent advocacy or communication

support to meet needs, or a lack of consideration of their expressed wishes. If person-centred planning is to be effective the expressed views of the child or young person and their parent(s) are vital to the process and are considered mandatory elements of the process in the consultation document. Given the severity of the potential impact on a child or young person's development of provision that does not meet their needs or wishes, it is vital to ensure that there is a right of appeal on the basis of lack of involvement; lack of provision of accessible communication or support in involvement; and a lack of provision of independent advocacy at any stage of the assessment, IDP development, ALN provision, dispute resolution or appeals process.

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.

We would welcome any opportunity to be involved in the development of the Code of Practice and the legislation.
We would be grateful if you could add us to the list of organisations to contact regarding developing policy, practice and legislation and contact us with all future developments and opportunities to engage using the contact details at the start of this response form

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: ☐

ALN198: Tom Hicks
Diverse 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?

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

Remploy does not have a strong view on the terminology used, and has received little feedback from young people and their parents on this issue. However, if it plays a part in widening support to a greater number of people who need it, it should be welcomed.

Legislative proposals for additional learning needs Responses 181-200

- 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

Remploy fully supports providing children and young people in a more coordinated and holistic way from 0 to 25. For this to work, it is important that agencies and support providers work more closely together, that data is shared more effectively, and that the right support provision is accessible locally. This is particularly important in rural areas.

It is also important that the 0-25 ID£ is aligned with employment programmes, whether they be operated by local authorities, the Welsh Government or the UK Government, to ensure a successful transition into employment. This is a pressing issue: the employment rate for people with learning disabilities, for example, is around 7%, which is far too low.

The Real Opportunities programme operating across much of Wales has proven highly successful in linking together different provision to support young people with learning disabilities aged 14-19 with their transition from education. As proposals are developed by the Welsh Government, we would encourage learning from this programme.

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

Remploy strongly supports the development of Individual Development Plans, as a means of ensuring that young people are able to access appropriate additional support.

We would encourage the Welsh Government to learn from the UK Government's implementation of Education, Health and Care Plans, which are centred around the individual and integrate employment and training support into a wider plan covering health, education and other requirements. Employment and skills support is vital to many individuals with ALN, but too often this is overlooked. There is a lack of recognition that many years of additional education is not suitable for everyone, and employment-focused support can be a valued alternative.

As mentioned previously, the Real Opportunities programme is an example of employment and skills being placed at the centre of integrated, multi-agency support, and we have examples of individuals who have successfully entered mainstream employment following a period of support.

We would also encourage the Welsh Government to ensure that that young people themselves are given a say in their plan and the support they receive. Too often, support for young people with ALN is dictated to them, or is determined by the availability of local provision. Our frontline advisers tell us that transition plans are often only shared between parents and professionals, with the individual often being unaware of their future plans and sometimes anxious about the future.

While this may not be appropriate for some individuals, it should be explored further as part of a commitment to give people with disabilities and health conditions greater control over their lives and their support.

It is also important that parents are provided with information and guidance about the employment, skills and training support available for their child, to ensure that (where appropriate) employment is also firmly on their agenda. While deprivation can have a serious impact on a child's development, parents from a wide range of backgrounds can struggle to obtain the right guidance and support for their child, and often do not appreciate the obligations of local agencies to provide support.

Finally, long term planning and support for young people with ALN is only effective if the individual is diagnosed sufficiently early and a statement (or proposed equivalent) is issued. Our staff have met many parents whose child hasn't received a statement despite them believing there were strong grounds for one being issued.

Legislative proposals for additional learning needs Responses 181-200

- 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

Remploy supports this proposal. It's important that transition support as part of an IDP is available locally and provision is put in place to avoid young people being forced out of their local area to attend expensive and often non-inclusive education and skills providers.

Again, the Welsh Government could look at similar changes made by the UK Government on the statutory responsibilities of local authorities.

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

See previous answers on statutory obligations.

- 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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Legislative proposals for additional learning needs Responses 181-200

Supporting comments

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Legislative proposals for additional learning needs Responses 181-200

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

We strongly support this, particularly in relation to 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?

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

We strongly support this proposal. Too many children are under-supported in their school, which does not adequately meet their needs or provide the specialist support required. This can lead to challenging behaviour and further disrupt a young person's education.

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

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Legislative proposals for additional learning needs Responses 181-200

- 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?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<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?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" 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?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" 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)?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" 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 a wide range of transition programmes we would encourage the Welsh Government to explore that can form a successful element of a young person's transition from education as part of their 0-25 IDP. In England, Remploy has found that supported internships for young people with learning disabilities, which are delivered in partnership between local employers, colleges and employment support providers, have been highly successful in supporting young people into sustainable employment.

In all, we strongly support the Welsh Government's direction of travel.

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: ☐

ALN199: 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 type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

What is considered additional in many environments is considered within the norm in others. It's not what names are given to needs, but support that is provided which is important.

- 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

The main implications for professionals will be when working with the younger age group. If children's needs are accurately assessed and provided for when young the extension past 16 will simply follow the same format of adaption of support as is currently needed in transitioning to secondary and post 16. For young people and families having the same process of assessment and support would be hugely beneficial. The biggest failing with the current system is the failure to recognise the children's needs. Early intervention if not as prevalent as it should be.

While those responsible for assessing needs are those responsible for provision there will be a tendency to dismiss needs.

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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Legislative proposals for additional learning needs Responses 181-200

- 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 type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

Children with lower levels of support should be afforded the same rights of appeal as those with statements.

The statutory assessment process and statementing process is lengthy, but in our experience it is also delayed for many reasons, not least incompetence and

a refusal to accept a child's needs. Nothing in the documentation provided for this consultation shows how these delays will be prevented in the new assessment process. Unless there is a robust and timely means of appeal to decisions the replacement process will be as difficult an experience as the current one, and this could be a costly exercise which does little to improve the support for learners. Since change causes additional work and confusion it is likely to have a negative impact on learners, at least in the short term.

In terms of IDPs for all learners it is impossible to comment when we have no indication as to what an IDP will contain. To have the same format for all learners is in principle an excellent idea, but why is a statement of SEN not a suitable format?

- 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 checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

There is a conflict of interest when those who have to bear the cost of the provision are the same as those who assess needs; when they then monitor the provision of support there is another conflict of interest.

Our own experience of the LA assessing needs and ensuring agreed provision has been traumatic. Needs have been denied, we have wrongly been told that since one child did not have a diagnosis he had no needs which could not be met in secondary school without a statement, but were successful in appeal to ~SENTW who ordered the LA to make a statement within 5 weeks of the decision letter; they took almost 5 months to comply with the order and have wrongly blamed us for the delays.

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

Without mandatory requirements the Code would be of little use to children, young people and parents

- 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

There is a failure to provide adequate support in many FE institutions.

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

Post 16 provision is as important as pre 16, and it is logical that those that have supported the child through school should continue.

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

Schools must be able to provide the child with the correct support; if the school provides specialist support it would not be difficult to evidence, and therefore should not be difficult to register. Registration should safeguard children's provision.

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

However there needs to be transparency and robust procedures which do not allow for delay.

The current situation is that co operation and sharing of information is required, but it is done with a lack of understanding of the statutory duties of each organisation, and in many cases the parent and child are not central to the process. As a result delays are wrongly blamed on other parties, and one party influences the decisions of other parties against the interests of the child.

- 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

To have an appeal process which prevents one agency blaming another for delays, and hold all agencies accountable if there is no evidence that they have tried to resolve issues.

There is a real need to oversee the process, and to be able to have intervention whilst the process is ongoing, rather than a complaint after the fact.

There is a need for training so that each agency understands the statutory duties of their own agency and others so that any departure from legislation is picked up by professionals, and not by parents.

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

The fewer documents the better. It should also incorporate the care plan

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

While disagreement resolution is good in theory the practise can be some what lacking. There is currently no monitoring of the service and if parents are unhappy they then have to make a complaint to a separtate organisation. In our experience it has been difficult to get the LA to engage with disagreement resolution, something which has not been envisaged by the current legislation, and which has caused unessary delay and distress.

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

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

Authorities are adept at delaying responses to complaints. It should be encouraged, but only if there is a robust system where by authorities do not use the meetings to bully parents. Very often once an appeal is made any meetings are used to gather information, not to genuinely try to resolve issues. This puts additional stress on families who are already experiencing difficulties.

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

The proposals should include a right of appeal against a decision not to amend a statement following a review. This is important because a decision can be made against the recommendations of the review meeting

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.

Not only is it important to have a clear pathway of support and assessment to ensure the correct provision; it is vital to have a system which addresses issues as they arise, and which doesn't allow authorities to fail in their duties over a period of time. In our experience it is almost impossible to hold authorities accountable for their actions without long delays and unpleasantness. The current guidance and legislation is written with the assumption that the authority is working in the best interests of the child, and will act in a timely manner; something which we have not experienced consistently with either of our 2 statemented children.

The authority is required to have a disagreement resolution service, but can, and has, refused to engage in disagreement resolution.

This consultation seeks to reassure parents that Ministers will be able to intervene, as they are currently able to (since 2013), but we have been unable to get any intervention on our behalf.

Parent partnership and advice charities are overwhelmed by demand, and operating on substantially lower budgets than previously. It is difficult to speak to someone, let alone get accurate and timely information, or support in a meeting. As parent partnership is part funded by, and has a service level agreement with the authority it is difficult for them to challenge any decisions.

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: ☒

ALN200: **Helen O'Shea**
Aneurin Bevan UHB & Action for Children

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

This term is less stigmatising than Special Educational 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?

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

It is important that children and young people are supported throughout the age range. The intention to start this new system from birth recognises the importance of early identification and early intervention and fits with the Flying Start initiative, for example.
Using the same terminology and methodology (IDP) makes progress, or lack of it, clearer to see and means planning, intervening and reviewing should follow seamlessly despite transition between educational establishments.

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

As above, this will provide a clearer and fairer system. However, I think there needs to be a system for communicating this to both school staff and parents as anxiety (about their child's additional learning needs being met) may be high for parents of children who under the current system may meet the criteria for receipt of a Statement of Educational Needs.

Statements of special educational needs are traditionally reviewed annually; Individual Education plans termly or twice a year. The new consultation paper suggests once a year. This will not be sufficient for many children where small changes will need to be analysed so that this progress can be built upon. Or where an intervention is not fully successful, and this is only discussed at the end of an academic year. This would be an opportunity lost. While I understand that schools can choose to review more frequently, it is likely that due to other demands, in practice, they will not.

Legislative proposals for additional learning needs Responses 181-200

- 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

It is important that local authorities take responsibility. However, what systems will be put in place by Welsh Government to ensure that there is some level of equality in how local authorities interpret any new guidance and that children have their needs recognised and met wherever they live?

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

It is important that services work together to support children with ALN. How will IDPs fit with Care and Treatment Plans and Children's Services Care plans? When Torfaen took part in the Future of Statementing pilot and used Person Centred Planning, families and professionals liked it but it duplicated paperwork for the Child's key worker. Has this been addressed?

- 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

We agree that further education institutions should have the same responsibilities as schools, nurseries and PRU's

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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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

Independent schools are an expensive way of providing for individual children with additional learning needs. Has Welsh Government commissioned research into reinvesting resources into local authority schools? Also has Welsh Government looked at projects, led by the Local Authority, Health and Third Sector (Action for Children) eg the MIST project in Torfaen which repatriates young people with complex social/psychological needs from out of county placements and invests the money in a multi-systemic service including therapeutic foster carers, support workers and creative packages of education. These are developed and supported in partnership with MIST and other statutory agencies. While this is a model for looked after young people, rather than children and young people with additional learning needs, it may be that the principles could offer a model of reinvestment of finances, training and skills.

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

Yes but please see comments above regarding recording of information and systems that are already in place that require professionals from different organisations to work together.

- 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

Good practice from different agencies needs to be shared.
IT systems and paperwork need to be compatible.

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

Yes, it would be possible that they could but attention needs to be paid to the fact that a child's learning needs are linked to their psychological and social development which in turn is impacted by early life experiences and a child's experience of being parented rather than an IDP just outlining areas of academic need and targets to meet that need.

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

We think this would be very helpful as many parents have told us that they do not know where to turn when they have a disagreement with a school. A clear, accessible system could be developed with parents and professionals working together.

- 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

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

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.

Will the guidance state that the ALNCO needs to be a teacher(rather than an administrative assistant or teaching assistant?) We ask this as we know this happens in some schools but feel that it is important that a fully qualified teacher who understands the theories of children's learning and development should be the ALNCO.

Will the ALNCO have protected time to fulfill this demanding and fulfilling role?

As a Clinical Psychologist, I feel that teachers, teaching assistants and non teaching staff need training in Attachment theory. Research continues to suggest that children with secure attachment patterns are more likely to have optimum cognitive, social, emotional and physical development. If staff were aware of this research and how to apply it within the school setting, we could provide more "emotionally secure" environment in which children can learn. This would also for most schools, mean reviewing and refining their behaviour policies to take into account the needs of these children. This may mean that a number of children with emotional and behavioural difficulties, and resultant or concurrent learning needs, would be more likely to have their needs met at an earlier stage. A pilot in Newport "Attachment Based schools" run by an Educational Psychologist and Behaviour support teacher is an interesting pilot using these ideas. Clinical Psychology from CAMHS and Third Sector have just been invited to join, in order to have input in planning, training and consultation.

We need to consider how we can meet children's needs without the need for diagnosis. This means taking the results of the CAMHS Inquiry and working closely with specialist CAMHS, Clinical Psychology and Educational Psychology and Educational specialists to provide services for children with additional needs that meet their needs at an earlier stage and continue to meet their needs even when they are complex.

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: ☐