

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Supporting comments:

The terms 'may' 'should' are not clear at all. Schools and authorities can interpret that in any way which is a worry.

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

Yes

Supporting comments:

Fixed period needs to be stated

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

No

Supporting comments:

Promptly? A fixed amount of time needs to be stated. e.g IDP Meetings- 2 weeks to submit paperwork? Also, referring to 'promptly,' will this be the same principle for specialist teachers and ALNCO's?

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

Yes

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

Not sure

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

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

No Response

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Not sure

Supporting comments:

3.4: Young persons - this depends on the age of the child and what specific need they have. 3:4-3:5 - A child in KS2 with specific EHW and behaviour issues may not necessarily think they require support and guidance....? I agree that parents should be involved in the whole process, however this depends on the 'type' of parents. Some parents struggle to communicate with school due to language barriers so essentially the school are advocating for them.....

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Not sure

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

No Response

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

No

Supporting comments:

6:16 - distribution of leaflets is vital and should be considered to be changes from 'should' to 'must.' All parents, children and young people have a right to be updated about ALN changes. 'should' is not clear enough. Advice and information 'must' be provided by authorities.

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

No Response

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

No Response

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Yes

Supporting comments:

it is reassuring to know that health bodies also have responsibilities when it suspects that a child may have ALN (pre nursery) and it is their duty to bring it to the attention of the local authority.

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

Yes

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Yes

Supporting comments:

Timescales are clear for Local Authority and duties of the school.

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

No Response

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

No

Supporting comments:

Throughout the code it states how important it is for parents to be involved, but this is not evident in the IDP template. is this paperwork going to meet that objective?

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

No

Supporting comments:

13:4 - It is helpful to know that the basic structure of an IDP will be the same for all but school's should be able to adapt the IDP's to suit the children.

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

No Response

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

No Response

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Not sure

Supporting comments:

This depends on the need of the child and the urgency of the request.

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

No Response

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

No Response

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

No Response

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

No Response

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

Not sure

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No Response

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No Response

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

No Response

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

Not sure

Supporting comments:

Not entirely clear. Need to put in practice first to see if the content and structure is clear.

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No Response

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No Response

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

No Response

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

No Response

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

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No Response

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No Response

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No Response

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

No Response

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

Not sure

Supporting comments:

ALNCO's have teaching responsibilities E.G 50%/25% teaching time. There needs to be a specified time that is the same for all ALNCO's.

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

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

No Response

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No Response

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No Response

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

No Response

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

No Response

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No

Supporting comments:

Earlier timescales should be considered as this can speed up processes?

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

No Response

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

No Response

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

No Response

Part 3 of 5: Draft ALNCo regulations

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

Not sure

Supporting comments:

This depends also on much experience the ALNCo's have. Not just a Masters Degree?

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

Yes

Part 4 of 5: Looked after children

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

Yes

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No

Supporting comments:

The IDP form should be the same for all children.

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No Response

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes

Part 5 of 5: Impact of proposals

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

No Response

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

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

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

No Response

Respondent Details

Information	
Name	Clwstwr Ysgolion Cymraeg Castell Nedd a Phort Talbot
Organisation (if applicable)	Cyngor Castell Nedd a Phort Talbot

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Supporting comments:

Lliwiau yn helpu i uwchleuo termau. Termau wedi disgrifio ac esboinio yn fanwl.

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

Yes

Supporting comments:

Yr unig beth fyddai angen egluro ymhellach ydy effaith gwyliau ysgol ar yr amselenni sydd wedi nodi.

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

No Response

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

No

Supporting comments:

Iaith yn anodd iawn i ddeall. Cymleth iawn i ddehongli hyd yn oed i athrawon

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

profiadol. Mae'r dogfen crynhoi hefyd yn anodd i ddeall ac yn gymleth i ddefnyddio gan ei fod yn neidio o 1 pwynt i'r llall.

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

No

Supporting comments:

Yn anffodus mae'r ddogfen yn gymleth iawn i ddeall, ac oherwydd y dryswch mae ceisio dehongli'r gwybodaeth yn amhosib. Gormod o groesgyfeirio wrth darllen, ymchwilio a deall cwestiynau y ddogfen ymateb.

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes

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

Yes

Supporting comments:

Maen bwysig hyfforddi pobl syn siarad Cymraeg i weithio gyda'r asiantaethau allanol yn hanfodol i ysgolion Cymraeg.

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCPRD)?

Yes

Supporting comments:

Tudlaen 40 a 41 o drafft yn dangos yn glir beth yw'r disgwyliadau.

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Supporting comments:

Ond credu'n gryf bod angen newid 'Dylai' i 'Rhaid' wrth gyfeirio at y gweithlu Cymraeg yn pwynt 5.4.

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

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

Yes

Supporting comments:

Bydd angen sicrhau cysondeb yn y dehongliadau sy'n digwydd o ysgol i ysgol.

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

Yes

Supporting comments:

Rhestr wirio yn y ddogfen yn ddefnyddiol iawn.

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Yes

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

Yes

Supporting comments:

Pan mae'r wybodaeth yn syml ac ar ffordd pwyntiau bwled haws ddeall y wybodaeth.

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Yes

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Not sure

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

Yes

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

Yes

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

Yes

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

Yes

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

No Response

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

No Response

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

No Response

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

Yes

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Yes

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

Yes

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Yes

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Yes

Supporting comments:

Dyma'r pennod sydd wedi ddisgrifio ac wedi ysgrifennu mwyaf clir. Roedd yn hawdd deall y wybodaeth a pwyntiau bwled eto yn help.

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

Yes

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

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Yes

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Yes

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

No

Supporting comments:

DDIM YN GLIR IAWN. DOES DIM UN PARAGRAFF I GRYNHOI A DDIFFINIO YN GLIR PWY SYDD ANGEN CADW AR IDP A PWY SYDD ANGEN CYMRYD ODDI AR IDP. MAE GOFYN I ATGYFEIRIO NOL I PENNOD 12 HEFYD YN ACHOSI PENBLETH MEWN DOGFEN MOR DRWCHUS. BYDDAI SYMLHAU'R ADRAN YMA YN DDEFNYDDIOL GAN EI FOD MOR BWYSIG I'R FFORDD FYDD YSGOLION YN GWEITHIO.

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

Yes

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

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No Response

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No Response

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No Response

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

Yes

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

Yes

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Supporting comments:

Braf i weld fod yr awsurddod yn cymryd mwy o gyfrifoldeb menw sefyllfa fel hyn. Bydd cael dylanwad yr awdurdod i ddelio gyda problem sy'n codi yn help enfawr i gael ddatrysiad cywir yn gyflum.

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

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

Yes

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Yes

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Not sure

Supporting comments:

Y teimlad yw fod angen ddisgrifiad mwy user friendly ar gyfer Rhieni/ Gwarchodywr i ddilyn. Dogfen/canllawiau sy'n dangos y broses cam wrth gam.

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Not sure

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

Not sure

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Yes

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Not sure

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

Yes

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

No Response

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

No Response

Part 3 of 5: Draft ALNCo regulations

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

Yes

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

Yes

Part 4 of 5: Looked after children

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

Yes

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No

Supporting comments:

Does dim angen ffurflen ychwangeol just fod yna blwch er mwyn nodi fod y disgybl yn LAC neu beidio. Bydd nodi yn y blwch yma fod disgybl yn LAC yn arwain at ymchwil pellach mewn i hanes y disgybl.

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Yes

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No

Part 5 of 5: Impact of proposals

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

Llawer o gymhlethid a chwestiynau. Bydd angen sicrhau hyfforddiant a phobl i ateb a helpu. MAe'r IDP yn apelio ond dim ond fod yna gysondeb yn y ffordd mae'n cael ei ddefnyddio a chwblhau. Yn yr un modd mae angen sicrhau fod ALANCo's yn cael amser addas i gwblhau gofynion y swydd.

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

Does dim digon o ystyriaeth ar gyda'r ddarpariaeth trwy gyfrwng y Gymraeg. Mae addysg Gymraeg yn tyfu ar Lywodraeth wedi gosod targed o 1Miliwn o siaradwyr Cymraeg yn y wlad. Felly pam nad oes mwy o bobl broffesiynol ar gael i drafod, helpu a chynorthwyo disgyblion addysg gyfrwng y Gymraeg. Rhaid bod mwy o ffocws, cyllid ac amser yn cael ei ddarparu ar gyfer ymsefydlu'r bobl gywir i gynorthwyo disgyblion o fewn Ysgolion Cymraeg.

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

Does dim digon o ystyriaeth ar gyda'r ddarpariaeth trwy gyfrwng y Gymraeg. Mae addysg Gymraeg yn tyfu ar Lywodraeth wedi gosod targed o 1Miliwn o siaradwyr Cymraeg yn y wlad. Felly pam nad oes mwy o bobl broffesiynol ar gael i drafod, helpu a chynorthwyo disgyblion addysg gyfrwng y Gymraeg. Rhaid bod mwy o ffocws, cyllid ac amser yn cael ei ddarparu ar gyfer ymsefydlu'r bobl gywir i gynorthwyo disgyblion o fewn Ysgolion Cymraeg.

Mae angen adnoddau, ffurflenni, trafodaethau medru bod trwy gyfrwng y Gymraeg. Er mwyn i hyn ddigwydd rhaid bod y bobl gywir yn medru siarad Cymraeg. Byddai hyn yn galluogi plant a staff i drafod yn y Gymraeg yn hytrach na gorfod newid i'r Saesneg.

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

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

No Response

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No Response

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

No Response

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

No Response

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

No Response

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

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

No Response

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

No Response

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

No Response

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

No Response

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

No Response

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

No Response

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

No Response

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

No Response

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

No Response

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

No Response

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

No Response

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

No Response

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

No Response

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

No Response

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

No Response

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

No Response

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

No Response

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

No Response

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

No Response

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

No Response

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

No Response

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No Response

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No Response

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

No Response

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

No Response

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No Response

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No Response

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

No Response

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

No Response

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

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No Response

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No Response

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No Response

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

No Response

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

No Response

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

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

No Response

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No Response

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No Response

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

No Response

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

No Response

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No Response

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

No Response

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

No Response

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

No Response

Part 3 of 5: Draft ALNCo regulations

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

No Response

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

No Response

Part 4 of 5: Looked after children

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

No Response

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No Response

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No Response

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

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

No Response

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

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

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

Schools are currently under extreme pressures to introduce a considerable number of reforms. With current deficit budgets, schools are unable to maintain the role of the ALNCO in order to meet the recommendations of the Bill. There is not enough capacity in schools to support the expectations of the Bill.

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

No Response

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No Response

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

No Response

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

No Response

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

No Response

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

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

No Response

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

No Response

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

No Response

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Not sure

Supporting comments:

While we agree with the principles of ensuring that the local authority keeps ALP under review, there is a general feeling that the chapter is at times too specific around the how to keep under review, particularly around the areas of school and classroom provision in every school. Generally, there is a feeling that this could be open to interpretation, particularly by parental groups as it unclear what this assessment should look like, if not an annual review of provision consideration also needs to be given to the capacity of local authorities to undertake this action at potentially an annual basis. In addition, the regional local authorities, colleges and health have a concern in relation to the impact of tribunal decisions on additional learning provision, particularly around decisions for independent placements. General concerns sit around workload potential duplication of information e.g. WESP

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

No Response

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

Supporting comments:

While we appreciate that the entry and exit criteria will be a local decision in line with current provision, specialist support and delegation rates, there is a concern that the word significant does not provide enough guidance, potentially leads to interpretation and a very inconsistent approach across Wales

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

Not sure

Supporting comments:

while there is general agreement that the definition provides LAs, colleges and health an element of flexibility around ALP, there is concern that 7.34 is too detailed and generic and listed issues wouldn't always be considered as requiring ALP. the list could lead to tensions and disagreements between LAs and families that are unnecessary 7.35: also too detailed and specific and could potentially be used in detriment in cases that are considered by Tribunal. if the definition of significant is left to the LA local strategy, then it also deemed that the examples should be left to local considerations 7.67: while it is appreciated that the current draft has been amended to reflect feedback, particularly around educational psychologists it is felt that the wording 'appropriate local authority officer' would be more suitable as that allows flexibility for the right LA officer to work and lead on the case. it also does not consider the additional statutory workload on EPs, in a period that there is a shortage in a minority of local authorities, particularly those skilled to work in the Welsh medium sector. It also does not consider the workforce development element for Educational Psychologists around the 16-25 agenda which many practising EPs have no current experience of the sector. Current assessment tools, particularly Welsh medium assessment tools, do not cover the adult age range. there is a significant cost and training implication in purchasing and training EPs to use these assessment tools confidently

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

No Response

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

No Response

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Not sure

Supporting comments:

Chapter 11 provides a lack of clarity around those who are electively home educated. While there is an understanding under the current law in relation to review but not always provide, is it the intention that this remains the same under the duty of the LA to assess, write IDP and maintain IDP? There is a growing concern that the independent sector is not required to respond to the Act under law, although tribunal are directing LAs to place some of our most vulnerable learners in the independent sector, including mainstream independent . there is also lack of information around the quality of the provision provided by the independent sector which is not taken into consideration at Tribunal but could be reinforced through the code. Timescales for Schools appear reasonable as it does not include holiday period. timescales for local authorities without exceptions for holiday periods appear unreasonable as the same principle will appear which is that it is not possible for the LA to assess the need of the young person if they are not in their usual learning environment. there is some concern that timescales contradict the person centred approach please note that the term 'board and lodging' does not adequately describe residential 24 hour waking curriculum

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

No Response

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

No Response

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

No Response

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

No Response

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

No Response

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

No Response

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Not sure

Supporting comments:

Further guidance is required about what is expected from the health board within the six week period. Will this be a general sharing of information or will there be an expectation that a medical officer will have seen the child or young person

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

No Response

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

No Response

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

No Response

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

Not sure

Supporting comments:

While we agree with the general principles, we would value further detail on 1. dual registration of learners and impact on the IDP 2. cross-boarder issues- detail on this area reads as unclear and does not provide a clear enough steer to ensure a consistent approach to this issue.

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No Response

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No Response

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

No Response

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

Not sure

Supporting comments:

There is a growing concern about the 20 day timescale - is this long enough in considering capacity of colleges to undertake reviews. Most year 11 reviews are undertaken in October/ November and therefore there will be a capacity issue on colleges already during this period. There is also lack of clarity around what the consequences are if 12 month timescales are not kept to.

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No Response

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No Response

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

No Response

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

No Response

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

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No Response

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

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Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No Response

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Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

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

Not sure

Supporting comments:

There is a concern that the health element cannot be directed by the tribunal which could place additional pressure on the local authority having to provide health provision such as speech and language there is also concern due to the direction to complete IDPs and review when additional information becomes available is potentially going to lead to multiple tribunal cases around the same issue. are there ways of ensuring that multiple tribunal cases cannot be issued around the same issue/ issues

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No Response

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No Response

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

No Response

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

No Response

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No Response

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

No Response

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

No Response

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

No Response

Part 3 of 5: Draft ALNCo regulations

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

No Response

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

No Response

Part 4 of 5: Looked after children

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

No Response

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No Response

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No Response

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

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

No Response

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

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

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

No Response

Respondent Details

Information	
Name	Michael Curry
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

No Response

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No Response

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

No Response

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

No Response

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

No Response

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

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

No Response

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

No Response

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

No Response

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

No Response

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

No

Supporting comments:

There must be no hint of conflict of interest or nepotism when delivering information, advice and support. Families do not believe that information and advice services can be provided by local authorities themselves, especially with the regional working practices in education. They believe very strongly that if it is provided in house by local authorities there will be conflict of interest and, or nepotism, and they [families] will not receive reliable, impartial information and advice. They believe they will not be given their rights, or the support required for them to exercise their rights. Local authority officers tend to put their council's policies and procedures before what the law states, and complain when families receive information and gain knowledge about the law.

Families are very concerned that if local authorities choose to deliver information

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

and advice themselves there will be a ‘postcode lottery’. Some will provide excellent resources and dedicate roles, whilst others will only provide the bare minimum as per the code: leaflets, posters and directories.

Others have already started to employ family workers to provide support to families. In many cases these rely heavily on advice and support from current parent partnership services and in particular SNAP Cymru’s professional support, resources and website. It should be noted that these resources may not be available in the future if local authorities decide to deliver information and advice themselves. Even where there are family workers employed, referrals to independent providers remains high. Family workers also refer families to independent providers when they are not able to act impartially or support with appeals and tribunals.

It is interesting to note that the CYPE Committee Stage 1 report, which said information and advice should be independent was rejected by WG. This should be revisited for the following reasons:

1. Information and advice services should be provided wholly independently, by specialist, quality assured organisations.
2. Providers must be properly funded to meet demand which is great. A funding formula should be agreed with Local Authorities. If this cannot be achieved, WG should fund services centrally.
3. As per WG’s own policies, advice services must be quality assured. Those providing advice services to families, children and young people must hold an externally audited quality assurance mark and be working towards WG’s information and advice quality framework for Wales (IAQF).

Quality Assured Services

Independent organisations currently providing bilingual information, advice, avoidance and disagreement resolution work in education (covering chapters 3, 4, 6, & 25 of the Code) in Wales have invested heavily in staff training, building excellent infrastructures and IT resources in order to achieve the highest industry standards. Externally audited, SNAP holds the Legal Aid Agency Specialist Quality Mark for Educational Advice. Being quality assured not only gives credibility and assurance, it helps to ensure staff are well trained and qualified in order to provide excellent advice and support services, and that the organisation has robust policies and procedures in place. Both SNAP and CAB also have high-quality, secure, Content Management Systems in place. Staff are able to access databases from anywhere (with a Wi-Fi or 4g) on secure devices. Achieving these high standards has not been easy, but as per Welsh Governments own policies will be essential going forwards. One current provider, SNAP Cymru has a dedicated helpline and industry recognised website which is visited 10,000 times per week, a widely used resource for parents and professionals.

Access to quality assured advice services are seen as central by Welsh Government in giving everyone a fair and equal chance in life.

With reference to the above, Welsh Government (WG) in 2015, after the advice services review, set out options for developing quality standards for Information

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

and Advice Providers in Wales. At this time WG said ‘The provision of information, advice and guidance services in Wales is a key component of both the Welsh Government’s Tackling Poverty Action Plan 2012- 2016, and the Strategic Equality Plan 2012-2016. Access to these services is seen as central in giving everyone a fair and equal chance in life. As such, the Welsh Government is committed to strengthening information, advice and guidance services, with the aim of helping people to understand and exercise their rights and make informed decisions about their lives.

As a funder of organisations providing free and independent information and advice services, the Welsh Government has a particular interest in ensuring that the organisations it funds are effectively managed; that the information and advice provided by them is up to date and that staff providing front-line advice services have the necessary skills and competencies to provide the best advice possible to clients’.

The Welsh Government’s Advice Services Review Report confirmed both the importance of advice and a growing need for services. This review found a rich range of services across Wales delivered by both statutory bodies and third sector organisations providing vital services within their communities. However, the review found there was a lack of consistency and understanding of what constitutes quality advice and information, within and between agencies that could facilitate better referral and clearer pathways for services users. To this end it recommended the development of “a Framework of Standards for Advice and Information.”

Families are very concerned that if local authorities choose to deliver information and advice themselves there will be a ‘postcode lottery’. Some will provide excellent resources and dedicate roles, whilst others will only provide the bare minimum as per the code: leaflets, posters and directories.

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

No Response

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

No Response

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

No Response

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

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No Response

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Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

Disagreement Resolution Services (DRS)

‘DRS provide an important service to families, with the potential to resolve a range of disagreements before, or while seeking, redress through local complaint routes and/or with the Local Government Ombudsman (LGO) or Parliamentary and Health Service Ombudsman (PHSO). Often, pursuing complaints through these routes can take time and prolong the stress to families. DRS could help to resolve issues early and to build or maintain relationships between families, commissioners and education providers. They could arguably also have benefits for the system if used to resolve disagreements between LAs and CCGs. (P.19 Disagreement Resolution

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Arrangements in England Government report on the outcome of the review conducted by the Centre for Educational Development, Appraisal and Research (CEDAR), 2017)

4. There must be no hint of conflict of interest or nepotism when delivering information, advice and disagreement services. Families do not believe that avoidance of disagreements and disagreement resolution services can be provided by local authorities themselves, especially with the regional working practices in education. They believe very strongly that if it is provided in house by local authorities there will be conflict of interest and, or nepotism, and they [families] will not receive reliable, impartial information and be given their rights, or the support required for them to exercise their rights. Local authority officers tend to put their council's policies and procedures before what the law states, and complain when families receive information and gain knowledge about the law. At a recent disability discrimination seminar, officers from a large local authority challenged a speaker who was an educational law specialist, stating that they had been told that their authorities' policies and procedures come before what the law states and were to be followed.

5. Avoidance of and disagreement resolution services should be provided wholly independently, by specialist, quality assured organisations.

6. Providers must be properly funded to meet demand which is great. A funding formula should be agreed with Local Authorities. If this cannot be achieved, WG should fund services centrally.

7. As per WG's own policies, advice services, which include avoidance of disagreements and disagreement resolution services, must be quality assured. Those providing avoidance of disagreements and disagreement resolution must hold an externally audited quality assurance mark and be working towards WG's information and advice quality framework for Wales (IAQF).

These are the reasons why (the rationale):

The avoidance of disagreements and disagreement resolution is so much more than the activities described in Chapter 25: advice on the rights of a child, child's parent or young person needing support; support to unpick difficulties and plan a way forward with all other people involved; face to face meetings to work out what to do next; support to attend and contribute to meetings; ongoing support if problems are difficult to solve.

Parent Partnership Services have evolved over the last 30 years. In Wales, most local authorities hold Service Level Agreements (SLA's) and or contracts with independent organisations. Currently SNAP Cymru and CAB. SNAP delivers quality assured services to families. Last year, SNAP alone worked with over 4,600 families working on over 10,000 matters (problems). Many more thousands accessed quality assured information from their nationally recognised website. They don't just provide help with educational issues. SNAP provides an important service to families offering advice and support on a range of issues families are facing. By working holistically, SNAP staff are able to offer a listening ear, gaining trust from families which helps them to open up, sharing their issues and problems.

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Once understood and agreed, a plan of action is developed. It is fair to say that not all of the issues are educational. Often they are about the additional problems and obstacles that comes with having children with ALN and disabilities: exclusion, discrimination, health, housing, benefits, and poverty. Working with their third sector partners, understanding and helping to deal with these additional matters is a vital element of avoidance work – helping families with the ‘other stuff which is in the way’ helps them to become receptive to resolving the educational issues their children are having. Some of the best work SNAP does is empowering families, professionals and others by helping them to communicate, and understand systems. An example of this is giving time to help families prepare for a meeting. By working with them to plan and prepare, writing down, challenging issues, and developing questions. SNAP helps families to consider acceptable outcomes and rehearse the meeting. This helps to increase confidence enabling them to attend the meeting alone, more than often with positive outcomes and improved communication. This is true avoidance work. It takes skills, patience and time.

Quality Assured Services

Independent organisations currently providing bilingual information, advice, avoidance and disagreement resolution work in education in Wales have invested heavily in staff training, building excellent infrastructures and IT resources in order to achieve the highest industry standards. Externally audited, SNAP holds the Legal Aid Agency Specialist Quality Mark for Educational Advice. Being quality assured not only gives credibility and assurance, it helps to ensure staff are well trained and qualified in order to provide excellent advice and support services, and that the organisation has robust policies and procedures in place. Both SNAP and CAB also have high-quality, secure, Content Management Systems in place. Staff are able to access databases from anywhere (with a Wi-Fi or 4g) on secure devices. Achieving these high standards has not been easy, but as per Welsh Governments own policies will be essential going forwards.

Impact of services delivered by SNAP Cymru (2018)

- 88% of children and young people actively supported to participate in decision-making about their future and where possible, choices.
- 89% of families report an increased knowledge in educational procedures
- 86% of families told us that they felt an increased confidence to advocate effectively on behalf of their child
- 84% of families reported an improvement to their health and wellbeing after support
- 82% said their relationships with professionals had improved.

The above shows the impact quality advice providers bring to children, young people and families in Wales.

Access to quality assured advice services are seen as central by Welsh Government in giving everyone a fair and equal chance in life.

With reference to the above, Welsh Government (WG) in 2015, after the advice services review, set out options for developing quality standards for Information and Advice Providers in Wales. At this time WG said ‘The provision of information,

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

advice and guidance services in Wales is a key component of both the Welsh Government's Tackling Poverty Action Plan 2012- 2016, and the Strategic Equality Plan 2012-2016. Access to these services is seen as central in giving everyone a fair and equal chance in life. As such, the Welsh Government is committed to strengthening information, advice and guidance services, with the aim of helping people to understand and exercise their rights and make informed decisions about their lives.

As a funder of organisations providing free and independent information and advice services, the Welsh Government has a particular interest in ensuring that the organisations it funds are effectively managed; that the information and advice provided by them is up to date and that staff providing front-line advice services have the necessary skills and competencies to provide the best advice possible to clients'.

The Welsh Government's Advice Services Review Report confirmed both the importance of advice and a growing need for services. This review found a rich range of services across Wales delivered by both statutory bodies and third sector organisations providing vital services within their communities. However, the review found there was a lack of consistency and understanding of what constitutes quality advice and information, within and between agencies that could facilitate better referral and clearer pathways for services users. To this end it recommended the development of "a Framework of Standards for Advice and Information"

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

Advocacy supports and enables people who have difficulty representing their interests, to exercise their rights, express their views, explore and make informed choices. Independent Advocacy supports the person regardless of the demands and concerns of others. It challenges the causes and effects of injustice, oppression and abuse and upholds human rights. This is one definition. There are others. The type of advocacy described in the code is issue based advocacy. I.e. advocacy provided by an expert in a particular field. In this case quality assured specialist education advice. The Code: 25.57 states that independent advocacy services provide expert advice. 25.58 says that advocates will provide information, advice and support; understand relevant processes; give information to the child or young person. 27.22 states advocacy services will be available to a child's case friend and that local authorities must refer a case friend to an independent advocacy service provider if the case friend has requested this service. Case friends acting on behalf of children may need support from someone with a detailed understanding of the ALN system. 27.33 says there may be circumstances

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when a child requires a case friend but not have someone they know to ask to act as their case friend. In this situation, independent advocates provided by the local authority can apply to be a child's case friend. This will allow case friends to be assigned to a child who does not have someone to act as their case friend. If independent advocates are to provide expert advice, information, advice and support, provide support to a case friend, or indeed act as a case friend, these advocates will need to have more than understanding the ALN system including the arrangements for avoiding and resolving disputes and Tribunal procedures (25.63). They will need to have expert knowledge of the ALN system and be suitably qualified to give this level of expert advice and support. Independent advocacy services working with eligible children and young people do not currently have the capacity to support them prepare a case for disagreement resolution or tribunal. They do not unpick and explain reports. They do not write detailed case statements. Most advocates currently working with children and young people in Wales rely heavily on advice and professional support about ALN issues from Parent Partnership Services – SNAP Cymru and CAB. If independent advocacy services are to fulfil this role they must hold an externally audited quality assurance mark and be working towards WG's information and advice quality framework for Wales (IAQF).

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

No

Supporting comments:

'As part of our delivery support arrangements we will seek to improve the confidence of LA staff in taking an appeal to the First-tier Tribunal SEND without legal representation. As part of our consideration of family support services, as set out in Chapter 3, we will support services to signpost families to information on SEND law, to ensure they feel confident and able to represent themselves at the First-tier Tribunal SEND'. (P.23 Disagreement Resolution Arrangements in England Government report on the outcome of the review conducted by the Centre for Educational Development, Appraisal and Research (CEDAR), 2017) Presently in Wales more and more Local Authorities are choosing to seek legal representation when taking an appeal to SENTW. Many families cannot possibly afford legal assistance, and legal aid is hardly ever available. Many parents making appeals can feel intimidated by this and some are too frightened to continue with their appeal. Others feel outraged that their local authority is using public funds to employ legal representation against them. Q. Have WG plans to improve the confidence of LA staff in taking appeals to the Education Tribunal (ET) without legal representation? Q. Do WG have plans for free information and advice to be available on ALN and Tribunal law for families to ensure they feel confident and able to represent themselves at the ET?

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No Response

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No Response

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

No Response

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

No Response

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No Response

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

No Response

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

No Response

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

No Response

Part 3 of 5: Draft ALNCo regulations

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

No Response

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

No Response

Part 4 of 5: Looked after children

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

No Response

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No Response

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No Response

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

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

No Response

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

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

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

No Response

Respondent Details

Information	
Name	Margaret Hodge
Organisation (if applicable)	Sent on behalf of Blaenau Gwent Parent Consultation group

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

No

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No Response

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

No Response

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

No Response

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

No Response

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

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

No Response

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

No Response

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

No Response

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

No Response

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

No

Supporting comments:

There must be no hint of conflict of interest or nepotism when delivering information, advice and support. Families do not believe that information and advice services can be provided by local authorities themselves, especially with the regional working practices in education. They believe very strongly that if it is provided in house by local authorities there will be conflict of interest and, or nepotism, and they [families] will not receive reliable, impartial information and advice. They believe they will not be given their rights, or the support required for them to exercise their rights. Local authority officers tend to put their council's policies and procedures before what the law states, and complain when families receive information and gain knowledge about the law.

Families are very concerned that if local authorities choose to deliver information

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and advice themselves there will be a ‘postcode lottery’. Some will provide excellent resources and dedicate roles, whilst others will only provide the bare minimum as per the code: leaflets, posters and directories.

Others have already started to employ family workers to provide support to families. In many cases these rely heavily on advice and support from current parent partnership services and in particular SNAP Cymru’s professional support, resources and website. It should be noted that these resources may not be available in the future if local authorities decide to deliver information and advice themselves. Even where there are family workers employed, referrals to independent providers remains high. Family workers also refer families to independent providers when they are not able to act impartially or support with appeals and tribunals.

It is interesting to note that the CYPE Committee Stage 1 report, which said information and advice should be independent was rejected by WG. This should be revisited for the following reasons:

1. Information and advice services should be provided wholly independently, by specialist, quality assured organisations.
2. Providers must be properly funded to meet demand which is great. A funding formula should be agreed with Local Authorities. If this cannot be achieved, WG should fund services centrally.
3. As per WG’s own policies, advice services must be quality assured. Those providing advice services to families, children and young people must hold an externally audited quality assurance mark and be working towards WG’s information and advice quality framework for Wales (IAQF).

Quality Assured Services

Independent organisations currently providing bilingual information, advice, avoidance and disagreement resolution work in education (covering chapters 3, 4, 6, & 25 of the Code) in Wales have invested heavily in staff training, building excellent infrastructures and IT resources in order to achieve the highest industry standards. Externally audited, SNAP holds the Legal Aid Agency Specialist Quality Mark for Educational Advice. Being quality assured not only gives credibility and assurance, it helps to ensure staff are well trained and qualified in order to provide excellent advice and support services, and that the organisation has robust policies and procedures in place. Both SNAP and CAB also have high-quality, secure, Content Management Systems in place. Staff are able to access databases from anywhere (with a Wi-Fi or 4g) on secure devices. Achieving these high standards has not been easy, but as per Welsh Governments own policies will be essential going forwards. One current provider, SNAP Cymru has a dedicated helpline and industry recognised website which is visited 10,000 times per week, a widely used resource for parents and professionals.

Access to quality assured advice services are seen as central by Welsh Government in giving everyone a fair and equal chance in life.

With reference to the above, Welsh Government (WG) in 2015, after the advice services review, set out options for developing quality standards for Information

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and Advice Providers in Wales. At this time WG said ‘The provision of information, advice and guidance services in Wales is a key component of both the Welsh Government’s Tackling Poverty Action Plan 2012- 2016, and the Strategic Equality Plan 2012-2016. Access to these services is seen as central in giving everyone a fair and equal chance in life. As such, the Welsh Government is committed to strengthening information, advice and guidance services, with the aim of helping people to understand and exercise their rights and make informed decisions about their lives.

As a funder of organisations providing free and independent information and advice services, the Welsh Government has a particular interest in ensuring that the organisations it funds are effectively managed; that the information and advice provided by them is up to date and that staff providing front-line advice services have the necessary skills and competencies to provide the best advice possible to clients’.

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

No Response

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

No Response

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

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4. There must be no hint of conflict of interest or nepotism when delivering information, advice and disagreement services. Families do not believe that avoidance of disagreements and disagreement resolution services can be provided by local authorities themselves, especially with the regional working practices in education. They believe very strongly that if it is provided in house by local authorities there will be conflict of interest and, or nepotism, and they [families] will not receive reliable, impartial information and be given their rights, or the support required for them to exercise their rights. Local authority officers tend to put their council’s policies and procedures before what the law states, and complain when families receive information and gain knowledge about the law. At a recent

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disability discrimination seminar, officers from a large local authority challenged a speaker who was an educational law specialist, stating that they had been told that their authorities' policies and procedures come before what the law states and were to be followed.

5. Avoidance of and disagreement resolution services should be provided wholly independently, by specialist, quality assured organisations.

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7. As per WG's own policies, advice services, which include avoidance of disagreements and disagreement resolution services, must be quality assured. Those providing avoidance of disagreements and disagreement resolution must hold an externally audited quality assurance mark and be working towards WG's information and advice quality framework for Wales (IAQF).

These are the reasons why (the rationale):

The avoidance of disagreements and disagreement resolution is so much more than the activities described in Chapter 25: advice on the rights of a child, child's parent or young person needing support; support to unpick difficulties and plan a way forward with all other people involved; face to face meetings to work out what to do next; support to attend and contribute to meetings; ongoing support if problems are difficult to solve.

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As a funder of organisations providing free and independent information and advice services, the Welsh Government has a particular interest in ensuring that the organisations it funds are effectively managed; that the information and advice provided by them is up to date and that staff providing front-line advice services have the necessary skills and competencies to provide the best advice possible to clients'.

The Welsh Government's Advice Services Review Report confirmed both the

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importance of advice and a growing need for services. This review found a rich range of services across Wales delivered by both statutory bodies and third sector organisations providing vital services within their communities. However, the review found there was a lack of consistency and understanding of what constitutes quality advice and information, within and between agencies that could facilitate better referral and clearer pathways for services users. To this end it recommended the development of “a Framework of Standards for Advice and Information”

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No

Supporting comments:

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

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wales rely heavily on advice and professional support about ALN issues from Parent Partnership Services – SNAP Cymru and CAB. If independent advocacy services are to fulfil this role they must hold an externally audited quality assurance mark and be working towards WG’s information and advice quality framework for Wales (IAQF).

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

No

Supporting comments:

‘As part of our delivery support arrangements we will seek to improve the confidence of LA staff in taking an appeal to the First-tier Tribunal SEND without legal representation. As part of our consideration of family support services, as set out in Chapter 3, we will support services to signpost families to information on SEND law, to ensure they feel confident and able to represent themselves at the First-tier Tribunal SEND’. (P.23 Disagreement Resolution Arrangements in England Government report on the outcome of the review conducted by the Centre for Educational Development, Appraisal and Research (CEDAR), 2017) Presently in Wales more and more Local Authorities are choosing to seek legal representation when taking an appeal to SENTW. Many families cannot possibly afford legal assistance, and legal aid is hardly ever available. Many parents making appeals can feel intimidated by this and some are too frightened to continue with their appeal. Others feel outraged that their local authority is using public funds to employ legal representation against them. Q. Have WG plans to improve the confidence of LA staff in taking appeals to the Education Tribunal (ET) without legal representation? Q. Do WG have plans for free information and advice to be available on ALN and Tribunal law for families to ensure they feel confident and able to represent themselves at the ET?

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No Response

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No Response

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

No Response

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

No Response

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No Response

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

No Response

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

No Response

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

No Response

Part 3 of 5: Draft ALNCo regulations

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

No Response

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

No Response

Part 4 of 5: Looked after children

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

No Response

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No Response

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No Response

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

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

No Response

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

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

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

No Response

Respondent Details

Information	
Name	Sarah Phillips
Organisation (if applicable)	Sent on behalf of Caerphilly Parent Consultation group

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

No Response

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No Response

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

No Response

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

No Response

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

No Response

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

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

No Response

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

No Response

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

No Response

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

No Response

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

No

Supporting comments:

There must be no hint of conflict of interest or nepotism when delivering information, advice and support. Families do not believe that information and advice services can be provided by local authorities themselves, especially with the regional working practices in education. They believe very strongly that if it is provided in house by local authorities there will be conflict of interest and, or nepotism, and they [families] will not receive reliable, impartial information and advice. They believe they will not be given their rights, or the support required for them to exercise their rights. Local authority officers tend to put their council's policies and procedures before what the law states, and complain when families receive information and gain knowledge about the law.

Families are very concerned that if local authorities choose to deliver information

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and advice themselves there will be a ‘postcode lottery’. Some will provide excellent resources and dedicate roles, whilst others will only provide the bare minimum as per the code: leaflets, posters and directories.

Others have already started to employ family workers to provide support to families. In many cases these rely heavily on advice and support from current parent partnership services and in particular SNAP Cymru’s professional support, resources and website. It should be noted that these resources may not be available in the future if local authorities decide to deliver information and advice themselves. Even where there are family workers employed, referrals to independent providers remains high. Family workers also refer families to independent providers when they are not able to act impartially or support with appeals and tribunals.

It is interesting to note that the CYPE Committee Stage 1 report, which said information and advice should be independent was rejected by WG. This should be revisited for the following reasons:

1. Information and advice services should be provided wholly independently, by specialist, quality assured organisations.
2. Providers must be properly funded to meet demand which is great. A funding formula should be agreed with Local Authorities. If this cannot be achieved, WG should fund services centrally.
3. As per WG’s own policies, advice services must be quality assured. Those providing advice services to families, children and young people must hold an externally audited quality assurance mark and be working towards WG’s information and advice quality framework for Wales (IAQF).

Quality Assured Services

Independent organisations currently providing bilingual information, advice, avoidance and disagreement resolution work in education (covering chapters 3, 4, 6, & 25 of the Code) in Wales have invested heavily in staff training, building excellent infrastructures and IT resources in order to achieve the highest industry standards. Externally audited, SNAP holds the Legal Aid Agency Specialist Quality Mark for Educational Advice. Being quality assured not only gives credibility and assurance, it helps to ensure staff are well trained and qualified in order to provide excellent advice and support services, and that the organisation has robust policies and procedures in place. Both SNAP and CAB also have high-quality, secure, Content Management Systems in place. Staff are able to access databases from anywhere (with a Wi-Fi or 4g) on secure devices. Achieving these high standards has not been easy, but as per Welsh Governments own policies will be essential going forwards. One current provider, SNAP Cymru has a dedicated helpline and industry recognised website which is visited 10,000 times per week, a widely used resource for parents and professionals.

Access to quality assured advice services are seen as central by Welsh Government in giving everyone a fair and equal chance in life.

With reference to the above, Welsh Government (WG) in 2015, after the advice services review, set out options for developing quality standards for Information

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

and Advice Providers in Wales. At this time WG said ‘The provision of information, advice and guidance services in Wales is a key component of both the Welsh Government’s Tackling Poverty Action Plan 2012- 2016, and the Strategic Equality Plan 2012-2016. Access to these services is seen as central in giving everyone a fair and equal chance in life. As such, the Welsh Government is committed to strengthening information, advice and guidance services, with the aim of helping people to understand and exercise their rights and make informed decisions about their lives.

As a funder of organisations providing free and independent information and advice services, the Welsh Government has a particular interest in ensuring that the organisations it funds are effectively managed; that the information and advice provided by them is up to date and that staff providing front-line advice services have the necessary skills and competencies to provide the best advice possible to clients’.

The Welsh Government’s Advice Services Review Report confirmed both the importance of advice and a growing need for services. This review found a rich range of services across Wales delivered by both statutory bodies and third sector organisations providing vital services within their communities. However, the review found there was a lack of consistency and understanding of what constitutes quality advice and information, within and between agencies that could facilitate better referral and clearer pathways for services users. To this end it recommended the development of “a Framework of Standards for Advice and Information.”

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

No Response

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

No Response

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

No Response

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

No Response

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

No Response

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

No Response

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

No Response

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

No Response

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

No Response

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

No Response

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

No Response

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

No Response

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

No Response

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

No Response

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

No Response

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

No Response

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No Response

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No Response

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

No Response

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

No Response

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No Response

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No Response

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

No Response

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

No Response

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

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No Response

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No Response

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No Response

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

No Response

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

No Response

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

Disagreement Resolution Services (DRS)

‘DRS provide an important service to families, with the potential to resolve a range of disagreements before, or while seeking, redress through local complaint routes and/or with the Local Government Ombudsman (LGO) or Parliamentary and Health Service Ombudsman (PHSO). Often, pursuing complaints through these routes can take time and prolong the stress to families. DRS could help to resolve issues early and to build or maintain relationships between families, commissioners and education providers. They could arguably also have benefits for the system if used to resolve disagreements between LAs and CCGs. (P.19 Disagreement Resolution Arrangements in England Government report on the outcome of the review conducted by the Centre for Educational Development, Appraisal and Research (CEDAR), 2017)

4. There must be no hint of conflict of interest or nepotism when delivering information, advice and disagreement services. Families do not believe that avoidance of disagreements and disagreement resolution services can be provided by local authorities themselves, especially with the regional working practices in education. They believe very strongly that if it is provided in house by local authorities there will be conflict of interest and, or nepotism, and they [families] will not receive reliable, impartial information and be given their rights, or the support required for them to exercise their rights. Local authority officers tend to put their council’s policies and procedures before what the law states, and complain when families receive information and gain knowledge about the law. At a recent

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disability discrimination seminar, officers from a large local authority challenged a speaker who was an educational law specialist, stating that they had been told that their authorities' policies and procedures come before what the law states and were to be followed.

5. Avoidance of and disagreement resolution services should be provided wholly independently, by specialist, quality assured organisations.

6. Providers must be properly funded to meet demand which is great. A funding formula should be agreed with Local Authorities. If this cannot be achieved, WG should fund services centrally.

7. As per WG's own policies, advice services, which include avoidance of disagreements and disagreement resolution services, must be quality assured. Those providing avoidance of disagreements and disagreement resolution must hold an externally audited quality assurance mark and be working towards WG's information and advice quality framework for Wales (IAQF).

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

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Wales rely heavily on advice and professional support about ALN issues from Parent Partnership Services – SNAP Cymru and CAB. If independent advocacy services are to fulfil this role they must hold an externally audited quality assurance mark and be working towards WG’s information and advice quality framework for Wales (IAQF).

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

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No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

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Part 3 of 5: Draft ALNCo regulations

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

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

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Part 4 of 5: Looked after children

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

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Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

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Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

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Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

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Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

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

No Response

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

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

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

No Response

Respondent Details

Information	
Name	Catherine Morgan
Organisation (if applicable)	Sent on behalf of Torfaen ALN Parent Consultation Group

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

No Response

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No Response

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

No Response

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

No Response

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

No Response

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

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

No Response

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

No Response

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

No Response

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

No Response

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

No

Supporting comments:

There must be no hint of conflict of interest or nepotism when delivering information, advice and support. Families do not believe that information and advice services can be provided by local authorities themselves, especially with the regional working practices in education. They believe very strongly that if it is provided in house by local authorities there will be conflict of interest and, or nepotism, and they [families] will not receive reliable, impartial information and advice. They believe they will not be given their rights, or the support required for them to exercise their rights. Local authority officers tend to put their council's policies and procedures before what the law states, and complain when families receive information and gain knowledge about the law.

Families are very concerned that if local authorities choose to deliver information

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

and advice themselves there will be a ‘postcode lottery’. Some will provide excellent resources and dedicate roles, whilst others will only provide the bare minimum as per the code: leaflets, posters and directories.

Others have already started to employ family workers to provide support to families. In many cases these rely heavily on advice and support from current parent partnership services and in particular SNAP Cymru’s professional support, resources and website. It should be noted that these resources may not be available in the future if local authorities decide to deliver information and advice themselves. Even where there are family workers employed, referrals to independent providers remains high. Family workers also refer families to independent providers when they are not able to act impartially or support with appeals and tribunals.

It is interesting to note that the CYPE Committee Stage 1 report, which said information and advice should be independent was rejected by WG. This should be revisited for the following reasons:

1. Information and advice services should be provided wholly independently, by specialist, quality assured organisations.
2. Providers must be properly funded to meet demand which is great. A funding formula should be agreed with Local Authorities. If this cannot be achieved, WG should fund services centrally.
3. As per WG’s own policies, advice services must be quality assured. Those providing advice services to families, children and young people must hold an externally audited quality assurance mark and be working towards WG’s information and advice quality framework for Wales (IAQF).

Quality Assured Services

Independent organisations currently providing bilingual information, advice, avoidance and disagreement resolution work in education (covering chapters 3, 4, 6, & 25 of the Code) in Wales have invested heavily in staff training, building excellent infrastructures and IT resources in order to achieve the highest industry standards. Externally audited, SNAP holds the Legal Aid Agency Specialist Quality Mark for Educational Advice. Being quality assured not only gives credibility and assurance, it helps to ensure staff are well trained and qualified in order to provide excellent advice and support services, and that the organisation has robust policies and procedures in place. Both SNAP and CAB also have high-quality, secure, Content Management Systems in place. Staff are able to access databases from anywhere (with a Wi-Fi or 4g) on secure devices. Achieving these high standards has not been easy, but as per Welsh Governments own policies will be essential going forwards. One current provider, SNAP Cymru has a dedicated helpline and industry recognised website which is visited 10,000 times per week, a widely used resource for parents and professionals.

Access to quality assured advice services are seen as central by Welsh Government in giving everyone a fair and equal chance in life.

With reference to the above, Welsh Government (WG) in 2015, after the advice services review, set out options for developing quality standards for Information

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

and Advice Providers in Wales. At this time WG said ‘The provision of information, advice and guidance services in Wales is a key component of both the Welsh Government’s Tackling Poverty Action Plan 2012- 2016, and the Strategic Equality Plan 2012-2016. Access to these services is seen as central in giving everyone a fair and equal chance in life. As such, the Welsh Government is committed to strengthening information, advice and guidance services, with the aim of helping people to understand and exercise their rights and make informed decisions about their lives.

As a funder of organisations providing free and independent information and advice services, the Welsh Government has a particular interest in ensuring that the organisations it funds are effectively managed; that the information and advice provided by them is up to date and that staff providing front-line advice services have the necessary skills and competencies to provide the best advice possible to clients’.

The Welsh Government’s Advice Services Review Report confirmed both the importance of advice and a growing need for services. This review found a rich range of services across Wales delivered by both statutory bodies and third sector organisations providing vital services within their communities. However, the review found there was a lack of consistency and understanding of what constitutes quality advice and information, within and between agencies that could facilitate better referral and clearer pathways for services users. To this end it recommended the development of “a Framework of Standards for Advice and Information.”

Families are very concerned that if local authorities choose to deliver information and advice themselves there will be a ‘postcode lottery’. Some will provide excellent resources and dedicate roles, whilst others will only provide the bare minimum as per the code: leaflets, posters and directories.

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

No Response

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

No Response

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

No Response

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

No Response

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

No Response

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

No Response

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

No Response

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

No Response

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

No Response

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

No Response

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

No Response

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

No Response

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

No Response

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

No Response

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

No Response

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

No Response

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No Response

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No Response

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

No Response

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

No Response

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No Response

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No Response

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

No Response

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

No Response

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

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No Response

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No Response

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No Response

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

No Response

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

No Response

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

Disagreement Resolution Services (DRS)

‘DRS provide an important service to families, with the potential to resolve a range of disagreements before, or while seeking, redress through local complaint routes and/or with the Local Government Ombudsman (LGO) or Parliamentary and Health Service Ombudsman (PHSO). Often, pursuing complaints through these routes can take time and prolong the stress to families. DRS could help to resolve issues early and to build or maintain relationships between families, commissioners and education providers. They could arguably also have benefits for the system if used to resolve disagreements between LAs and CCGs. (P.19 Disagreement Resolution

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Arrangements in England Government report on the outcome of the review conducted by the Centre for Educational Development, Appraisal and Research (CEDAR), 2017)

4. There must be no hint of conflict of interest or nepotism when delivering information, advice and disagreement services. Families do not believe that avoidance of disagreements and disagreement resolution services can be provided by local authorities themselves, especially with the regional working practices in education. They believe very strongly that if it is provided in house by local authorities there will be conflict of interest and, or nepotism, and they [families] will not receive reliable, impartial information and be given their rights, or the support required for them to exercise their rights. Local authority officers tend to put their council's policies and procedures before what the law states, and complain when families receive information and gain knowledge about the law. At a recent disability discrimination seminar, officers from a large local authority challenged a speaker who was an educational law specialist, stating that they had been told that their authorities' policies and procedures come before what the law states and were to be followed.

5. Avoidance of and disagreement resolution services should be provided wholly independently, by specialist, quality assured organisations.

6. Providers must be properly funded to meet demand which is great. A funding formula should be agreed with Local Authorities. If this cannot be achieved, WG should fund services centrally.

7. As per WG's own policies, advice services, which include avoidance of disagreements and disagreement resolution services, must be quality assured. Those providing avoidance of disagreements and disagreement resolution must hold an externally audited quality assurance mark and be working towards WG's information and advice quality framework for Wales (IAQF).

These are the reasons why (the rationale):

The avoidance of disagreements and disagreement resolution is so much more than the activities described in Chapter 25: advice on the rights of a child, child's parent or young person needing support; support to unpick difficulties and plan a way forward with all other people involved; face to face meetings to work out what to do next; support to attend and contribute to meetings; ongoing support if problems are difficult to solve.

Parent Partnership Services have evolved over the last 30 years. In Wales, most local authorities hold Service Level Agreements (SLA's) and or contracts with independent organisations. Currently SNAP Cymru and CAB. SNAP delivers quality assured services to families. Last year, SNAP alone worked with over 4,600 families working on over 10,000 matters (problems). Many more thousands accessed quality assured information from their nationally recognised website. They don't just provide help with educational issues. SNAP provides an important service to families offering advice and support on a range of issues families are facing. By working holistically, SNAP staff are able to offer a listening ear, gaining trust from families which helps them to open up, sharing their issues and problems.

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Once understood and agreed, a plan of action is developed. It is fair to say that not all of the issues are educational. Often they are about the additional problems and obstacles that comes with having children with ALN and disabilities: exclusion, discrimination, health, housing, benefits, and poverty. Working with their third sector partners, understanding and helping to deal with these additional matters is a vital element of avoidance work – helping families with the ‘other stuff which is in the way’ helps them to become receptive to resolving the educational issues their children are having. Some of the best work SNAP does is empowering families, professionals and others by helping them to communicate, and understand systems. An example of this is giving time to help families prepare for a meeting. By working with them to plan and prepare, writing down, challenging issues, and developing questions. SNAP helps families to consider acceptable outcomes and rehearse the meeting. This helps to increase confidence enabling them to attend the meeting alone, more than often with positive outcomes and improved communication. This is true avoidance work. It takes skills, patience and time.

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Independent organisations currently providing bilingual information, advice, avoidance and disagreement resolution work in education in Wales have invested heavily in staff training, building excellent infrastructures and IT resources in order to achieve the highest industry standards. Externally audited, SNAP holds the Legal Aid Agency Specialist Quality Mark for Educational Advice. Being quality assured not only gives credibility and assurance, it helps to ensure staff are well trained and qualified in order to provide excellent advice and support services, and that the organisation has robust policies and procedures in place. Both SNAP and CAB also have high-quality, secure, Content Management Systems in place. Staff are able to access databases from anywhere (with a Wi-Fi or 4g) on secure devices. Achieving these high standards has not been easy, but as per Welsh Governments own policies will be essential going forwards.

Impact of services delivered by SNAP Cymru (2018)

- 88% of children and young people actively supported to participate in decision-making about their future and where possible, choices.
- 89% of families report an increased knowledge in educational procedures
- 86% of families told us that they felt an increased confidence to advocate effectively on behalf of their child
- 84% of families reported an improvement to their health and wellbeing after support
- 82% said their relationships with professionals had improved.

The above shows the impact quality advice providers bring to children, young people and families in Wales.

Access to quality assured advice services are seen as central by Welsh Government in giving everyone a fair and equal chance in life.

With reference to the above, Welsh Government (WG) in 2015, after the advice services review, set out options for developing quality standards for Information and Advice Providers in Wales. At this time WG said ‘The provision of information,

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advice and guidance services in Wales is a key component of both the Welsh Government's Tackling Poverty Action Plan 2012- 2016, and the Strategic Equality Plan 2012-2016. Access to these services is seen as central in giving everyone a fair and equal chance in life. As such, the Welsh Government is committed to strengthening information, advice and guidance services, with the aim of helping people to understand and exercise their rights and make informed decisions about their lives.

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when a child requires a case friend but not have someone they know to ask to act as their case friend. In this situation, independent advocates provided by the local authority can apply to be a child's case friend. This will allow case friends to be assigned to a child who does not have someone to act as their case friend. If independent advocates are to provide expert advice, information, advice and support, provide support to a case friend, or indeed act as a case friend, these advocates will need to have more than understanding the ALN system including the arrangements for avoiding and resolving disputes and Tribunal procedures (25.63). They will need to have expert knowledge of the ALN system and be suitably qualified to give this level of expert advice and support. Independent advocacy services working with eligible children and young people do not currently have the capacity to support them prepare a case for disagreement resolution or tribunal. They do not unpick and explain reports. They do not write detailed case statements. Most advocates currently working with children and young people in Wales rely heavily on advice and professional support about ALN issues from Parent Partnership Services – SNAP Cymru and CAB. If independent advocacy services are to fulfil this role they must hold an externally audited quality assurance mark and be working towards WG's information and advice quality framework for Wales (IAQF).

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No Response

Part 3 of 5: Draft ALNCo regulations

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No Response

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No Response

Part 4 of 5: Looked after children

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

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No Response

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No Response

Part 5 of 5: Impact of proposals

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

No Response

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

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

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

No Response

Respondent Details

Information	
Name	Sian Jones
Organisation (if applicable)	Sent on behalf of Monmouthshire ALN Parent Consultation Group

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

No Response

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No Response

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

No Response

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

No Response

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

No Response

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

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

No Response

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

No Response

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

No Response

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

No Response

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

No

Supporting comments:

There must be no hint of conflict of interest or nepotism when delivering information, advice and support. Families do not believe that information and advice services can be provided by local authorities themselves, especially with the regional working practices in education. They believe very strongly that if it is provided in house by local authorities there will be conflict of interest and, or nepotism, and they [families] will not receive reliable, impartial information and advice. They believe they will not be given their rights, or the support required for them to exercise their rights. Local authority officers tend to put their council's policies and procedures before what the law states, and complain when families receive information and gain knowledge about the law.

Families are very concerned that if local authorities choose to deliver information

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

and advice themselves there will be a ‘postcode lottery’. Some will provide excellent resources and dedicate roles, whilst others will only provide the bare minimum as per the code: leaflets, posters and directories.

Others have already started to employ family workers to provide support to families. In many cases these rely heavily on advice and support from current parent partnership services and in particular SNAP Cymru’s professional support, resources and website. It should be noted that these resources may not be available in the future if local authorities decide to deliver information and advice themselves. Even where there are family workers employed, referrals to independent providers remains high. Family workers also refer families to independent providers when they are not able to act impartially or support with appeals and tribunals.

It is interesting to note that the CYPE Committee Stage 1 report, which said information and advice should be independent was rejected by WG. This should be revisited for the following reasons:

1. Information and advice services should be provided wholly independently, by specialist, quality assured organisations.
2. Providers must be properly funded to meet demand which is great. A funding formula should be agreed with Local Authorities. If this cannot be achieved, WG should fund services centrally.
3. As per WG’s own policies, advice services must be quality assured. Those providing advice services to families, children and young people must hold an externally audited quality assurance mark and be working towards WG’s information and advice quality framework for Wales (IAQF).

Quality Assured Services

Independent organisations currently providing bilingual information, advice, avoidance and disagreement resolution work in education (covering chapters 3, 4, 6, & 25 of the Code) in Wales have invested heavily in staff training, building excellent infrastructures and IT resources in order to achieve the highest industry standards. Externally audited, SNAP holds the Legal Aid Agency Specialist Quality Mark for Educational Advice. Being quality assured not only gives credibility and assurance, it helps to ensure staff are well trained and qualified in order to provide excellent advice and support services, and that the organisation has robust policies and procedures in place. Both SNAP and CAB also have high-quality, secure, Content Management Systems in place. Staff are able to access databases from anywhere (with a Wi-Fi or 4g) on secure devices. Achieving these high standards has not been easy, but as per Welsh Governments own policies will be essential going forwards. One current provider, SNAP Cymru has a dedicated helpline and industry recognised website which is visited 10,000 times per week, a widely used resource for parents and professionals.

Access to quality assured advice services are seen as central by Welsh Government in giving everyone a fair and equal chance in life.

With reference to the above, Welsh Government (WG) in 2015, after the advice services review, set out options for developing quality standards for Information

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

and Advice Providers in Wales. At this time WG said ‘The provision of information, advice and guidance services in Wales is a key component of both the Welsh Government’s Tackling Poverty Action Plan 2012- 2016, and the Strategic Equality Plan 2012-2016. Access to these services is seen as central in giving everyone a fair and equal chance in life. As such, the Welsh Government is committed to strengthening information, advice and guidance services, with the aim of helping people to understand and exercise their rights and make informed decisions about their lives.

As a funder of organisations providing free and independent information and advice services, the Welsh Government has a particular interest in ensuring that the organisations it funds are effectively managed; that the information and advice provided by them is up to date and that staff providing front-line advice services have the necessary skills and competencies to provide the best advice possible to clients’.

The Welsh Government’s Advice Services Review Report confirmed both the importance of advice and a growing need for services. This review found a rich range of services across Wales delivered by both statutory bodies and third sector organisations providing vital services within their communities. However, the review found there was a lack of consistency and understanding of what constitutes quality advice and information, within and between agencies that could facilitate better referral and clearer pathways for services users. To this end it recommended the development of “a Framework of Standards for Advice and Information.”

Families are very concerned that if local authorities choose to deliver information and advice themselves there will be a ‘postcode lottery’. Some will provide excellent resources and dedicate roles, whilst others will only provide the bare minimum as per the code: leaflets, posters and directories.

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

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

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Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

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No Response

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No Response

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

No Response

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

No Response

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

No Response

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

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

No Response

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

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

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No Response

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

No Response

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

No Response

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

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No Response

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No Response

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No Response

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

No Response

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

No Response

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

Disagreement Resolution Services (DRS)

‘DRS provide an important service to families, with the potential to resolve a range of disagreements before, or while seeking, redress through local complaint routes and/or with the Local Government Ombudsman (LGO) or Parliamentary and Health Service Ombudsman (PHSO). Often, pursuing complaints through these routes can take time and prolong the stress to families. DRS could help to resolve issues early and to build or maintain relationships between families, commissioners and education providers. They could arguably also have benefits for the system if used to resolve disagreements between LAs and CCGs. (P.19 Disagreement Resolution

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Arrangements in England Government report on the outcome of the review conducted by the Centre for Educational Development, Appraisal and Research (CEDAR), 2017)

4. There must be no hint of conflict of interest or nepotism when delivering information, advice and disagreement services. Families do not believe that avoidance of disagreements and disagreement resolution services can be provided by local authorities themselves, especially with the regional working practices in education. They believe very strongly that if it is provided in house by local authorities there will be conflict of interest and, or nepotism, and they [families] will not receive reliable, impartial information and be given their rights, or the support required for them to exercise their rights. Local authority officers tend to put their council's policies and procedures before what the law states, and complain when families receive information and gain knowledge about the law. At a recent disability discrimination seminar, officers from a large local authority challenged a speaker who was an educational law specialist, stating that they had been told that their authorities' policies and procedures come before what the law states and were to be followed.

5. Avoidance of and disagreement resolution services should be provided wholly independently, by specialist, quality assured organisations.

6. Providers must be properly funded to meet demand which is great. A funding formula should be agreed with Local Authorities. If this cannot be achieved, WG should fund services centrally.

7. As per WG's own policies, advice services, which include avoidance of disagreements and disagreement resolution services, must be quality assured. Those providing avoidance of disagreements and disagreement resolution must hold an externally audited quality assurance mark and be working towards WG's information and advice quality framework for Wales (IAQF).

These are the reasons why (the rationale):

The avoidance of disagreements and disagreement resolution is so much more than the activities described in Chapter 25: advice on the rights of a child, child's parent or young person needing support; support to unpick difficulties and plan a way forward with all other people involved; face to face meetings to work out what to do next; support to attend and contribute to meetings; ongoing support if problems are difficult to solve.

Parent Partnership Services have evolved over the last 30 years. In Wales, most local authorities hold Service Level Agreements (SLA's) and or contracts with independent organisations. Currently SNAP Cymru and CAB. SNAP delivers quality assured services to families. Last year, SNAP alone worked with over 4,600 families working on over 10,000 matters (problems). Many more thousands accessed quality assured information from their nationally recognised website. They don't just provide help with educational issues. SNAP provides an important service to families offering advice and support on a range of issues families are facing. By working holistically, SNAP staff are able to offer a listening ear, gaining trust from families which helps them to open up, sharing their issues and problems.

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Once understood and agreed, a plan of action is developed. It is fair to say that not all of the issues are educational. Often they are about the additional problems and obstacles that comes with having children with ALN and disabilities: exclusion, discrimination, health, housing, benefits, and poverty. Working with their third sector partners, understanding and helping to deal with these additional matters is a vital element of avoidance work – helping families with the ‘other stuff which is in the way’ helps them to become receptive to resolving the educational issues their children are having. Some of the best work SNAP does is empowering families, professionals and others by helping them to communicate, and understand systems. An example of this is giving time to help families prepare for a meeting. By working with them to plan and prepare, writing down, challenging issues, and developing questions. SNAP helps families to consider acceptable outcomes and rehearse the meeting. This helps to increase confidence enabling them to attend the meeting alone, more than often with positive outcomes and improved communication. This is true avoidance work. It takes skills, patience and time.

Quality Assured Services

Independent organisations currently providing bilingual information, advice, avoidance and disagreement resolution work in education in Wales have invested heavily in staff training, building excellent infrastructures and IT resources in order to achieve the highest industry standards. Externally audited, SNAP holds the Legal Aid Agency Specialist Quality Mark for Educational Advice. Being quality assured not only gives credibility and assurance, it helps to ensure staff are well trained and qualified in order to provide excellent advice and support services, and that the organisation has robust policies and procedures in place. Both SNAP and CAB also have high-quality, secure, Content Management Systems in place. Staff are able to access databases from anywhere (with a Wi-Fi or 4g) on secure devices. Achieving these high standards has not been easy, but as per Welsh Governments own policies will be essential going forwards.

Impact of services delivered by SNAP Cymru (2018)

- 88% of children and young people actively supported to participate in decision-making about their future and where possible, choices.
- 89% of families report an increased knowledge in educational procedures
- 86% of families told us that they felt an increased confidence to advocate effectively on behalf of their child
- 84% of families reported an improvement to their health and wellbeing after support
- 82% said their relationships with professionals had improved.

The above shows the impact quality advice providers bring to children, young people and families in Wales.

Access to quality assured advice services are seen as central by Welsh Government in giving everyone a fair and equal chance in life.

With reference to the above, Welsh Government (WG) in 2015, after the advice services review, set out options for developing quality standards for Information and Advice Providers in Wales. At this time WG said ‘The provision of information,

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advice and guidance services in Wales is a key component of both the Welsh Government's Tackling Poverty Action Plan 2012- 2016, and the Strategic Equality Plan 2012-2016. Access to these services is seen as central in giving everyone a fair and equal chance in life. As such, the Welsh Government is committed to strengthening information, advice and guidance services, with the aim of helping people to understand and exercise their rights and make informed decisions about their lives.

As a funder of organisations providing free and independent information and advice services, the Welsh Government has a particular interest in ensuring that the organisations it funds are effectively managed; that the information and advice provided by them is up to date and that staff providing front-line advice services have the necessary skills and competencies to provide the best advice possible to clients'.

The Welsh Government's Advice Services Review Report confirmed both the importance of advice and a growing need for services. This review found a rich range of services across Wales delivered by both statutory bodies and third sector organisations providing vital services within their communities. However, the review found there was a lack of consistency and understanding of what constitutes quality advice and information, within and between agencies that could facilitate better referral and clearer pathways for services users. To this end it recommended the development of "a Framework of Standards for Advice and Information"

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

Advocacy supports and enables people who have difficulty representing their interests, to exercise their rights, express their views, explore and make informed choices. Independent Advocacy supports the person regardless of the demands and concerns of others. It challenges the causes and effects of injustice, oppression and abuse and upholds human rights. This is one definition. There are others. The type of advocacy described in the code is issue based advocacy. I.e. advocacy provided by an expert in a particular field. In this case quality assured specialist education advice. The Code: 25.57 states that independent advocacy services provide expert advice. 25.58 says that advocates will provide information, advice and support; understand relevant processes; give information to the child or young person. 27.22 states advocacy services will be available to a child's case friend and that local authorities must refer a case friend to an independent advocacy service provider if the case friend has requested this service. Case friends acting on behalf of children may need support from someone with a detailed understanding of the ALN system. 27.33 says there may be circumstances

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

when a child requires a case friend but not have someone they know to ask to act as their case friend. In this situation, independent advocates provided by the local authority can apply to be a child's case friend. This will allow case friends to be assigned to a child who does not have someone to act as their case friend. If independent advocates are to provide expert advice, information, advice and support, provide support to a case friend, or indeed act as a case friend, these advocates will need to have more than understanding the ALN system including the arrangements for avoiding and resolving disputes and Tribunal procedures (25.63). They will need to have expert knowledge of the ALN system and be suitably qualified to give this level of expert advice and support. Independent advocacy services working with eligible children and young people do not currently have the capacity to support them prepare a case for disagreement resolution or tribunal. They do not unpick and explain reports. They do not write detailed case statements. Most advocates currently working with children and young people in Wales rely heavily on advice and professional support about ALN issues from Parent Partnership Services – SNAP Cymru and CAB. If independent advocacy services are to fulfil this role they must hold an externally audited quality assurance mark and be working towards WG's information and advice quality framework for Wales (IAQF).

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

No

Supporting comments:

'As part of our delivery support arrangements we will seek to improve the confidence of LA staff in taking an appeal to the First-tier Tribunal SEND without legal representation. As part of our consideration of family support services, as set out in Chapter 3, we will support services to signpost families to information on SEND law, to ensure they feel confident and able to represent themselves at the First-tier Tribunal SEND'. (P.23 Disagreement Resolution Arrangements in England Government report on the outcome of the review conducted by the Centre for Educational Development, Appraisal and Research (CEDAR), 2017) Presently in Wales more and more Local Authorities are choosing to seek legal representation when taking an appeal to SENTW. Many families cannot possibly afford legal assistance, and legal aid is hardly ever available. Many parents making appeals can feel intimidated by this and some are too frightened to continue with their appeal. Others feel outraged that their local authority is using public funds to employ legal representation against them. Q. Have WG plans to improve the confidence of LA staff in taking appeals to the Education Tribunal (ET) without legal representation? Q. Do WG have plans for free information and advice to be available on ALN and Tribunal law for families to ensure they feel confident and able to represent themselves at the ET?

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No Response

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No Response

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

No Response

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

No Response

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No Response

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

No Response

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

No Response

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

No Response

Part 3 of 5: Draft ALNCo regulations

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

No Response

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

No Response

Part 4 of 5: Looked after children

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

No Response

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No Response

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No Response

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

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

No Response

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

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

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

No Response

Respondent Details

Information	
Name	Anonymous
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

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No

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Not sure

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

No

Supporting comments:

Too wordy

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

Not sure

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

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Yes

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Not sure

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

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Yes

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

No

Supporting comments:

Too long

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

No

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Not sure

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Yes

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No

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

Yes

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes

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

Yes

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

No

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

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

No

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Yes

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

Yes

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Yes

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No

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

Yes

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

Yes

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

No

Part 3 of 5: Draft ALNCo regulations

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

No

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

No

Part 4 of 5: Looked after children

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

Yes

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Not sure

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Not sure

Part 5 of 5: Impact of proposals

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

Such a big change

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

Need for more Welsh speaking staff

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No adverse effects

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

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

Yes

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

Yes

Supporting comments:

Clarity regarding who should decide it is beyond control would be useful.

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

Yes

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

Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes

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

Not sure

Supporting comments:

Bilingual support may not be available in all areas.

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Not sure

Supporting comments:

Whilst keeping ALPs under review is very important, what if a provision has no further funding to offer the provision required and has exhausted all options?

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Not sure

Supporting comments:

The term 'reasonable steps' could lead to issues. Who will determine what 'reasonable steps' are?

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

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

Not sure

Supporting comments:

How will 'significantly greater difficulty' be determined, by whom and will this be transparent across schools? Will one school identify a child as having 'significantly greater difficulty', whilst another may not - who is right?

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

No

Supporting comments:

7.34, 7.35 and 7.37 would benefit from a more quantitative approach.

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Yes

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

Yes

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Not sure

Supporting comments:

This would depend on how many pupils schools are dealing with. Meeting the timescales when you may have 1 teaching ALNCo and a high number of pupils may not be possible.

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Yes

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

Yes

Supporting comments:

Whilst appropriate, there are concerns over the time it will take to complete and keep an IDP up to date. This is likely to put huge strain on educational providers.

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

Not sure

Supporting comments:

Whilst appropriate, there are concerns over the time it will take to complete and keep an IDP up to date. This is likely to put huge strain on educational providers.

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

Yes

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

Yes

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Yes

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Yes

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Yes

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

Not sure

Supporting comments:

Further clarity needed in relation to a parent or pupil requesting a IDP to be reviewed and the school not agreeing. Greater clarity on the grounds for refusing are needed.

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Not sure

Supporting comments:

Does the 35 days period start from the day the parent/pupil requests the review? What if there is disagreement in terms of whether the review is needed?

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

Not sure

Supporting comments:

Clarity on criteria for needing an IDP in the first place would negate the need to have the LA step in to look at the decision.

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Yes

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Not sure

Supporting comments:

18.12 - If the professional who has provided information is not the school (e.g.

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

health), how can the school respond?

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

Yes

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

Not sure

Supporting comments:

What if the new school receiving the pupil, doesn't agree there is a need for the IDP for the pupil?

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Yes

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Yes

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

Yes

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

Yes

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

Yes

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Not sure

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes

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

Yes

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

No

Supporting comments:

24.15 ALNCoS must secure relevant services that will support the learner’s ALP as required. This is likely to cause huge difficulties for an ALNO

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

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

Yes

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Not sure

Supporting comments:

Who decides whether a case friend is appropriate (e.g. impartial)? Who is responsible for working with the case friend to ensure they have sufficient knowledge of ALN to be able to work on the child's behalf?

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Not sure

Supporting comments:

Not all clear - some areas open to interpretation.

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Not sure

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

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

Not sure

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Yes

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Not sure

Supporting comments:

Quite a long period to put in provision for a child.

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

Yes

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

Not sure

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

Not sure

Part 3 of 5: Draft ALNCo regulations

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

Yes

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

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

No

Supporting comments:

For ALNCOs to have full responsibility of securing relevant services for a child is not appropriate.

Part 4 of 5: Looked after children

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

Yes

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Not sure

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Not sure

Part 5 of 5: Impact of proposals

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

Increased demand on school and external agencies.
Too much room for interpretation that could lead to conflict.
Inconsistencies between schools.

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

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

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

No Response

Respondent Details

Information	
Name	Anonymous
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?
Yes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?
Yes

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

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

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?
Not sure

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

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

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCPRD)?

Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Not sure

Supporting comments:

Agree that targets need to be reviewed. There are queries about frequency of target reviews, is annual enough? How should we record interim targets?

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Not sure

Supporting comments:

Ch 6, 6 point 7 "language that children...can easily understand." Surely this should be a MUST?-

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

Yes

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

Yes

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Yes

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

Yes

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Yes

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Yes

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

Yes

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

No

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

Supporting comments:

Because it is a document for professionals, rather than the child/parent in terms of its appearance, font size, amount of sections, layout, language use. Not in line with PCP principles.

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

Yes

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

Yes

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Not sure

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Not sure

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Not sure

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

Yes

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

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Yes

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

Yes

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Yes

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Yes

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

Yes

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

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No Response

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No Response

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

Yes

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

Yes

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

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No Response

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No Response

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No Response

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

No Response

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Yes

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

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

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Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No Response

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No Response

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

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No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No Response

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

No Response

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

No Response

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

No Response

Part 3 of 5: Draft ALNCo regulations

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

No Response

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

No Response

Part 4 of 5: Looked after children

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

No Response

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No Response

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No Response

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

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Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

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

No Response

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

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

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

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

No Response

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No Response

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

No Response

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

No Response

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

No Response

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

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

No Response

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

No Response

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No Response

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

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

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

No Response

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

No Response

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

No Response

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

No Response

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

No Response

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

No Response

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

No Response

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

No Response

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

No Response

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

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Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

No Response

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

No Response

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

No Response

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

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

No Response

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No Response

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No Response

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

No Response

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

No Response

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No Response

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No Response

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

No Response

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

No Response

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

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No Response

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No Response

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No Response

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

No Response

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

No Response

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

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

No Response

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No Response

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

Paragraphs 7.24-7.27 clearly indicate the specialist nature of identifying ALN for pupils with EAL/WAL.

Ensuring effective communication with EAL/WAL pupils and parents also requires specialist knowledge and expertise. In particular paragraph 7.27 states: "An assessment should be made of the exposure the child or young person has had in the past to each of the languages they speak, the use they make of the languages currently and their proficiency in them. Information about language skills obtained in this way will form the basis of all further work with them, both in assisting to understand their needs and in planning any additional language support required."

I am concerned however that the Draft Code and the ALNCo's Regulations as they currently stand have

- no guidance for ALNCo's or other professionals which would support practitioners in such identification and/or ALP required for this group of vulnerable learners
- no clear guidance regarding the use of translation or interpretation services for pupils and parents whose first language is neither English nor Welsh
- no indication of where this specialist knowledge and expertise will be found nor an expectation that the ALNCo will be this specialist

I have considerable concerns that this group of learners has been omitted from all of the relevant guidance and legislative documents.

My personal experience in schools in North Wales is that the number of EAL children who also have ALN is rising. In many schools the ALNCo has responsibility for overseeing EAL provision and ensuring that any ALN is identified

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

and ALP is effectively put into place. If this duty is omitted from all documentation, the specific needs of this vulnerable group of learners may no longer be seen as part of the ALNCo role. This is particularly concerning in light of the current political climate, the reduction in LA specialist services and the intention by WG to reduce/ cut the MEAG.

Equality Impact Assessment – Has consideration been given as to how the implementation of this code will impact on pupils with protected characteristics such as ethnicity and race? For the reasons stated above, the omission of this group from either policy, legislation or guidance mean that the code and the guidance for ALNCoS is likely to lead to indirect discrimination against our EAL/WAL learners.

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No Response

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

No Response

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

No Response

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No Response

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

No Response

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

No Response

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

No Response

Part 3 of 5: Draft ALNCo regulations

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

No Response

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

No Response

Part 4 of 5: Looked after children

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

No Response

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No Response

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No Response

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

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

No Response

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

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

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

Paragraphs 7.24-7.27 clearly indicate the specialist nature of identifying ALN for pupils with EAL/WAL.

Ensuring effective communication with EAL/WAL pupils and parents also requires specialist knowledge and expertise. In particular paragraph 7.27 states: "An assessment should be made of the exposure the child or young person has had in the past to each of the languages they speak, the use they make of the languages currently and their proficiency in them. Information about language skills obtained in this way will form the basis of all further work with them, both in assisting to understand their needs and in planning any additional language support required."

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My personal experience in schools in North Wales is that the number of EAL children who also have ALN is rising. In many schools the ALNCo has responsibility for overseeing EAL provision and ensuring that any ALN is identified and ALP is effectively put into place. If this duty is omitted from all documentation, the specific needs of this vulnerable group of learners may no longer be seen as part of the ALNCo role. This is particularly concerning in light of the current political climate, the reduction in LA specialist services and the intention by WG to reduce/ cut the MEAG.

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group from either policy, legislation or guidance mean that the code and the guidance for ALNCos is likely to lead to indirect discrimination against our EAL/WAL learners.

Respondent Details

Information	
Name	Anonymous
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

No Response

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

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Part 2 of 5: Draft Education Tribunal for Wales regulations

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No Response

Part 4 of 5: Looked after children

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

No Response

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No Response

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No Response

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

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

No Response

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

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

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No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No

Supporting comments:

Promptly yes but the specified time scales, 7 weeks, 35 school days for Schools writing and IDP and reviewing is far too long , as with LA's 12 wks for writing and 7 weeks for reviewing IDP .is way too long. Also 6 wks for other agencies to answer far too long, Children and young people with ALN left without support for just a couple of weeks without the right support is detrimental to everyone and can multiply the need effect mental health and their whole well-being and perception of the school/educational environment.

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

Yes

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

No

Supporting comments:

The contents page in the current SEND code of practice is much easier to look at and find what your looking for without getting muddled. This Draft could and should be a lot Clearer and easy to follow.

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

No

Supporting comments:

Explaining the functions and processes although very important, this is long winded and hard to follow.

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Not sure

Supporting comments:

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

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

No

Supporting comments:

This needs a complete rethink, there is no partnership with parents, very important to involve child/YP and their views and wishes, but Very important to have Parents and carers involved and have information on this process too and have as much Statutory rights on these 3.14, 3.18. And 3.26 reads as though there will be no working together they will be explained too why a decision has been made. 3,28, 3,29 and 3.30 is very patronizing and overlooks the fact that most parents and carers have had to research, insist on being listened to , and keep on fighting with schools , local authorities, takeing flipently made decisions to tribunal before their childs/ YP ALN were considered, assessed and provided for. Parent/ Carers defiantly need to be fully involved. 3.31 and 3,32 I understand its point . but relates

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

to older child/YP and when they are transitioning toward independence and parent/ carer should still be involved to some extent to protect young person from agencies that may not have their best interests at heart.

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

No

Supporting comments:

It would be more appropriate if 5.6 was must instead of should.

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

No

Supporting comments:

This needs to be completely impartial, not from anyone who works for the LA or other LA. It has to be external impartial advice. 6.7 is too subjective, it should be stated and statutory how advice is provided so there is not a postcode lottery when it comes to how LAs provide information and advice about ALN services.

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

Yes

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

Yes

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Not sure

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

No

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

No

Supporting comments:
12 weeks is far too long.

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

No

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

Yes

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

Yes

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

Yes

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

No

Supporting comments:

must instead of should in 13,76

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Not sure

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Not sure

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Not sure

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

No

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Not sure

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

Yes

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No

Supporting comments:

7 weeks is far too long, especially if there has been issues with IDP support.

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Yes

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

No

Supporting comments:

19.48-19.51 have a lot of reservations about telling young person they don't have to consent to keeping IDP , worry this could set some up to fail, and rather better information given to young person on both sides of this decision e.g if consent to maintaining IDP , explaining this would ensure support continues to ensure they minimize barriers in the way of them achieving their full potential,

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

Not sure

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Not sure

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Not sure

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

No

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

Not sure

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

Not sure

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Not sure

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Not sure

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Not sure

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

Not sure

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

Not sure

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

25.57 -No Rights for the parents for support. this would be a difficult position for the child. would be better to include parents in the right to access independent advocacy too. 25.11-25.12 would not be truly impartial and independent as another LA staff member would not be able to be.

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

Not sure

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Not sure

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

There seems to be a lot of room for improvement. The use throughout of should and may concerns me they are too subjective and nothing "statutory" about their

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

use. This Draft is not very clear in some areas and very hard to follow, with the extra work load of all the professionals involved i think it should be more concise and clearer, and not so subjective. This new code was supposed to be a better way , multi agency approach, early intervention/detection, including partnership with parents. There is a lot in this draft that points to parents and carers not being viewed as partners in supporting their child's ALN any more. And its still going to be pot luck depending on staff and area whether schools acknowledge ALN quickly enough and support appropriately.

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Not sure

Supporting comments:

It seems the same as the current SENDTW regulations, if there are changes it should be made alot clearer, if its just changes to what things are called it should be made clear

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Not sure

Supporting comments:

If its the same as current regulations for the tribunal then yes.

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

Not sure

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Not sure

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Not sure

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

Not sure

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

Not sure

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

Not sure

Part 3 of 5: Draft ALNCo regulations

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

Yes

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

Not sure

Supporting comments:

The work load and responsibility is huge. They should not have to teach as well.

Part 4 of 5: Looked after children

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

Yes

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Not sure

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Not sure

Part 5 of 5: Impact of proposals

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

I fear that the changes are so vast and some of the what should be statutory musts are wishy-washy. mays and shoulds instead. Leaving a lot of room for agencies, education establishments and others involved to wriggle out of responsibility and making it harder for children and Young people to be supported effectively, and more likely to be passed from one professional to another and

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

back again with no solutions or support. The idea behind the changes is great but it does look like a very watered down, spread out thinner version of what is currently in place. The current system and regulations are difficult enough to navigate through, this looks much worse and lacks the statutory regulations that does help young people and children eventually get some effective support. Usually after a very long battle with schools and local authorities. There will be more appeals, the tribunal will be overwhelmed. it will also cause more tensions and battles between schools, local authorities, health authorities with parents, carers, children and young people, rather than promoting partnerships working together to identify and meet the additional needs.

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

Not sure

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

Not sure

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

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

Yes

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

Yes

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

Yes

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

Yes

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Not sure

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

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

No

Supporting comments:

I feel there needs to be clearer route for parents and the option of independent advice. there is not enough detail about the independent advice and support for parents.

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Not sure

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

No

Supporting comments:

I feel there needs to be clearer route for parents and the option of independent advice. there is not enough detail about the independent advice and support for parents.

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

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

Not sure

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

Not sure

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Yes

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

Yes

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Yes

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Yes

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

Not sure

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

Not sure

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

Not sure

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

No

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

No Response

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Yes

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

No

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

Yes

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Not sure

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

Yes

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Yes

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No

Supporting comments:

I feel there needs to be clearer route for parents and the option of independent advice. there is not enough detail about the independent advice and support for parents.

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

No

Supporting comments:

I feel there needs to be clearer route for parents and the option of independent advice. there is not enough detail about the independent advice and support for parents.

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

No

Supporting comments:

I feel there needs to be clearer route for parents and the option of independent advice. there is not enough detail about the independent advice and support for parents.

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

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No

Supporting comments:

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

No

Supporting comments:

I feel there needs to be clearer route for parents and the option of independent advice. there is not enough detail about the independent advice and support for parents.

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

Yes

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

Not sure

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Not sure

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

Not sure

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

Yes

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

I feel there needs to be clearer route for parents and the option of independent advice. there is not enough detail about the independent advice and support for parents.

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

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

Yes

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Yes

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

I feel there needs to be clearer route for parents and the option of independent advice. there is not enough detail about the independent advice and support for parents. in house advice from a local authority simply is not acceptable. advice needs to be independent and impartial and from a service who is independent and impartial.

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Yes

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

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Yes

Part 3 of 5: Draft ALNCo regulations

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

Yes

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Part 4 of 5: Looked after children

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

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Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

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Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Yes

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Yes

Part 5 of 5: Impact of proposals

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

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Respondent Details

Information	
Name	Anonymous
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

No Response

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No Response

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

No Response

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

No Response

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

No Response

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

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

No Response

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

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Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

No Response

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

No

Supporting comments:

We really feel that Children, Young people and their families in Wales will be at a disadvantage compared to their counterparts in other parts of the UK if this isn't amended: In the new iteration of the code (following a change in legislation), advice and disagreement resolution has been downgraded significantly. Local Authorities must still provide information and advice, but this can be in the form of leaflets, posters and directories rather than the current position. Presently, Parent Partnership Services are delivered by independent advice services in twenty local authorities, and delivered internally by only two. • Families are very concerned that if local authorities choose to deliver information and advice themselves there will be a 'postcode lottery'. Some will ensure impartiality by continuing to commission services from independent advice services. Some will provide internal resources

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

and dedicate roles, whilst others will only provide the bare minimum required by the code. This is so different to what has happened after legislative changes in England. The Government understanding that avoidance of disagreements through information and advice is key. This is evidenced by their commitment as follows: Special Educational Needs and Disability Information, advice and support service (IASS or SENDIASS) • Every LA in England must provide or commission an impartial, confidential and accessible information, advice and support service for children, young people and parents in relation to SEND. The scope of the service is set out in the SEND code of practice, it includes offering informal support to resolve disagreements and help in managing mediation, appeals to the First-tier Tribunal SEND and complaints relating to SEND. • Disagreement resolution service. In England very LA must commission an independent disagreement resolution service (DRS) available to parents and young people. It covers all children and young people with SEN (not only those being assessed for or having an EHC plan). It may be used in relation to four types of disagreements that cannot be appealed to the First-tier Tribunal SEND. In addition to the SEND code's interpretation of Information and advice both England and Scotland have helplines funded directly by their Governments but provided independently: The Enquire helpline –funded directly by the Scottish Government and Contact is funded by the DFE. The DFE also provided funding for 'Independent Supporters' for families throughout their transformation process to ensure families had sufficient access to independent support. We can only hope the Minister to reconsider adding and amending the guidance. In reality 'in house' disagreement resolution and information and advice, will ensure that those who 'decide', 'prepare', 'secure and maintain' the ALP for children and young people in Wales will be the sole providers of information and dispute resolution. Parents will not feel that this approach will fulfil the stated intentions and principles of the Act of ensuring a fair and transparent system

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

No Response

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

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No Response

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Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

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No Response

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No Response

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No Response

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No Response

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No Response

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No Response

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No Response

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

No Response

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

Can I please draw your attention to the English Code of Practice where there is a very different interpretation, which seems far fairer and less open to ‘conflict of interest’ SEND COP2015

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND Code of Practice January 2015.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)

[Disagreement resolution services 11.6](#). Local authorities must make disagreement resolution services available to parents and young people. Use of the disagreement resolution services is voluntary and has to be with the agreement of all parties. The service, while commissioned by it, must be independent of the local authority – no-one who is directly employed by a local authority can provide

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

disagreement resolution services. Parents and young people can also access informal support in resolving disagreements through the local impartial Information, Advice and Support Service and, between 2014 and 2016, with the help of independent supporters. We really feel that Children, Young people and their families in Wales will be at a disadvantage compared to their counterparts in other parts of the UK if this isn't amended: In addition to the SEND code's interpretation of Disagreement Resolution, both England and Scotland have helplines funded directly by their Governments but provided independently: The Enquire helpline – funded directly by the Scottish Government and Contact is funded by the DFE. The DFE also provided funding for 'Independent Supporters' for families throughout their transformation process to ensure families had sufficient access to independent support. We can only hope the Minister to reconsider adding and amending the guidance. In reality 'in house' disagreement resolution and information and advice, will ensure that those who 'decide', 'prepare', 'secure and maintain' the ALP for children and young people in Wales will be the sole providers of information and dispute resolution. Parents will not feel that this approach will fulfil the stated intentions and principles of the Act of ensuring a fair and transparent system

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

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

No Response

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No Response

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No Response

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

No Response

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

No Response

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No Response

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

No Response

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

No Response

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

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

No Response

Part 3 of 5: Draft ALNCo regulations

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

No Response

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

No Response

Part 4 of 5: Looked after children

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

No Response

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No Response

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No Response

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

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

No Response

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

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

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

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?
Yes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?
Yes

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

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

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

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

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

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCPRD)?

Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Supporting comments:

However - without the resources to have the ALNCO out of class this will not be possible.

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

Supporting comments:

However - without the resources to have the ALNCO out of class this will not be possible.

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

Yes

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

Yes

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Yes

Supporting comments:

However - without the resources to have the ALNLO out of class this will not be possible

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

Yes

Supporting comments:

However - without the resources to have the ALNCO out of class this will not be possible.

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Yes

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Yes

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

Yes

Supporting comments:

However - without the resources to have the ALNCO out of class to carry out the necessary information gathering and meetings with staff, child, parents and agencies this will not be possible to maintain.

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

Yes

Supporting comments:

Although the fact that the IDP is a legal document will make schools wary about detailing ALP that with budgets in the red they cannot afford - or the LA may stop funding this ALP and it becomes a legal obligation for the school?

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

Yes

Supporting comments:

However - without the resources to have the ALNCO out of class this will not be possible to maintain.

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

No Response

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

No Response

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Yes

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Yes

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

Yes

Supporting comments:

However - without the resources to have the ALNCO out of class this will not be possible to maintain.

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Yes

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

No Response

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No Response

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Yes

Supporting comments:

However - without the resources to have the ALNCO out of class this will not be possible.

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

Yes

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

Yes

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No Response

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No Response

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

Yes

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

No Response

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

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No Response

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No Response

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No Response

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

No Response

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

Yes

Supporting comments:

However - without the resources to have the ALNCO out of class this will not be possible.

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

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

No Response

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Yes

Supporting comments:

Who will they be? Is there capacity for this?

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

I am extremely concerned as a current longstanding SENCO that there will not be enough resources in schools to provide the time out of class/away from any teaching role that a ALNCO will require. I currently have 1 day per week in a large primary school to carry out my role. Is is NOT enough now and will certainly not be enough under the new Code. In [xxx] school budgets have been cut and many schools are faced with finding tens of thousands of pounds savings. Asking for ALNCOs to have non-teaching time in the face of this will be difficult.

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Yes

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Yes

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

Yes

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Yes

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Yes

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

Yes

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

No Response

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

Yes

Part 3 of 5: Draft ALNCo regulations

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

No

Supporting comments:

ALNCOs should be qualified teachers only - small schools should share expertise.
ALNCOs should have a time period to gain a qualification in ALN.

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

Yes

Supporting comments:

However - without the resources to have the ALNCO out of class this will not be possible.

Part 4 of 5: Looked after children

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

Yes

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Yes

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes

Part 5 of 5: Impact of proposals

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

That schools will struggle to implement the changes without increased funding for the ALNCO role. That ALP will be limited by the schools resources or lack of resources.

That the same problems that have arisen in England's SEND system will occur here due to lack of resources.

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

Do not see specific impact apart from Welsh Medium schools requiring more resources in Welsh medium.

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?
ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

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

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

No

Supporting comments:

What accountability measures will be in place for Local Authorities who fail to meet individuals’ additional learning needs? For example, by not having the expertise to assess them or making judgements based on cost rather than need? – If a mainstream FE College says it cannot meet the individuals’ additional learning needs, what measures are in place to prevent a cash-strapped Local Authority ending an individual’s Individual Development Plan instead of seeking a placement at a Specialist Further Education College? – The repeated use of the phrase ‘reasonable’ to guide the decision-making of Local Authorities opens the doors to cost-led rather than needs-led commissioning or lack of commissioning. This is unacceptable and discriminatory. – Young people with learning difficulties and disabilities unable to attend mainstream FE colleges end up not in education and training rather than needs being met by the Specialist Further Education sector – Cohorts of learners at specialist colleges will be determined by the ability of parents/carers to ‘fight’ the system rather than based on the education and training need of young people with learning difficulties and disabilities.

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

No Response

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

No Response

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

No

Supporting comments:

The Code fails to recognise the important differences in education and training needs as young people mature. We believe it should have a section for young people, that shows the duties on various bodies, wherever they are educated. As the code currently stands mixing young people into the schools section runs the risk of treating young people inequitably depending on whether they are at a school, a mainstream College or educated elsewhere (e.g. Specialist Further Education College or home) or Not in Education or Training (NEET). It is important that young people are given every opportunity to progress to Post-16 provision and are not 'held' in special schools until they are 19 when their education and training needs have exceeded a school environment. This is discriminatory as non-disabled young people are able to make choices on their post-compulsory education and training options.

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

No

Supporting comments:

A priority should be given to making sure any system can be readily understood by young people and their families. Parents/Carers and other stakeholders are likely to be confused in an already overly complicated system by the use of term 'Independent Specialist Post-16 Education Institutions (ISPIs)' to describe Specialist Further Education Colleges. Arguments against the use of this term include: 'Independent' Many Specialist Colleges are charities. The word independent implies that the organisation is privately-owned and profit-driven. It also implies that placements are privately funded. Placements at Welsh Specialist Colleges, like those at mainstream Further Education Colleges are funded with public money. The use of the word independent infers the same category as Public Schools. This is very misleading. 'Special' The word 'Specialist' is more descriptive of the education and training on offer. 'Post-16' This term is concurrently used to describe school 6th form provision. Specialist Colleges are post-school environments of Further Education 'Institution' We believe that this is an outdated term that has negative connotations unhelpful and necessary for parents and carers.

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

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

No Response

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

No

Supporting comments:

The code must be stronger on ensuring young people and parents have access to impartial advice and guidance. It is vital that parents of young people with low incidence high needs are supported to understand Post-16 education and training options across Wales and the UK as appropriate. Some young people may be ready to move on to Further Education before the age of 19. It may be limiting to individuals growth and maturity to keep them in Special Schools when they are ready to move on. Parents need to know this. They should not be presented with limited and biased information. What expertise will LA professionals have in understanding all Post-16 education and training options? What expertise will relevant LA professionals have in understanding and supporting young people's communication needs? Without any clear guidance on what does and does not constitute education and training for young people with learning difficulties and disabilities, LA professionals may make mis-guided assumptions that a young person's IDP should be closed so denying them the education and training they need. What reassurance can be given that Local Authority professionals who are unlikely to personally know the young people for whom they may be responsible for their IDP will have the expertise to implement their duties in relation to supporting young peoples' communication needs?

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

No

Supporting comments:

In particular Articles 5, 8, 9, 12, 17,19,21 & 24 are problematised by Local Authorities being placed in the compromised position of being assessors, commissioners and funders of specialist provision placements. Articles 5 & 9: Young people with learning difficulties and disabilities will be discriminated against

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

in relation to the Post-16 education and training offers available to no-disabled peers. Article 8 & 21: Without access to independent advice and guidance young people and parents will not be aware of the Post -16 options available to them. Article 12: There are no funding restrictions on the tenure of placements at general FE colleges. However, the code advises a two-year limit to the funding of specialist provision. Articles 17 & 24: The code offers no reassurance that the decisions to end IDPs by Local Authorities will be made by professionals with the skillsets to decide when a placement at a specialist college (ISPI) should not be considered for a young person with complex additional learning needs. Article 19: There is danger of the code resulting in LAs placing undue pressure on parents to keep young people at home and limiting individuals' opportunities to live independent lives away from parents.

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

No Response

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

No Response

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

No Response

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

No Response

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

No Response

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

No Response

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

No Response

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

No

Supporting comments:

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

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

No Response

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

No Response

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

No Response

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

No Response

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

No Response

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

No Response

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

No Response

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

No Response

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

No Response

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

No Response

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No Response

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No Response

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

No

Supporting comments:

This chapter fails to recognise the needs of young people with multiple and complex learning difficulties and disabilities. It also fails to recognise the differences inherent to Post-16 provision and preparation for adulthood. What expertise will schools-based ALNCo's have on Post – 16 education and training? What independent advice and guidance will be given to young people and their parents/carers. How will the quality of arrangements be measured and monitored?

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

No Response

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No Response

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No Response

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

No Response

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

No Response

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

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No Response

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No Response

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No Response

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

No Response

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

No Response

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

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

No Response

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No Response

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

The devolution of funding for Specialist Placements to Local Authorities is in danger of creating an adversarial funding system resulting in an unequal and postcode lottery-based system.

Clarity is required on the parameters of what constitutes education and training, particularly in relation to young people with complex learning difficulties and disabilities.

The structure of the code as it stands exemplifies an inherent lack of ambition for young people with learning difficulties and disabilities, particularly those with multiple and complex needs. It consistently emphasises financial efficiencies over quality of provision and fails to recognise the education and training of this group of Post-16 learners.

In direct contradiction to the rights-based principles of the code, its stipulations are overly focused on accredited learning and employability outcomes as a measure of success of education and training. This is likely to be of significant detriment to the life chances of young people with complex needs whose education and training outcomes should focus on the development of independence, self-

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

reliance and self-advocacy skills

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Not sure

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

No Response

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

No Response

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No Response

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

No Response

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

No Response

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

No Response

Part 3 of 5: Draft ALNCo regulations

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

No Response

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

No Response

Part 4 of 5: Looked after children

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

No Response

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No Response

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No Response

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

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

No Response

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

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

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

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

Supporting comments:

Meanings clear but concern how adherence to these will be monitored. Concerned of the massive financial constraints that Local Authorities (LAs) are under, which could lead to LAs being forced into making decisions that could limit the life chances of young people with learning difficulties and disabilities. This cost-led as opposed to person-centred commissioning could create massive inequalities across Wales where potentially only the most articulate, strong and resilient parents will challenge the decisions made by LAs. Related issues of access to independent advice and guidance and parents and young people’s understanding of the options that should be available to them are of great importance here.

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?

Not sure

Supporting comments:

The general approach makes sense but can this be enforced? Concern again here is the potential lack of robust accountability mechanisms relating to both when there are delays in individuals’ ALN needs being met and how those causing delays are held accountable. Again, there is a danger that only the most informed parents and carers are likely to challenge such delays that result in children and young peoples’ education and training needs being unmet.

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

Yes

Supporting comments:

Reinforcement of the word ‘promptly’ required here (1.32) to ensure that everyone

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

gets information as soon as possible and to reduce unnecessary stress and anxiety. Also, most importantly that in order for these stipulations to have any bearing, they must be backed up by clear expectations and accountability mechanisms for such times when timescales are unmet.

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

No

Supporting comments:

We suggest that the code incorporates too much repetition which is unhelpful and confusing..

Chapters 1 to 4 are clear and logical. Other chapters contain important information on which the Code is based and this needs to be included earlier in the structure. For example, it would make more sense to place the definitions of ALN and ALP (currently chapter 7) earlier. Similarly, the content of an IDP, currently Chapter 13, is of great interest to parents, young people and families – as well as all professional stakeholders – so should be much earlier in the Code.

More significantly, there is a lack of logic and flow relating to the age and stage of children and young people.

Chapters 8 to 12 relating to the duties of LAs, schools and FEIs in different circumstances are not in a logical order.

In our opinion it would provide far more clarity to families and all organisations concerned, and be much easier to follow if the Code was structured more clearly according to age of the children and young people concerned:

- 1) Children under compulsory school age
- 2) Children of school age
- 3) Young people over compulsory school age in schools, FEIs and other post-16 provision such as ISPIs.

Each of these three sections could then be subsequently split depending on whether the IDP is being maintained by the LA or the school or the FEI.

The current structure fails to recognise the important differences in education and training needs between “children” “young people” and “pupils” as per the legal definition in paragraph 1.17. We believe the code should have a section for young people, that shows the duties on various bodies, wherever they are educated. As the code currently stands mixing young people into the schools section runs the risk of treating young people inequitably depending on whether they are at a school, FEI, educated elsewhere (e.g. ISPI or home) or NEET. For example, Chapter 11 is intended to cover children of compulsory school age, but includes young people on pages 138, 139 and 140. This means that the Code is

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

inequitable, dealing with young people at schools in a different way from young people at a FEI or in an ISPI.

At present, Chapter 9 and other sections of the Code mix in the term “young people” as though they are under the same legal and regulatory framework as children. Within Chapter 9 the word “pupil” is used throughout. It is unclear as to whether this is about a child, young person, or both. Moreover, paragraphs 11.55 to 11.60 include young people, even though Chapter 11 concerns only children. Also paragraphs 2.20 to 2.23 regarding inclusive education refer to the Act, which concerns children not young people, but then brings in young people and FEIs.

Structuring the Code more clearly according to age and stage would also emphasise to schools that their sixth forms ought to have a distinctly different, post-school ethos and culture, and that children should be offered a wide choice at Year 11 transition, rather than automatically remaining at school. The risk with the current structure, which splits the Chapters by institution and mixes young people / post-16 education into the schools section, is that there will be a growth in provision of school sixth forms and school-based post-19 centres. This has been one of the biggest unintended consequences of the Children and Families Act in England and has meant that cash-strapped LAs have extended their provision and ‘kept’ young adults in school environments within schools-based paradigms of education. This fails to recognise the particular needs of young people as opposed to children, and that the characteristics of Further Education should be different from schools. i.e. adult and outcome focused. This is a crucial matter of equality for young people with learning difficulties and disabilities when comparisons are made with the opportunities available for non-disabled peers.

The current draft code does take this structure with Chapters 11 and 12 (Ch 11 relating to children and Ch 12 relating to young people), but Chapters 9 and 10 are split by institution type (schools and FEIs) rather than by age. Our proposal would mean that schools and FEIs are in the same chapter for post-compulsory school age education, but the chapter would remain primarily about FEIs and would provide the added benefit of making it clear to schools that young people are different from children. It would also ensure that FEIs are not subject to different duties from schools when it comes to this age group.

Schools already need to refer to Chapters 7, 9, 13, 16, 18, 19, 21 and 24 throughout the code, and FEIs already need to refer to Chapters 7, 10, 16, 18, 19, 20, 21 and 24 so creating a “young people in schools and FEIs” chapter would fit with the principle of ensuring different institutions were referred to throughout the Code.

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

Yes

Supporting comments:

Yes, it is appropriate to focus on functions and processes rather than detailed guidance – however, in our opinion there should be more guidance included in Chapters 1 and 2 about the importance of working in partnership across all bodies and organisations, not just those with statutory duties. In relation to post-16, we are particularly disappointed that Specialist Colleges (ISPIs) are not required to have regard to the Code, even when they are on the approved list under Section 56. Specialist Colleges should be included within the system as an alternative to mainstream FEIs, just as special schools are an alternative to mainstream schools. Excluding specialist providers from the post-16 ALN system is extremely unhelpful for all stakeholders, and it would be more helpful if detailed guidance was included in the Code requiring LAs, FEIs and others to include ISPIs within partnership arrangements and within information, advice and guidance on the ALN system. Specialist Colleges are not schools, and it is misleading to group ISPIs together with independent schools in paragraph 1.72: they should be presented within the Code as part of the further education system for young people over compulsory school age. In addition, Natspec continues to oppose the term used in the Act ‘Independent Special Post-16 education institutions’ (ISPIs), on the basis that it is wholly inaccessible to the young people and parents/carers who may need to understand such organisations. The term is also open to misinterpretation. To contextualise: ‘Independent’ Specialist Colleges comprise a range of legal forms. Many of them are charities. The use of the word independent gives an implication that the organisation is privately-owned and profit-driven. It also implies that placements are privately funded. Placements at Welsh Specialist Colleges, like those at mainstream Further Education Colleges are funded with public money, demonstrated in the English system where learners placed within ISPI's attracted Education, Skills Funding Agency funding - Elements 1 and 2, with the Element 3 top up being covered by the local authorities education department. ‘Special’ The word ‘Specialist’ is more descriptive of the education and training offers both in terms of the curriculum and pedagogic approaches employed. ‘Post-16’ This term is concurrently used to describe school 6th form provision. Specialist Colleges are post-school environments of Further Education ‘Institution’ We believe that this is an outdated term that has negative connotations unhelpful and necessary for parents and carers. In previous consideration of this nomenclature, Natspec has agreed with Estyn that the term ‘Specialist Further Education College’ be adopted to describe such organisations currently named Independent Specialist Colleges. In agreeing this however, Estyn were clear that the adoption of this term would require Welsh Government agreement. In the spirit of avoiding unnecessary bureaucracy and confusion for such vulnerable young people and their parents we urge Welsh Government to re-consider the use of the term Independent Special Post-16 institutions and to adopt the term ‘Specialist Further Education Colleges’. Whilst we recognise that the term cannot be changed legally without amendments to the Act itself, it should still be possible for Welsh Government to use the term “Specialist Further Education College” instead of ISPI in policy papers and guidance.

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Not sure

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

Yes

Supporting comments:

We agree that the principles are sound. Whether they are 'right' or not is wrapped up in LAs having the resources to uphold them. [xxxx] is wholly supportive of the principle of inclusive education and quality improvement across general and specialist Further Education environments. Our concerns lie within how the principles can realistically be put into practice.. As it currently stands the code itself is in danger of perpetuating a system where young people with learning difficulties and disabilities live excluded and isolated lives. For example, by inappropriate placements at general FE colleges within ILS departments that are pressured to accept learners with high needs that they have little or no prior experience of working with, resulting in placement breakdowns or education and training needs not being adequately met. Or, placements being made at FEIs for 16 hours per week and this is the only time a young person is able to leave a family home and s/he has no opportunity to become independent of parental support and develop adult social relationships. Fundamentally, the code delivers mixed messages for young people with high needs and their parents/carers on what Post 16 options will be available to them. For the principles to have any bearing in practice clear stipulations must be made that the assessment of individuals education and training needs are made by those with the expertise to do so, and not by LA professionals with little or no experience of Post-16 education and training, and who are under financial pressure not to identify specialist provision as an option. A rights-based approach must ensure: - access to relevant assessments and therapeutic support; - needs-led Post-16 (and post-school) education and training opportunities for young people with learning difficulties and disabilities; - transparent quality assurance mechanisms for young people and parents/carers to be able to judge the quality of Further Education offered to them. - parity of opportunity for all young people, and parity of placement tenure between young people with ALN attending FEIs and for those who attend specialist provision (ISPIs), - that IDPs are not ceased by LAs because of funding limitations, and LAs consider the same factors as FEIs in relation to maintaining plans for young people. - access to impartial advice and guidance on Post-16 options for young people and their families/carers

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

No

Supporting comments:

Involving and supporting children, their parents and young people must include a duty on professionals to ensure children, young people and their families have access to fully impartial advice and guidance. The code is very weak here: paragraph 3.4 and subsequent references to involving children and young people needs to be changed from “should” to “must”. If this section is not strengthened, it opens the doors to LAs signposting young people and parents to limited and LA-based potentially incomplete information. The implementation and maintenance of a rights-based and person-centred system is unachievable when an inevitable bias towards ‘local’, low cost provision likely to be manifested in the withholding of information on all Post-16 options that are legally available to young people and their families. Also in relation to consulting young people, paragraph 3.12 contains conflicting and unclear statements. The statement “views and wishes should be ascertained” and the statement “{views and wishes} must be taken into account” are incompatible and the first “should” needs to change to “Must”. This is of critical concern in relation to the danger of LAs ceasing IDPs if FEIs state they are unable to meet a young person’s needs. In relation to this there is a need for guidance on the parameters of education and training for young people, particularly those with high needs. It is imperative that LA officials understand the education and training offers provided by the specialist sector, how they impact on the individuals’ life chances, reduce pressure on families and ultimately reduce costs to the public purse. Without clarity for LAs there is a danger of assumptions that further education necessitates the achievement of accredited learning and/or employment outcomes which are unobtainable for people with complex ALN. For this group further education programmes are based on holistic personal development and life skills.

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Not sure

Supporting comments:

The code places Local Authorities in what will arguably be impossible positions particularly in relation to ALPs for young people with high level ALN. Such people who, arguably in regard to the principles of the code and its call for LAs to have due regard to the UNCRC and UNCRPD will require their ALN to be met by a Specialist Further Education College (ISPI). Without the maintenance of ring-fenced funding for this small but vulnerable group and clear guidance on what education and training for this group constitutes then funding-restricted Local Authorities will inevitably feel pressured into ending an IDP, resulting in opportunities for this group of young people being missed, There is a very real

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

danger of assumptions being made that an IDP should end because LA representatives have limited or no expertise in this area. In direct contradiction to the principles of the code, UNCRC and the UNCRPD this will not be because this young person's education and training needs cannot be met by the Local Authority securing a placement at a Specialist Further Education College (ISPI), but as a result of the inescapable financial pressures they face. In consideration of 'discharging the duties in practice' (4.16), the code includes the caveat that Local Authorities or NHS bodies should use the 'context' when deciding how to exercise its functions. We believe that given the structural barriers outlined above whereby LAs are assessors, commissioners and funders of education and training for young people with learning difficulties and disabilities who would benefit from a placement at Specialist Provider that the word 'context' is too weak and that the code requires further guidance from Welsh Government on what aspects of the UNCRC and UNCRPD, Welsh Government believes that it will be acceptable for LAs to not have due regard for. To not do so simply opens the doors for legal challenge and Welsh money that could be used for ensuring the ALN of young people are met instead is spent instead on paying legal fees associated with Tribunals. We believe that a priority for Welsh Government should be on ensuring LAs' ability to adhere to the principles laid out in the code particularly in relation to them having due regard to the UNCRC and UNCRPD. In relation to the UNCRPD, articles 5, 8, 9, 12, 17, 19, 21 & 24 are problematised by LAs being placed in the compromised position of being assessors, commissioners and funders of specialist provision placements. Articles 5 & 9: Young people with learning difficulties and disabilities will be discriminated against in relation to the Post-16 education and training offers available to non-disabled peers. Article 8 & 21: Without access to independent advice and guidance young people and parents will not be aware of all of the Post - 16 options available to them. Article 12: There are no funding restrictions on the tenure of placements when FEIs are maintaining the IDP. However, the code advises that LAs maintaining plans for specialist provision have regard to a totally different set of regulations, including taking into account the length of course, leading to limited time for young people in specialist provision. Articles 17 & 24: The code offers no reassurance that the decisions to cease IDPs by Local Authorities will be made by professionals with the skillsets to decide when a placement at a specialist college (ISPI) should not be considered for a young person with complex ALN. Article 19: There is danger of the code resulting in LAs placing undue pressure on parents to maintain the care of young adults with learning difficulties and disabilities at home. This will inevitably put continued stress on families and limit individuals' opportunities to learn to live independent lives and reduce their dependency on parents.

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

No

Supporting comments:

We agree with the principle of Review however are concerned with the general stance of the code in relation to the Specialist Further Education sector (ISPIs) and believe the review stipulations are weak and cost rather than quality-driven.

In relation to 5.11 for example, the emphasis here is clearly on economic rather than quality considerations. It also restricts LAs to thinking internally, rather than working in partnership across a number of areas to deliver more highly specialist provision more effectively and efficiently. The quality of education at specialist colleges in Wales is consistently of good or excellent quality as judged by Estyn. Moreover, access to Estyn full inspection reports and Annual Monitoring Visits reports are fully transparent and accessible on the Estyn website. Conversely, the quality of what is termed 'ILS' provision in FEIs is far more inconsistent and circumspect. As general FE colleges are only inspected every seven years, and until comparatively recently ILS provision may not even have been inspected, then there it is far more difficult for parents and other stakeholders including Local Authorities to understand the quality of Post-16 ILS provision at general FE colleges. We believe that from the code emanates an inherent lack of ambition for, and understanding of, outcomes associated with Post-16 options for young people with high ALN.

Following English SEND reform, Local Authorities via funding for social enterprises and organisations allied to existing schools were incentivised to establish their own Post-16 Specialist Provision. As these new providers have little or no experience of the delivery of Post-16 education and training, there has been a declining picture in overall quality as evidenced by inspection reports. Key issues have been a lack of appropriate staff and governance specialism in disability and knowledge of the FE sector. Other factors identified through inspection have been ineffective quality assurance mechanisms, a lack of impartial advice and guidance, poor work-related experiences, poor development of essential skills and inadequate progress recording mechanisms.

Rather than discouraging the small minority of young people with ALN whose ALP is best met by specialist providers, we argue that Local Authorities should be incentivised through the code to seek to establish strategic relations with regional specialist providers so ensuring that the majority of the Authorities young people's education and training needs can be met locally.

As has been raised in previous consultation responses Welsh Specialist Further Education Colleges are funded by very comparable mechanisms to general FE colleges and by their very nature constitute 'local' provision and should be thus be referred to as so. For many young people, their local specialist further education college (ISPI) may be both their most geographically and needs-based appropriate option. To not recognise this provides an unnecessary and further barrier and complication for young people with learning difficulties, their families/carers and other stakeholders involved in securing ALP including School-based ALNCOs. Given the above, it is our view that Chapter 5 has an over emphasis on cost-led rather than quality-led commissioning of the education and training of young

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

people with learning difficulties and disabilities and that this is in direct contradiction to the principles and spirit laid out in Chapter 1. It concurrently de-values the aspirations and ambitions that we should have for increasing the life chances of our most vulnerable young people. Without stronger stipulations on who should rather than might' be included involved in reviews and a baseline of expectations/minimum outcomes particularly in relation to Post-16 education and training then the reviews will have limited validity and utility in relation to the promotion of quality-driven outcomes that increase the life chances of young people with learning difficulties and disabilities.

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Not sure

Supporting comments:

We welcome the stipulation that advice and guidance should be provided free of charge. We also welcome the references to objective and impartial advice and guidance. In order to achieve this, there should be more explicit reference that LAs should include all provision in a comprehensive manner. There is an opportunity within the Code to require LAs to include all provision both within their immediate area, and outside the local area if the LA expects that provision to be used by children and young people with ALN. We are concerned that the code is not clearer in relation to the communication of Post-16 education and training options to young people and their families. Post-16 education, by its nature, is not local and many FEIs and ISPIs have catchment areas that are wider than one LA area. Advice and guidance from LAs must therefore include all FEIs and ISPIs that would be appropriate for young people in their area to use. With reference to our response to question 4 raising concerns on the code structure we believe that these sections of the code should be structured by age and stage of young people, so that it is clearer to parents, families and young people themselves, and also so that schools, LAs and FEIs have the same duties regarding young people wherever they are educated. This change would not require a major re-structure, as most of Chapter 8, 9 and 11 would remain the same, but it would be much clearer and limited to children of compulsory school age; whereas Chapters 10 and 12 could be linked together or placed next to each other and be limited to young people (but also include young people at schools). In addition, we recommend that the word "pupil" is removed and replaced by the words "children" or "young people" to make it very clear as to whether or not the person is of compulsory school age or older. The code would be strengthened by a stipulation that Post 16 options are considered as a discrete area of any advice and guidance and that LAs have a duty to identify all Post-16 education and training options including those offered by specialist further education colleges (ISPIs).

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

Yes

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

No

Supporting comments:

We believe that this Chapter of the code fails to highlight the degree of expertise required to protect and promote high quality post 16 education for learners with ALN. We are unclear as to why specialist FE colleges / ISPIs have been omitted from the list in paragraph 7.60? This is one of a number of examples throughout the Code where a greater emphasis on partnership and sharing of expertise would produce far more effective practice if it was written into the Code. There are particular issues relating to the assessment of older teenagers and young adults and appropriate expertise should be explicitly referenced for this age group. ISPIs should also be included in relation to post-16 assessment and supporting FEIs to help them assess and provide for young people in later paragraphs in this section.

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Not sure

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

No

Supporting comments:

No. Regarding structure, please see responses to questions 4 & 11.

Regarding content, we have comments on Chapter 10 relating to FEIs as follows:

We are concerned about the effect on the well-being of young people with ALN who are placed in the position of enrolling at an FEI, waiting for the FEI to make a decision about their ALN, and then the FEI deciding that it cannot reasonably secure the ALP, and the young person subsequently being referred by the FEI to the LA. Transition to further education is a stressful and anxious time for all young people, and is even more so for those with ALN and especially those with autism. With a maximum 20 term time days for the FEI to refer, followed by 12 weeks for the LA to take decisions, the young person could be without an education for

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

several months - There should be a smoother and quicker transition for young people who need more specialist provision. This could be achieved by:

- changing the timescale from 20 term time days to make the referral to 15 term time days in paragraph 10.39
- strengthening paragraph 10.39 so that FEIs “MUST” (rather than “should”) refer a young person’s case promptly to the LA where there is grounds for referral.
- changing the “Should” to “must” notify the young person in paragraph 10.40
- changing the “should” to “Must” act promptly in paragraph 10.41
- changing the “should” to “must” pass on information in paragraph 10.45
- hanging the “should” to “must” for the LA to provide information on timescales in paragraph 10.51 and the same for consulting the young person in paragraph 10.56

With reference to 10.54 and the stipulation that LAs seek advice from an education psychologist. We stress the importance of all relevant educational psychologists being required to have a clear understanding of Post-16 education and training options particularly in relation to therapeutic learning opportunities within FEIs and ISPIs.

FEIs will be responsible for assessing, preparing and maintaining IDPs for young people with ALN, some of whom will have complex needs. We are concerned that LAs may not have the resources or expertise to do this effectively. There is an opportunity for the Code to encourage greater partnership working between FEIs and ISPIs/specialist colleges, so that there is a more effective use of resources with regard to young people with more complex needs. Paragraphs 10.5, 10.6 and 10.7 should include reference to FEIs having discussions regarding partnerships or sub-contracting with local specialist colleges so that use of resources are maximised.

Paragraph 10.9 should be amended to include where the young person has expressed a preference for another type of provision, such as another FEI with more specialist support or an ISPI/specialist college.

All the notifications from the FEI to the young person in this chapter should also contain, with the information about the ALN system, information about the FE options for the young person, with details of the specialist support available at FEIs and ISPIs/specialist colleges.

Paragraph 10.22 – FEIs giving the opportunity for the young person to comment on the draft, and considering and acting on concerns, need to be changed to “Must” rather than “should”

Paragraphs 10.32 and 10.72 on ceasing an IDP. It would be helpful to have the reasons given in Chapter 21 listed here, including the reference to a young person reaching the age of 25. We believe that the content of paragraphs relating to maintaining a plan ought to be consistent for any young person over compulsory school age – wherever they are educated. The creation of additional regulations for a very small group of young people (Chapter 12) is illogical and the regulations

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

under Section 46 should reflect the same considerations as those specified in paragraphs 10.32, 10.72, 21.4 and 21.5.

Paragraph 10.67 is not clear, particularly the reference to “the sections...{of Chapter 12} that deal with powers and limitations in respect of placements are also relevant where a local authority is preparing a plan young person who is a student at an FEI in Wales” This does not seem to make grammatical sense; nor does it make clear which sections of Chapter 12 it is referring to.

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

Not sure

Supporting comments:

In our opinion the timescales will be challenging for FEIs placing additional pressures at the already pressured start of the academic year. This may result in Reviews being delayed or postponed and inappropriate ALP decisions made that will ultimately result in placement breakdowns

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

No

Supporting comments:

No. The proposed requirements will mean that young people who are not at a school or FEI are not entitled to further education in the same way as those who are. This is inequitable and discriminatory against those for whom FEIs are not appropriate or where FEIs have decided that they are unable to secure the ALP. The proposed regulations focus on the term “reasonable needs” for education and training. We believe these regulations should mirror the guidance for FEIs: Welsh Ministers have duties to secure provision for further education under the Learning and Skills Act 2000 and this duty extends to ALL young people, regardless of whether they have ALN or how complex their needs are.

The guidance is unclear. 12.17 states that “young people with ALN may need ALP” – this is in direct conflict with the definition of ALN given in the Act and illustrated in the flowchart in Chapter 7 i.e. the legal definition is that someone only has ALN because they need ALP (a person has ALN if they have a learning difficulty or disability that calls for ALP).

12.19 asserts that there is no entitlement to continuous education and that LAs need to consider what are reasonable needs for education. Crucially, these statements are not made in relation to Chapter 10 / for young people at FEIs. It is inequitable for young people whose needs cannot be met by mainstream colleges to be subject to different considerations than those who have their IDPs maintained by FEIs.

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

12.22 asserts ‘The local authority must consider whether there is a realistic prospect of the young person achieving a desired objective within a reasonable period of time by undertaking a course of education and training’. Much greater clarity is required for when Post 16 or perhaps more importantly, Post 19 education and training might be necessary. The considerations for a local authority in respect of whether to maintain or cease an IDP for a young person with ALN should be the same as the considerations for FEIs set out in paragraph 21.4.

It is here that the inherent conflict of interest in local authorities having responsibility for assessing, commissioning and funding provision for young people with ALN again comes to the fore. In England, these conflicting functions have led to local authorities focusing on provision rather than need, and commissioning what is affordable rather than what is needed. Many are overwhelmed by the administrative burden of fulfilling all the functions required of them and the lack the resource to do so effectively. In addition, some local authorities are struggling to understand further education for young people with ALN, an area for which they have not traditionally been responsible. Moreover, Local Authorities’ decision-making is often focused on short term outcomes and heavily influenced by budgetary constraints.

Within the Draft Code there is scope for LAs to be at best ambiguous and at worst discriminatory around what can be deemed a ‘realistic prospect’ and what ‘constitutes a ‘desired objective’. It is also important to ensure here that ‘objectives’ are not seen as synonymous with accredited learning or employment/work-related outcomes which will be inappropriate to the education and training needs of individuals with high ALN.

In paragraph 12.23, it is not clear who is responsible for determining the objective. We support the fact that objectives can cover a range of long-term aspirations. The Code could be strengthened with recognition that the pursuit and attainment of formal accredited learning outcomes are not always the most appropriate route for young people with complex needs. For example, a person-centred non-accredited learning pathway with learning goals that are in the best interests of the individual are likely to have far greater impact on individuals’ destination goals than a formal qualification which is often reliant on support staff to complete the requirements of the Award necessitated by awarding bodies. Importantly, this should also be included in Chapter 10 as guidance for FEIs.

Paragraph 12.25 reiterates the need for the code to ensure that responsible professionals within Local Authorities understand all the Post 16 options available. That is within the general FE sector, locally-based specialist provision as well as out of county and indeed out of country provision.

We believe that 12.27 is both disappointing and contradictory. Again, none of these requirements are made for FEIs who are maintaining IDPs for young people at FEIs, and therefore they should not be considerations for young people who are not being educated at an FEI. There are currently no funding restrictions for young people with learning difficulties and disabilities attending FEIs. The reference to a two-year placement norm is thus inaccurate, misleading and discriminatory and we argue should that this inaccuracy is removed from the code. Moreover there is a

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

lack of recognition that those people with multiple and complex learning difficulties will by their very nature require additional time to successfully complete programmes of education and training.

The often-profound challenges facing young people with learning difficulties, disabilities and autism who have been highly supported in special schools up the ages of 16 - 19 must be recognised and accommodated within the code. Many of these people, in meeting the increased expectations of further education, require their first academic year to acclimatise to new living environments, ways of learning and an extended curriculum. It is during this time, they acquire the requisite skills of self-reliance to effectively identify and express aspirations for further learning and post-college life choices. They are then best placed to maximise the specialist support available to them. We believe that the code should more explicitly recognise that people with learning difficulties and disabilities require extended periods of time to learn in comparison to those with less severe or no learning difficulties and disabilities. Moreover, that a person-centred approach to the nature and duration of further education programmes is promoted in which young people are not discriminated against by the nature of their ALP.

Additionally, we are concerned that the code has little or no references to the quality and expectations of Post-16 ALP and that this can be perceived as a fundamental lack of ambition for young people with high ALN. This reinforces the importance for young people whose IDPs will be LA maintained that requisite guidance and expertise is in place to ensure the appropriateness of IDP outcomes.

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

Yes

Supporting comments:

Yes the elements are appropriate however we believe that the IDP template is weak in relation to the Learner voice. It would be strengthened by inclusion of details of the child/young person's preferences and aspirations.

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

Not sure

Supporting comments:

There is a danger that a focus on the content and nature of the IDP from will detract from the code demonstrating how it will seek to address the issues faced by England in the development of the comparable Education and Healthcare Plans (EHCPs). In particular the code fails to address how it will seek to avoid:

1. inconsistency in process or interpretation of regulations between Local Authorities

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

2. quality variances at both inter and intra-Local Authority levels
3. poorly written LA or parent-centred rather than person-centred outcomes
4. inconsistencies in the breadth and depth of detail about individual learners
5. post-19 issues
6. lack of joined up working
7. lack of adherence to specified timelines and processes, particularly in relation to Reviews.
8. Local authority personnel not having the requisite skillsets and capacities to undertake their duties.

The code fails to acknowledge any need to make IDPs available in alternative formats. It also fails to provide clear guidance on the structure, length, depth and type of information required.

We are concerned that upon implementation there will be a great variance in the quality, appropriateness and number of IDP outcomes.

Natspec's research has identified that one of the key reasons given for the variable quality of EHCPs in England was the knowledge and experience of the person writing it. Sometimes colleges expressed concerns about the skills of the staff completing plans, or their limited contact with the young person - for example feedback from Natspec colleges included that Local Authority staff had "limited experience of SEN, particularly very complex students" and "no education knowledge and no understanding of qualifications or realistic targets". Moreover that "plans are sometimes written by LA staff who have not met the young person or been able to attend Reviews"

We are concerned that plans written by non-educationalists without consultation will be unrealistic or simply inappropriate.

There is concurrently a danger that important information be omitted from plans meaning that learners may be unable to secure the ALP they require. For example, in relation to support needs. This can have a detrimental impact upon the young person settling into an FEI or ISPI and their achievement of outcomes in the first term. A lack of information can potentially have serious consequences, especially if it relates to safeguarding or behaviour. The same piece of Natspec research referred to above identified that one college had experienced two serious assaults on staff before it came to light that the risk assessment from the school had not been included in the plan.

To avoid such issues in Wales, we argue that education professionals, with experience of post-16 education, should be involved in writing the IDP alongside the proper and informed engagement of the young person and their family/carers.

The danger of outcomes being poorly written are hugely significant to the life chances of young people with learning difficulties and disabilities. This remains a huge issue in relation to English EHCPs for young people. Particularly because the outcomes form the basis of individuals' learning programmes. It is vital that young people's life chances are not bound by 'postcode' or 'provider' lotteries. In a Welsh

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

context and in relation to the code, there is a clear and unambiguous link here with the role of Estyn in relation to the quality assurance of Post 16 education and training for young people with learning difficulties and disabilities. Quality issues that need to be addressed are consistency in number and nature of outcomes; monitoring and review and the appropriateness of provision in preparing young people for their post-college lives.

Post-16 outcomes should be stretching, aspirational, and updated to reflect adult learning environments. They should also be wholly person-centred, meaningful and achievable. Not for example be contingent upon the achievement of employment for those for whom this is clearly not an option.

Colleges making provision for those with the most complex needs have many concerns about the impact of the planning process for young people 19+. In England, we have seen that budget pressures have led to LAs trying to avoid educational provision for young people aged 19. Instead such young people are moved into adult services with no recognition of how structured learning programmes can positively impact on individuals' transition to adulthood.

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

Yes

Supporting comments:

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

Not sure

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Yes

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Not sure

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Not sure

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

Yes

Supporting comments:

The structure of Chapter 16 is clear, however, there are some places where the content isn't clear.

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Yes

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

No

Supporting comments:

It is not clear from the introductory paragraph whether this Chapter relates to children or young people. The first sentence and paragraph only refers to the decision of a maintained school. The second paragraph includes FEIs. The headings in the rest of the chapter only refer to school decisions. If the whole chapter is to include children and young people, the introductory paragraph and subsequent sub-headings of the chapter should include decisions of both schools and FEIs. We understand that the Welsh Government will not be prescribing a quality assurance mechanism for LAs to use in relation to the quality of IDPs that they maintain. We think that this should be in place for IDPs maintained by the LAs.

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

Yes

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

Not sure

Supporting comments:

The principles are appropriate but the guidance needs to be more comprehensive.

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

No

Supporting comments:

There is no reference to ISPIs in this list. The use of the words and the meaning here on understanding ‘the implications’ of a placement at an ISPI - this has an unwarranted negative connotation.

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

No

Supporting comments:

The introductory paragraphs to the Chapter are not clear. Paragraph 20.1 states that the Chapter covers all transfers described in the paragraph (from school to school, from school to FEI, from LA to LA) Paragraph 20.2 states that the Chapter covers transfers from LA to FEI Paragraph 20.3 states that the Chapter covers transfers from school or FEI to an LA (although it omits the word “Chapter”) Paragraph 20.4 is completely unclear. The remainder of the Chapter then deals with each case in turn, but not in the same order as the introductory paragraphs and includes reference to transfers where a child becomes looked after – which isn’t mentioned at all in the introductory paragraphs. We suggest that the Chapter also needs to cover what happens when an IDP transfers from a school to an LA (as with the case of a young person transfers from a school to and ISPI / Specialist college) Paragraphs 20.20 and 20.21 do not fully explain the circumstances they are describing and are very unclear as to what is meant by “board and lodging” as opposed to educational provision. We recognise that the regulations that these paragraphs refer to (Regulations to be made under section 37(1) of the Act are yet to be published but feel that these paragraphs provide no information to organisations, parents and families as they are currently written.

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Yes

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

Not sure

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

No

Supporting comments:

We believe that all young people regardless of ALN or the nature of the ALP they require should be treated equally in being able to access further education and training to meet their needs. We are very concerned that a young person may have ALN, but a local authority deems it is no longer necessary to maintain an IDP not because they don't think the young person has ALN but because of pressure not to engage Specialist Providers. In essence that the need for specialist provision will not be deemed reasonable.

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

Not sure

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

Not sure

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Not sure

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Not sure

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Not sure

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

Not sure

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

No

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

No. We believe that it is almost impossible for LAs to avoid or resolve disagreements when they are in the conflicted position of having to fund the disputed ALP.

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

We believe that the compromised position that LAs are placed in by this code will make it impossible for them to act impartially.

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

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

Not sure

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Not sure

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

Very disappointing that the code promotes an unwelcome and adversarial approach to specialist providers of education and training. Whilst special schools are included as an alternative to mainstream schools, specialist colleges / ISPIs are not seen as an equivalent alternative to FEIs and are excluded from almost every Chapter in the Code.

It appears that the draft code is seeking to deny specialist provision as an option.

Chapter 8. Funding of specialist placements: Welsh Government funds for Specialist Colleges should be both ring-fenced and held nationally.

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Not sure

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Not sure

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

Not sure

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Not sure

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Not sure

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

Not sure

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

Not sure

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

Not sure

Part 3 of 5: Draft ALNCo regulations

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

No

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

No

Part 4 of 5: Looked after children

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

Not sure

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Not sure

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Not sure

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Not sure

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Not sure

Part 5 of 5: Impact of proposals

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

They will create challenges

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

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

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

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?
Yes

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?
Yes

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

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

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

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Not sure

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

Yes

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

Yes

Supporting comments:

It is vital to highlight the importance of including and involving parents in this process.

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Yes

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

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

Yes

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

Yes

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

Yes

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

No Response

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

No Response

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

No Response

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

No Response

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

No Response

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

No Response

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

No Response

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

No Response

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

No Response

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

No Response

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

No Response

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

No Response

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

No Response

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No Response

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No Response

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

Yes

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

No Response

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No Response

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No Response

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

No Response

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

No Response

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

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Not sure

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

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No Response

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

No Response

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

No Response

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

In terms of a disagreement resolution service then I think it is essential that this is provided by an independent body rather than commissioned by the local authority who provide the service and are likely to be biased. It is essential for fairness and

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

for the rights of the young person that this service is provided by someone who can be transparent and independent. Not making this clear in the ALN code creates a huge disservice to those young people and opens the pathway for LEA to do what they want rather than what is in the best interest of the young person.

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

Again it should be made clear that local authorities use an independent agency to resolve disagreements appropriately.

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

No Response

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No Response

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No Response

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

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

No Response

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No Response

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

No Response

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

No Response

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

No Response

Part 3 of 5: Draft ALNCo regulations

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

No Response

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

No Response

Part 4 of 5: Looked after children

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

Yes

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No Response

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No Response

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

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

No Response

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

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

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

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?
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Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?
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Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

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Not sure

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

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Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

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Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

Not sure

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

Yes

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

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Yes

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

Yes

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

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Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

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Yes

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Yes

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

Yes

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

Yes

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

Not sure

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Not sure

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

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Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Not sure

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Yes

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

Yes

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Yes

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Yes

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

Yes

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Not sure

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Yes

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

Yes

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

Yes

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

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Yes

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

Yes

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

Yes

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

Yes

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

Yes

Part 3 of 5: Draft ALNCo regulations

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

Yes

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Yes

Part 4 of 5: Looked after children

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

No

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

Yes

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes

Part 5 of 5: Impact of proposals

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

No Response

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

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

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

No Response

Respondent Details

Information	
Name	Sasha pitman
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

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No Response

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

It is best to have an independent advocate as the local council could seem as not providing best advice.

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No Response

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No Response

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No Response

Respondent Details

Information	
Name	Michelle Criddle
Organisation (if applicable)	

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No Response

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

Paragraph 25.36 of the draft Code sets out the way in which “independent person” should be interpreted. It is imperative that there can be no confusion with regards to what is meant by an independent person. A representative from the LA can

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

never act in an impartial representative for the children's best interests. Policy needs to be transparent and fair as originally intended. Below is a example statement: "The arrangements, while commissioned by the local authority, must be independent of the local authority – no-one who is directly employed by a local authority can provide disagreement resolution services."

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No Response

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

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

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No Response

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

Absolutely not and I speak from years of experience when I say this. How on God's earth can the local authority remain impartial when offering parents this alternative to Snap Cymru? It's because of the support from snap cymru predominantly I still

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

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No Response

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No Response

Respondent Details

Information	
Name	Lindsey jones
Organisation (if applicable)	A parent

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Supporting comments:

The arrangements, while commissioned by the local authority, must be independent of the local authority – no-one who is directly employed by a local authority can provide disagreement resolution services.

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No Response

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

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No Response

Part 3 of 5: Draft ALNCo regulations

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

No Response

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

No Response

Part 4 of 5: Looked after children

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

Yes

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

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No Response

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No Response

Part 5 of 5: Impact of proposals

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

No Response

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

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No Response

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

No Response

Respondent Details

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Part 1 of 5: The draft ALN Code

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No Response

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

No Response

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

No Response

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

The arrangements, while commissioned by the local authority, must be independent of the local authority. No one who is directly employed by a local authority can provide disagreement resolution services, as this is unfair practice.

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

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

No Response

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

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Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

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Part 2 of 5: Draft Education Tribunal for Wales regulations

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No Response

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No Response

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

No

Supporting comments:

Too little time given

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

No Response

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

Not sure

Supporting comments:

The IDP is NOT child friendly at all

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

No

Supporting comments:

The IDP form is not st all child friendly

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

No Response

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

No Response

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Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Not sure

Supporting comments:

Will the DECLO be familiar with how educational establishments work and understand the limited resources available?

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

No Response

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Not sure

Supporting comments:

I'm not sure if the proposed time is time to complete the document

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

Not sure

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No Response

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No Response

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

Not sure

Supporting comments:

What if secondary schools cannot provide the ALP when pupil starts secondary school due to lack of resources?

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

No Response

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No Response

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No Response

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

No

Supporting comments:

Governing bodies MUST have intense training on ALN so that they can provide resources appropriately to cater for pupil needs. Many do not know anything about ALN provision or the role of the ALNCo. WHAT IS SUFFICIENT TIME for the ALNCo to carry out this role? Many governors/ SLT do not know what the role involves and all the paperwork. The WG must be more clear as to how much time an ALNCo has to carry out their role effectively. Perhaps there should be specific criteria according how many pupils are on the register. If Givernors stevto decide what is a SIGNIFICANT learning need then they need TRAINING to know what ALN is firstly! Does anyone know what significant learning needs are??? There must be more clarity so all schools are singing from the same hymn sheet!

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

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No Response

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No Response

Part 3 of 5: Draft ALNCo regulations

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

Not sure

Supporting comments:

As an experienced ALNCo then I don't think I need to do the qualifications. I need to use my time wisely to help my pupils.

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

Not sure

Supporting comments:

As long as there is sufficient time and an LA link person for advice

Part 4 of 5: Looked after children

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

No Response

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No Response

Part 5 of 5: Impact of proposals

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

The well being of ALNCoS will be compromised further due to the changes

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

No Response

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Not sure

Supporting comments:

My main concern is that teachers in mainstream classes will have more onus put on them for the achievement of their SEN pupils. Mainstream teachers are not specialist SEN teachers and as such there should be more specialist support available.

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Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

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Part 4 of 5: Looked after children

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

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Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

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Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

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Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

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

Less children with special needs receiving the support they need.

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

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

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

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Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

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Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCPRD)?

Yes

Supporting comments:

Just hope NHS comply with their duties, especially when it comes to attending IDP reviews and consultations

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Not sure

Supporting comments:

Not enough advice on ALP's due to the legality of this part of the IDP

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Not sure

Supporting comments:

To some extent

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

No

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

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Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

No

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

No

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

Not sure

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

Supporting comments:

When are schools going to have enough time to complete these?

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

No

Supporting comments:

What is the clarity of ALN , it varies from school to school and also authority to authority. How are schools going to be funded via plasc? Is the bill going to have financial implications on schools

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

Not sure

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

Yes

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

Not sure

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

Yes

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

Not sure

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

Not sure

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

No

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No

Supporting comments:

Who is going to financially support schools to allow staff to be in meetings

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

Not sure

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

Not sure

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

Not sure

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No

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

No

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

No

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

Not sure

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

Not sure

Supporting comments:

Who is going to fund ALNCO's to carry out their role?

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Not sure

Supporting comments:

The right to appeal will increase the number of tribunal cases

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Not sure

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

Not sure

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

Not sure

Supporting comments:

Lists of advocacy are needed in every LA

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

The timescale for proposed changed is very rushed. Schools are feeling in the dark about some of the statements and very little training around some aspects. The financial implications for schools is tremendous, with terminology Reasonable time for AINCo's. I would question the work load agreement with unions

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

Not sure

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

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Part 4 of 5: Looked after children

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

Not sure

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To include older pupils is a positive and will support them through university

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

No Response

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No Response

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

No Response

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

No Response

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No Response

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No Response

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

No Response

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

No Response

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No Response

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No Response

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

No Response

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

No Response

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

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No Response

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No Response

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No Response

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

No Response

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

No Response

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

It is not appropriate for the local authority to be responsible for resolving disagreements. It is impossible for them to remain impartial and this will have a negative and bias result for parents. I totally disagree with this and would like this

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

to be amended to state that all disagreements will be resolved by an independent agency.

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

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

No Response

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No Response

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No Response

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

No Response

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

No Response

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No Response

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

No Response

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

No Response

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

No Response

Part 3 of 5: Draft ALNCo regulations

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

No Response

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

No Response

Part 4 of 5: Looked after children

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

No Response

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No Response

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No Response

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

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

No Response

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

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

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

No Response

Respondent Details

Information	
Name:	Anonymous
Organisation (if applicable):	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

No Response

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No Response

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No Response

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No Response

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No Response

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

No Response

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No Response

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No Response

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No Response

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

No Response

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

No Response

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

No Response

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

No Response

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

No Response

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

No Response

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

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No Response

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No Response

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No Response

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No Response

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

I would not feel the council had my son's best interests at heart.

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

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

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No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

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Part 3 of 5: Draft ALNCo regulations

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No Response

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No Response

Part 4 of 5: Looked after children

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

No Response

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No Response

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No Response

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

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

No Response

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

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No Response

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

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?

Yes

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Yes

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

Yes

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Yes

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

Yes

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Yes

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCPRD)?

Yes

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

Not sure

Supporting comments:

How will you ensure schools are adhering

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Yes

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

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

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Yes

Supporting comments:

What will happen with existing staff who do not comply

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

Yes

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

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No Response

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Yes

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

No Response

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

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No Response

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Yes

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

Not sure

Supporting comments:

It depends how these will be monitored

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

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Part 2 of 5: Draft Education Tribunal for Wales regulations

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Part 5 of 5: Impact of proposals

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No Response

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No Response

Respondent Details

Information	
Name	Jasmine Corer
Organisation (if applicable)	

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No Response

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No Response

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

No Response

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No Response

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No Response

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No Response

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No Response

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

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

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No Response

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

Disagreement resolution should not be decided by an employee of the local authority but by somebody independent

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

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No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

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No Response

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No Response

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No Response

Part 3 of 5: Draft ALNCo regulations

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

No Response

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No Response

Part 4 of 5: Looked after children

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

No Response

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No Response

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No Response

Part 5 of 5: Impact of proposals

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

No Response

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No Response

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

No Response

Respondent Details

Information	
Name	Anonymous
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

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No Response

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No Response

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No

Supporting comments:

I feel it's important that outside agency such as SNAP Cymru are essential to make sure fair decisions are made for the child.

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Part 2 of 5: Draft Education Tribunal for Wales regulations

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No Response

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

No Response

Respondent Details

Information	
Name	Paula
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

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Supporting comments:

It should be independent of the local authority.

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No Response

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No Response

Respondent Details

Information	
Name	Kristin Birkett
Organisation (if applicable)	

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

No Response

Question 14 – Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 – 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

No Response

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

No Response

Question 16 – Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

No Response

Question 17 – Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

No Response

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

No Response

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

No Response

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

No Response

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

No Response

Question 22 – Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

No Response

Question 23 – Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

No Response

Question 24 – Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

No Response

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

No Response

Question 26 – Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

No Response

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

No Response

Question 28 – Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

No Response

Question 29 – Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

No Response

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

No Response

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

No Response

Question 32 – Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

No Response

Question 33 – Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18 – 20.21 of the draft ALN Code) appropriate?

No Response

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

No Response

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

No Response

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

No Response

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

No Response

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

No Response

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

No Response

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

No Response

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

No Response

Question 42 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No

Supporting comments:

This is NOT appropriate and I as a parent deem this as UNFAIR! Independent support is a must!

Question 43 – Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

No Response

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

No Response

Question 45 – Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

No Response

Question 46 – Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

Question 47 – Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

No Response

Question 48 – Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

No Response

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

No Response

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

Question 50 – Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

No Response

Question 51 – Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

No Response

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

No Response

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

No Response

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

No Response

Part 3 of 5: Draft ALNCo regulations

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

No Response

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

No Response

Part 4 of 5: Looked after children

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

No Response

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

No Response

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

No Response

Question 60 – Overall, do you agree with the approach taken in the draft revised Part 6 Code explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

No Response

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

No Response

Part 5 of 5: Impact of proposals

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

No Response

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

No Response

Question 64 – How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language? ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

No Response

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

No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of 5: The draft ALN Code

Question 1 – Is the explanation in paragraphs 1.10 – 1.16 of the draft ALN Code of the use and meaning of the different terms ‘must’, ‘must not’, ‘may’, ‘should’ and ‘should not’ clear?
No

Question 2 – Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31 – 1.32 of the draft ALN Code?
<i>No Response</i>

Question 3 – Is the general exception which applies in the case of timescales, as described in paragraphs 1.33 – 1.35 of the draft ALN Code, appropriate?
<i>No Response</i>

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?
<i>No Response</i>

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?
<i>No Response</i>

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

No Response

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

No Response

Question 8 – Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

No Response

Question 9 – Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

No Response

Question 10 – Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

No Response

Question 11 – Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

No Response

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

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Supporting comments:

Other agencies should be used..not someone who works directly for the local authority. This is not in the child's best interests.

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No Response

