

Respondent Details

Information	
Name	Jan molt
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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Supporting comments:

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Part 3 of 5: Draft ALNCo regulations

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No Response

Part 4 of 5: Looked after children

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This is dreadful stuff. There is no accessible way for parents to respond because your documents and questionnaires are designed for experts. I would call your consultation undemocratic and therefore a sham on those grounds alone.

Part 2 of 5: Draft Education Tribunal for Wales regulations

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None of this material is accessible or simplified for non-experts and yet parents have the most significant role in all of this. Shame on you.

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Supporting comments:

I was appalled to hear that our local advocacy/ resolution dispute service SNAP will be going from our community. They are a vital service and one that needs to

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continue separate from the proposed local authority planned service. It is a service which is accessed by many parents and professionals for support, advocacy, advice and resolutions/appeals. I feel you need to examine again this much valued service for Swansea and keep SNAP going as a priority as part of the proposed changes which I do not agree with.

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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?

Not sure

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

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?

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No

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

No

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No

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

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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

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?

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?

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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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No

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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

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?

Not sure

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

No

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

No

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?

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?

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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

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?

No

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Not sure

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

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?

No

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?

Not sure

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

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

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

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

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

Supporting comments:

Parents deserve the right to Independent representation in disputes and resolution situations

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:

Parents deserve the right to Independent representation in disputes and resolution situations

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:

Parents deserve the right to Independent representation in disputes and resolution situations Which should include help and support with appeals and tribunal

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.

Parents deserve the right to Independent representation in disputes and resolution situations
Case friends are important for young people.... But for the good of the whole family an Independent and free legally trained representative is very important for all disputes

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

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?

Yes

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?

No

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?

Not sure

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

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?

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?

Children will get less help if they have invisible disabilities or disabilities that do not have a learning delay element
Parents will have less rights to push for diagnosis
And parents will have no one Independent to turn to while they are forced to fight for their kids needs to be recognised

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

N/A

The kids and families should be put before the language as priorities

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?

As most of my friends with SEN kids and my own kids have been forced out of Welsh language lessons in school currently
I can't say I give a hoot... Be nice if they were allowed the education that kids without SEN are allowed (especially if they have no learning difficulties) but they currently aren't

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	Emma chaston
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 Response

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

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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:

They need to be independent to help families and not to be part of the local authority we are fighting against to get help for our children. My son is autistic

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?

and was refused by la for a placement in a unit as they looked at bare information by having an independent person fight our corner with us (Donna from snap cymru) my son finally has a place in a unit which he needs desperately. If left to the la he would be in main stream comp having meltdowns and outbursts of violence every time there is a noise or someone touched him.

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

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No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

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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

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Part 4 of 5: Looked after children

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No Response

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No Response

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

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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:

Be more specific in terminology, as 'may' or 'should' are too vague

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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Yes

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Yes

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

No

Supporting comments:

in some aspects but needs some clarification in regards with terminology

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

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

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Yes

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No

Supporting comments:
Some parts are vague.

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No

Supporting comments:

Expectation of the role of ALNCo to produce documents and in some cases have a teaching role is too time consuming. Th ALNCo needs specific time to adhere to the production of ALN documents.

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

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?

No

Supporting comments:
Too long!

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?

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

Supporting comments:
Don't feel Health is totally on board with new code.

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

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?

Supporting comments:
need to be more specific

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

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No

Supporting comments:
need to be specific

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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

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No

Supporting comments:
N/A

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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?

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.

It's long winded!

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?

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No

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

No

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

Supporting comments:

Some ALNCo have a wealth of experience but no formal qualifications.

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

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?

No

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

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?

Lack of clarity as to the direction to take the needs of the child.
The wait could take too long by waiting for other agencies i.e health to give an input.
Who actually decides the child needs an IDP and who takes the lead if it's an outside agency.
Needs clarity on the roles of each organisation.

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

Limited access to specialists in the Welsh Language

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

No 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?

Not sure

Supporting comments:

I do not feel it it concise enough

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:

It is good to have defined situations that are considered exceptional so this can not be exploited.

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 wording is not that clear i think it could be written more concisely

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?

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 (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?

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

Supporting comments:

The wording is excessive and i think it could be explained more concisely

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?

No

Supporting comments:

it is repetitive in section 2 to have 2B.1 intended outcome, and also 2B.7 rationale - these boxes could be combined or more explanation on the meaning of rationale? you are doing it because they need it section 2D1-3 wording is

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

repetitive and unclear the IDP should be the same for all both ALN and LAC
ALN to avoid confusion

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

No

Supporting comments:

it is repetitive in section 2 to have 2B.1 intended outcome, and also 2B.7 rationale - these boxes could be combined or more explanation on the meaning of rationale? you are doing it because they need it section 2D1-3 wording is repetitive and unclear the IDP should be the same for all both ALN and LAC
ALN to avoid confusion

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 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

Supporting comments:

it is important to consider situations where children access services across different counties in wales or across the border

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

No

Supporting comments:

the wording is repetitive and unclear it could be much more concise

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:

Not sure that health will be able to meet these periods

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 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

Supporting comments:

time frames are not clear

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

Supporting comments:

24.5 if it is VITAL the should needs to a must and reference should be made that a local authority must over see that this requirement is being met by heads of education settings 24.19 this could be a should as teachers should be able to do this - and ask for help where needed

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 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?

Supporting comments:

24.21. could be a should instead of a must or could say help organise training

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:

BUT time must be given to ALNCos to do this - this should be protected in law - it is a legal requirement for ALNCOs to do this it must be a legal requirement that they have time to do so

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?

Not sure

Supporting comments:

It s confusing to have 2 different forms for LAC ALN and just ALN

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?

Not sure

Supporting comments:

overall I agree explanations could be simplified

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?

ALNCOs will have a lot more responsibility and currently may not have to time to do their legal duty

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

I think it is clear that the Welsh language is equally supported

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

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Yes

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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

Supporting comments:

Cytuno'n llwyr bod egwyddor am system ddwyieithiog.

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

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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

Supporting comments:

Mae angen gwneud yn glir ei bod yn hanfodol bod yr holl wybodaeth ar gael yn y Gymraeg bob amser.

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?

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

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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?

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No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

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No Response

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No Response

Part 3 of 5: Draft ALNCo regulations

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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?

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

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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 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?

System gyson ar draws rhanbarthau sy'n ddwyieithog i bawb.

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

Positif iawn gobeithio.

Rwy'n gobeithio y bydd cysondeb yn y cynnig i blant ADY o un Sir i'r llall oherwydd yn rheoliadau newydd yma.

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?

Sichrau ei fod yn ofyniad clir i gynnig gwasanaeth yn y Gymraeg i rieni a phlant ym Mhob ardal. Gwneud yn glir bod gan aelodau sy'n ALNCO gael cefnogaeth a'r gallu i gymryd rhan mewn cyfarfodydd yn y Gymraeg hefyd.

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:

There is clear explanation, however I don't feel it is clearly applied. The headteacher "should" give adequate time - this should surely be "must" as by using "should" it sounds less important and gives headteachers room to wriggle out of giving adequate time.

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:

Agree with the timescales - however parents need to know that agencies won't be part of these timescales! Waiting lists for camhs and salt are getting higher and higher - there is nothing prompt about their involvement.

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:

It is a long and hard to read document.

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?

Not sure

Supporting comments:

Parents need to understand that the agencies won't get involved any quicker. They currently think that the ALN reforms will mean all things will move quicker.

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?

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?

No

Supporting comments:

Not really clear and too long. We need simple and consistent advice.

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:

Yes - but parents need a far simple and one page document or a flow chart to understand why their child may not be ALN.

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:

Again, not sure if this is clear for parents who may not understand all the terminology.

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?

Not sure

Supporting comments:

Is too long and there needs to be a simple brief document that all can refer 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:

The IDP is far too long a document. The timescale will work in schools, but sometimes you need input from an EP or camhs, which will make it harder to produce the right IDP in a quick timescale.

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:

Local Authority will not want many IDPs - we need more clear and consistent advice for this.

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

No

Supporting comments:

They are far too long for parents to understand and for class teachers to process. They should be at least half of what they are proposed.

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

No

Supporting comments:

They are far too long for parents to understand and for class teachers to process. They should be at least half of what they are proposed.

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?

Not sure

Supporting comments:

At the moment it seems that if parents ring county and pester for free transport enough they get it, without our involvement. County needs to work with us more.

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

Supporting comments:

We haven't even had an EP for years - they will not be able to use these timescales.

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)?

No

Supporting comments:

It seems an impossible job and very unclear how counties will undertake it.

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

Not sure

Supporting comments:

It could be more concise.

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:

It is for schools but will be hard to get others involved.

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?

Not sure

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?

Not sure

Supporting comments:

When it comes to next year and the transitions where pupils are coming without an IDP it is unclear about when we should transfer them over.

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

Not sure

Supporting comments:

Need more guidance on how to transfer from EHCP plans.

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

Supporting comments:
See above.

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

Supporting comments:
NA

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

Supporting comments:
NA

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

Supporting comments:
NA

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?

Supporting comments:
NA

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

Not sure

Supporting comments:
NA

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:

There should be more "must" used here for guidance to headteachers - it seems advice to headteachers is always "should" and yet the duties (which are many!) of an ALNCo are mostly "must". 24.5 is also vague. For a large secondary school ALNCo it should be considered that it is a non-teaching role not just with some time away from teaching. When there are over 200 ALN pupils on role there is no way timings can be met when an ALNCo is also expected to teach GCSE and A level classes.

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?

Yes

Supporting comments:

It seems working with Local Authorities are key here.

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:
NA

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 role of the ALNCo as set out in the draft is changing and becoming a far more important role with far more responsibility. However, there is no mention of actually how much time should be provided (see response above) and if pay scales should change to reflect the extra work load.

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?

Not sure

Supporting comments:

I would like to see a National ALNCo award being available for all new and existing ALNCoS that could also equivalent to the English award and be useful if looking at jobs in England too.

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

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?

Supporting comments:

Yes, I agree with the tasks but there MUST be time to do all these tasks. Currently the head can direct you to teach any number of A level and GCSE classes with over 200 pupils on the reg.

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

Supporting comments:

There still seems to be some confusion over this and different people are thinking different things?

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

Supporting comments:

It needs to be clear if the LACE co is responsible for these PEPs and the IDPs or the ALNCo? They are not always the same person in a school.

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

Supporting comments:

Not really - no one seems to know what is happening here - it is hard to find the new changes to the Part 6?

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 ALNCOs will have an increased work load, more responsibility and more pressure, but with maybe no more time.
Hopefully the pupils who actually need the extra support will get it and support will be more focused to their needs and not spread as thinly.

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

We can't get Welsh speaking TAs or EPs as it is. Making it vital to have more Welsh speaking staff just means that you end up with less staff and less qualified staff as often they are employed purely because they tick a Welsh speaking box. So not a lot.

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?

More Welsh speakers need to be trained in education - they can usually find higher paid jobs than being a TA, which means we struggle for support. More Welsh language lessons for ALNCOs who don't speak the language. If I was given the time I would love to learn more.

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	Derek Jones
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

Supporting comments:

The arrangements, while commissioned by the local authority, must be

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?

independent of the local authority – no-one who is directly employed by a local authority can provide disagreement resolution services.

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:

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.

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	Jade Baggs
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:

while it is clear in what it says i feel that this part should come straight under the introduction section as at the moment it jumps in with who MUST have regard to the policy yet the meaning is explained afterwards.

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?

No

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?

Not sure

Supporting comments:

The majority are fine but I have issues with the inclusive education in main stream school. I feel that pushing mainstream education can go the wrong way as the need for a child with A.L.N to stay in a mainstream setting can have a negative effect on the child and makes moving them to the correct A.L.N setting a very difficult thing to do due to the amount of "hoops " that need jumping through in order to secure the correct setting for the child and the determination to keep a child in mainstream. With regards to the bilingual system, its all good to have the principles in the draft code but there is no actual support or a.l.n units provided in the welsh language. There is no support or services available if a welsh mainstream setting fails. My son attended a welsh school for a few months and due to the lack of support available to the school he was unable to stay and had to go to an English school instead. My son would of benefited greatly from attending a A.L.N unit in welsh medium that had fewer pupils in the class than a mainstream class but this isn't available in welsh. Apparently there isn't a need for it, the reason there appears there is no need to it is because the service isn't there and us parents end up with moving our child to an english school where they can access an english A.L.N unit once they have also failed at english mainstream.

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)?

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

Supporting comments:

A disagreement resolution person should not be employed via the local authority I do not feel that this would be fair to parents involved as decision may be made due to budget issues with in the local authority. An independent person should be just that - some one who is independent from all involved with the disagreement. A person employed by the local authority isn't independent when the disagreement is about the local authority. This role should be managed by organisations like snap cymru - who are not employed by the local authority or the parents/schools so will be more likely to asses the disagreement on a non biased view and the decision to the disagreement will be made solely in the best interest of the child/young person involved. At the end of the day a person employed directly by the local authority will always lean more towards the local authority than they would remain 100% fair as the local authority is keeping the individual employed so their view would be slightly biased.

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:

This is exactly the same question as 42 so the same answer above applies here

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.

Access to A.L.N units needs to be made easier. My son was identified with severe s.e.n at a very young age and it was mentioned about mainstream being the wrong setting but we had to try. He went to welsh mainstream for a few months but due to lack of support available to the school he was moved to english mainstream. Issues also followed him. English mainstream have done everything possible for him to stay in mainstream, he was moved to a s.b unit for 4 days a week with the view of re-introducing him to main stream over a period of time. He has shown that when his days were changed down to 1 day s.b unit and 4 days mainstream the issues intensified.

A pupil is normally at a s.b unit for 6 school terms before they are back in mainstream. My son is currently on term 8 with his days going backwards due to his struggles at mainstream. Both schools are saying mainstream isn't the correct setting for him and he needs a permanent unit but due to procedure this can't be done. He needs to be back in mainstream full time and showing that mainstream isn't working again before this can be considered. My son is 7 years old and is still in the wrong setting due to the way things have to be done according to the local authority. This system is not fair on the child who is struggling.

The governing body/advocate services that is independent of the local authority can not be employed directly by the local authority. Regardless of the job role saying they need to remain independent of the local authority this wouldn't be the case if that who is paying their bills for them

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?

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?

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?

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:

I strongly believe that a ALNCo role should be appointed to a person that isn't involved to the school budgeting. I have found that head teachers who are also the school ALNCo make their decisions based on whats left of the school budget instead of whats best for the child

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?

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?

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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?

None- it will look good on paper but the services for the provisions or a.l.n units are non existent

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

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

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No Response

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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 (UNCPRD)?

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?

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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:

There should always be someone independent of the local authority available to give impartial advice . Snap cymru where invaluable to me whilst navigating the mine field whilst trying to get my children the support and placements needed

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 them . It is ridiculous that the local authority should offer disagreement resolution .

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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No Response

Part 2 of 5: Draft Education Tribunal for Wales regulations

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Part 3 of 5: Draft ALNCo regulations

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Part 4 of 5: Looked after children

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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

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Supporting comments:

it should be somebody independent and not within the local authorities.

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No Response

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No Response

Respondent Details

Information	
Name	Julia Green
Organisation (if applicable)	Coleg Sir Gar

Part 1 of 5: The draft ALN Code

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No Response

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No Response

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

Yes

Supporting comments:

Process seems clear

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:

35 days seems reasonable to meet with a young person and to assess and start the preparation of an IDP. A longer time period is needed to make a decision on whether the college can meet that young person's needs and / or prepare for any reasonable adjustments.

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

Supporting comments:

There is no clarity on who is responsible for the costs of supporting transport. It would also be useful if clear guidance was available on how benefits / mobility payments may be used where young people / carers are in receipt of monies to support their transport needs.

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?

Not sure

Supporting comments:

We are unsure of the arrangements where a young person aged under 18 does not consent to parental involvement.

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:

The guidance is clear - however, there is an increased responsibility and commitment to transition into and out of a college and there is no reference to how this will be resourced. As an FE College we do not currently have the capacity to support this level of involvement with the transition process.

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

Not sure

Supporting comments:

The process of sending and receiving the transferred IDP is not clear in terms of who is responsible for initiating the transfer and to what timescale.

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?

No Response

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

Not sure

Supporting comments:

In 21.15 we would like to see a timescale.

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

Not sure

Supporting comments:

We are not sure what the duties of an FE College are in 21.18

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:

The responsibilities and duties are clear. What is not included is the resources needed to pay for such a role and where colleges are expected to find this resource.

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?

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?

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?

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?

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 ALNCo's 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?

No

Supporting comments:

I think it weakens accountability.

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?

Not sure

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

Not sure

Supporting comments:

I think chapter 24 should be after chapter 12 and before 13 Duties of the ALNCo

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

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?

Yes

Supporting comments:

Although there could be more must statements instead of shoulds.

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:

No, The frequent use of the word should gives no accountability. it will

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?

undermine parents who complain about not getting the access to advice. 6.13 should not be a separate item but included into 6.12

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)?

No

Supporting comments:

The should statements seem to reflect the lack of additional ring fenced monies and undermines the position

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?

Yes

Supporting comments:

Although personalization should be encouraged if appropriate

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?

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?

No

Supporting comments:

Why give a time limit of 7 weeks and then provide a loop hole!!!!

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:

19.14 Transition planning MUST be done and more than once a year.

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

No

Supporting comments:

I don't feel it clearly states what the transition process should be into non maintained settings and out of the as well as the dual registration.

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

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 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?

Not sure

Supporting comments:

This is not a field I feel confident in answering.

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?

No

Supporting comments:

They are clear but i am not sure if appropriate as many of our ALNCo's do not have the capacity

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?

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?

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

Supporting comments:

Although I feel there are too many loopholes for providers to manipulate especially where time scales are involved

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?

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?

Not sure

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

Supporting comments:

But only if fully supported by upskilling and non contact time

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?

Yes

Supporting comments:
AS above

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

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 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?

Better ALN services
Partnership working
Increased workload

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

Huge capacity issues

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.

The role of the EY ALNLo and funding

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:

This is clearly set out and refers the reader to additional footnotes for guidance.

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:

We think this should read as "should" rather than "must". You could give examples of reasons why it might be impractical. e.g. holiday periods, availability of multi agency staff, other agency waiting lists etc..

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:

1.33 to 1.35 allow for flexibility where health agencies etc are not able to act within the timescales given.

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

Yes

Supporting comments:

The list of chapters clearly highlights information relevant to different professional groups and stakeholders.

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

No

Supporting comments:

Not enough guidance on the practical implementation of the Code.

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:

We do not feel equipped to respond as health professionals.

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

Yes

Supporting comments:

We agree with the principles completely with the proviso that there is a strong emphasis on the child's voice being at the centre of planning. We discussed that there should be a clear expectation that health would work to meet IDP deadlines where possible.

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:

There is clear emphasis on importance of parental involvement and the child's views.

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:

There should be reference to other legislation regarding disability and accessibility. 4.6 is opaque and difficult to understand. Duties and responsibilities are not clear from this.

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:

If the ALP relates to physical or disability related issues then this is not clear enough for non educational staff to understand.

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?

Not sure

Supporting comments:

Partly. Physical impairment will have an impact on a child's ability to learn because they can't explore their environment in the same way a typically developing child can. It should not be seen purely as a health need as schools with good universal provision can meet their needs well with the correct training and support e.g. the MOVE programme for children who cannot sit stand or walk unaided.

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 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?

Supporting comments:

It should be noted that outside agencies can provide teaching and training to upskill teaching assistants and teachers as well as provide "medical advice". We have moved away from the medical model in our thinking and planning.

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?

Not sure

Supporting comments:

We are not best placed to answer this in our experience

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:

It is difficult to comment as our timescales do not match those required of Education .

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

Supporting comments:

It should not be assumed that just because a CYP has significant physical and learning difficulties that they cannot gain from further education placement up to age 25. It should be assumed that everyone still has the capacity for learning at

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?

some level with a few exceptions. If this is not provided locally then there should be the option to go elsewhere or have a bespoke timetable.

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

Yes

Supporting comments:

Yes although it does not mention the support that will be required by the pupil

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

Yes

Supporting comments:

This information is all needed and we support that it is not diagnosis centred. There is no guiding language on the one page profile. How is this information gathered e.g. like and admire and important to and important for. i.e. the PCP language that is used following specific training? Should there be some prompts at this stage?

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

Not sure

Supporting comments:

Clarification around who provides ALP is needed. We would interpret 13.38 as support provided by school team with or without help from therapy or other agencies. It could for example be quantified if we set out what support looks like e.g. what equipment is needed and what tasks are being carried out by whom. Physiotherapy input should not be regarded as ALP but rather specialist intervention on a short term basis.

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

Supporting comments:

6 weeks to respond is appropriate if the child is already known to the service and on a caseload. If it is a child on the waiting list or needing referral then it will take up to 14 weeks. An urgent request may not equate to high priority for therapies.

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

Supporting comments:

Need clarification around the exception. Also there are implications for adult services in the health sector as this Bill relates to up to 25 years of age.

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:

Expertise is clear but the actual role is not clearly understood by those in NHS teams. Greater communication between DECLO and health teams would provide greater understanding of the role.

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

Supporting comments:

Advance notice of review dates will assist NHS partners in preparing for IDP reviews

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?

Not sure

Supporting comments:
Unable to answer

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:

All those asked to contribute to IDPs and meetings must have training and an understanding of PCP principles and language. Attending the meeting by technology should be considered.

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

Supporting comments:

19.10 should read MUST Attendance at planning meetings/idp meetings at all stages should be regarded as good use of clinical time because it informs goals and targets.

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

Supporting comments:

We would have concerns around funding for e.g. specialist equipment if IDP is no longer managed by the LA. Would this go back to Health or be picked up by the FEI?

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?

Not sure

Supporting comments:

Unable to comment as we are health professionals. However the timescales would appear to be reasonable

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

Not sure

Supporting comments:
Unable to answer

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

Supporting comments:
No comment

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

Supporting comments:
How is promptly defined?

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

Supporting comments:

The information is set out clearly. To an outside reader, the duties appear to be many and requiring a high level of ability and expertise so we would imagine this would be a role for a qualified teacher so we agree with the section on qualifications as set out.

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:

We understand that Putting things Right is mainly for complaints and concerns relating to provision of healthcare. It should not be the first port of call for concerns regarding ALP. Well managed IDPs and PCP meetings give the opportunity to raise concerns through conversations such as "what is working/not working" so we would expect that concerns are raised and dealt with at an earlier stage. Good collaborative working will we hope ensure that there are fewer disputes. Health will look to Education to support their Care Aims approach by upskilling school staff where possible.

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?

Not sure

Supporting comments:

We do not feel equipped to comment as we are not well versed in legal aspects of appeals and disputes.

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:

We discussed that it could be very difficult to establish whether a child needs a case friend. Not all involved may agree or understand what the role is. More Public awareness is needed around this subject

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

In parts it is difficult to understand by non education professionals.
We discussed that it would help to have an implementation period during which it can be evaluated and amended as needed.

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?

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?

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?

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?

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?

Not sure

Supporting comments:

All information should be included in the standard form if it is person centred as it will be about that child

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?

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?

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?

We hope that joint collaborative working and sharing of information will be easier and quicker for the benefit of the pupil.

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

Pupils in Welsh medium settings should have exactly the same access to support

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?

As above. In our experience some technology e.g. voice to text software is unavailable in Welsh 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	Sharon Poloha
Organisation (if applicable)	Merthyr Tydfil County Borough Council

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?

Supporting comments:

Merthyr Tydfil Early Years Response to the WG Consultation Document – Draft Additional Learning Needs Code Question 14 - Early Years ALN Lead Officer

- It is important to note that the draft code states that the role is a strategic one, however there is no allocation of funding to accompany this role within the local authority budget
- If the role is a statutory role to fulfil the LA's responsibilities within the Act, then financial implications exist.
- If the role is a strategic role ensuring that the functions of the LA are met then some of the wording in 8.45 and 8.46 refers to an operational role – 'supporting providers'. Perhaps the wording could include 'ensure systems are in place to...'
- The word 'should' in chapter 8 indicates that the statement is desirable and not essential in terms of a job description.
- There needs to be further clarity around the definition of the role regarding strategic and operational responsibilities. The responsibilities should be split into sections in the Code, this would make the role clearer.
- The role at present is a midway between a training role and a strategic role. The role should feed upwards to senior leadership and ensure systems are in place downwards, not an operational one.
- The code needs to state that the EY ALNLO role will include liaising closely with the DECLO.
- Transition – possibly the EY ALNLO role should ensure all transitions from home to setting, setting to school are collaboratively undertaken not just into school.

Guidance on the experience and expertise of the EY ALNLO

- The EY ALNLO must have experience of early years and ALN as the securing of the ALP will need knowledge of the sector
- The code does not mention anything on mediation or dispute resolution

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

training. The EY ALNLO must have experience of the rights of appeal and mediation which forms a significant role within the code

- The EY ALNLO will also require experience of working with children in schools to ensure smooth transition processes
- The EY ALNLO will require experience of working with IDP's and a knowledge of person centred practices or equivalent, in order to ensure systems are in place to review and revise appropriately
- The EY ALNLO will require change management experience, experience of leading multi-agency discussions with health, social services and third sector colleagues.
- The EY ALNLO must be able to provide appropriate information to inform strategic priorities and future objectives of the LA.
- The EY ALNLO must have experience in managing teams and performance management
- The various strategic responsibilities require the EY ALNLO to be able to deliver appropriate training to a variety of audiences so excellent presentation skills are an essential part of the role.

General additional information

- The term 'children under compulsory school age who are not yet in a maintained school' is interpreted differently from local authority to local authority. It would be good to improve clarification of this descriptor. What is meant by this and does it include children in hospital, at home, elected home educated, and children in receipt of the 30 hour childcare offer, etc.?
- In 8.41 2nd bullet point 'be able to act as a source of expertise for providers of childcare and non-maintained nursery education is this only Registered Education Providers?
- In 8.44 the third sector should be added to the list of any other agencies or services.
- 8.46 'The Early Years ALNLO should have a pro-active role in working with and supporting providers of childcare and non-maintained nursery education (not all non-maintained settings offer nursery education)
- Clarity is needed regarding the terminology 'Non-maintained nursery education' as local authorities vary in their interpretation.
- In chapter 7 in 7.16 where the ALP is identified - 'for those aged under three can take many forms; for instance, group work or individual support - where it is educational provision of any kind. This might include educational provision in the form of mother *and baby groups, educational provision in Flying Start or specialist health, physical, communication or sensory support. This can take place in an education setting or elsewhere. *The word mother here is usually replaced with 'parent/carer and baby groups or just baby groups

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?

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

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:

Not enough time for schools to gather evidence, consult with agencies and make decisions.

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?

Not sure

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

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

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)?

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?

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?

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

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?

No

Supporting comments:

To have the same document for all pupils on the ALN register is a nonsense, and significantly increases the workload for ALNCOs who are already under enormous pressure. There should be a graduated response so that School Action pupils just have a profile and SA+ and statements have a profile and targets, as each IDP will need to be populated and is far too much information for SA pupils.

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 whole purpose of the new Code is to be pupil-centred, yet this document isn't child-friendly whatsoever and does not take into consideration the range in size and level of need of different schools, and the pressure this places on schools.

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)?

Yes

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

No

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

Supporting comments:

The timescales for reviewing IDPs are unclear as currently most schools review statements annually and ILPs termly, yet the guidance isn't concrete and is open to misinterpretation

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?

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?

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?

No

Supporting comments:

The current system has one structure for financing statements, yet it will be up to each of the 22 LAs to fund IDPs based on their capacity and not necessarily the needs of the pupils.

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?

Yes

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?

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

Supporting comments:

The demands that the new Code will place on ALNCOs is going to have enormous effects on these dedicated professionals, as the burden of allocating funds and making decisions about ALP falls on them rather than having the current system of an objective SEN Panel making these choices. There are also lots of MUSTs for ALNCOs to adhere to yet only SHOULDs for schools to meet their obligations in terms of non-contact time, etc.

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?

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.

I am concerned about the pressure this will place on ALNCOs and the lack of funds will ensure that there are far more disagreements/tribunals then there have been previously.

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?

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?

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

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

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?

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	
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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

Supporting comments:

Yes we agree with the timescales. Although not sure if it will be manageable for all schools to meet these demands.

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

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

Not sure

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

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

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No

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

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?

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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?

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?

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?

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?

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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?

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?

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)?

Yes

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?

No

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 Response

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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?

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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

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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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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

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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?

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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?

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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

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.

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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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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 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?

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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?

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?

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?

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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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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:

Dylai fod wedi ei rannu yn rannau sydd yn briodol i ysgolion a rhan arall ir gwasanaeth iechyd- rhy gymysglyd.

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

No

Supporting comments:

Ddim yn hollol eglur

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

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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

Supporting comments:

Ddim yn ddigon eglur. Dim dilyniant amlwg yn y pennodau.

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:

Ddim ddigon eglur

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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

Supporting comments:

Ddim digon eglur a ddim yn esboniad clir

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

Supporting comments:

Dilyniant ddim digon amlwg

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Yes

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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?

Supporting comments:

Gwynedd yn defnyddio cdu pwrpasol yn barod sydd yn cynnwys yr agweddau.

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 Response

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No

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Supporting comments:

Nodir y dylir adolygu o fewn 7wsnos os oes newid ond dylid nodi mai yn flwvddol v cynhelir adolygiadau oni hai am newidiadau

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?

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?

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:
Ddim digon eglur

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

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No Response

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

No

Supporting comments:

Esboniad ddim ddigon clir yng nghyd destun beth yw statws ady y dysgwr os nad oes angen cdu erbyn hyn

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

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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?

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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.

Teimlaf bod y ddogfen angen ei rhannu ar gyfer perthnasedd i sefydliadau addysg a iechyd. Mae rhediad y ddogfen yn anrhefnus. Dwi wedi gorfod darllen ambell ddarn perthnasol mewn pennod ac yna pasio 2 bennod am wybodaeth berthnasol arall. Mae angen ystyried gosodiad y ddogfen er mwyn sicrhau dealltwriaeth lawn.

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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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?

Yes

Supporting comments:

Dylid bod canllaw neu amlinelliad clir o ran amser digyswt y dylai cydlynwyr ei gael o ran amser mewn ysgolion.

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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Part 5 of 5: Impact of proposals

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Yes

Supporting comments:

There has to be a timescale so in principle I agree, although it could be difficult to get everyone to submit reports to this timescale.

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?

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Yes

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Yes

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

No

Supporting comments:

The threshold for identifying ALN is not clear. This will lead to inconsistency between schools as well as regions. This was something the new legislation wanted to avoid.

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

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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

Supporting comments:

There is little correlation between outcomes and the comment boxes below. Furthermore, there is nowhere to record the SMART targets, or the success/impact of SMART targets in this document.

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

Yes

Supporting comments:

Standard form is good although there needs to be additions/improvements (see paragraph above)

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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 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

Supporting comments:

Disappointing to see the time allocated to carrying out role diluted to 'has sufficient time'. This is a role that carries a high level of responsibility and the workload aspect is tremendous. With no clarity on how much time should be allocated to the role means this will differ from one establishment to another and lead to workload issues and possibly, if not probably, the loss of quality people from this role. Furthermore having a 'direct line' to SLT is meaningless. Every member of staff has a direct line to SMT. By not directing ALNCoS to be part of the leadership team means they will have limited knowledge of strategic decisions and no overview of financial decisions. Also, whilst the ALNCo is not required to develop 'every IDP' their skills and knowledge will be in high demand. They will have responsibility for ensuring the correct information is gathered and the provision meets need. Again, this responsibility leads to a workload issue. Finally, an ALNCo completes referral forms for ASD/ADHD/SPLT etc, carries out assessments etc, I could go on, to do all this and then prepare lessons, mark books, write reports, complete tracking data etc is a massive undertaking. I haven't even mentioned meetings and phonecalls to parents and supporting children. Please look at the workload of the ALNCo before we lose our best members of staff. Re establish the specification that the ALNCo must be part of SMT.

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?

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?

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.

13.30 and 13.31 highlight that outcomes need to be long term and aspirational and yet they also need to be 'SMART'. I would also suggest that the IDP makes it clear how the Outcomes and SMART targets link into one another. i.e. SMART targets help Outcomes to be achieved.

There is no mention of IEPs in this document or where SMART targets are identified and recorded (unless you consider Outcomes to be SMART, which could prove difficult when an outcome relates to life after school). IEPs are very useful documents, used by all referral agencies as well as DWP etc. Schools currently have systems in place for IEPs but as they are not specified in the new code, which gives the message they should no longer be implemented in schools. If IEPs are to be continued (and I recommend they are) then it needs to be specified in the new code, and also a mandatory section included in the IDP where they can at least be monitored.

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?

Yes

Supporting comments:

I have said yes, however it will be interesting to see if NHS bodies can adhere to this timescale.

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?

Yes

Supporting comments:

Should most definitely hold qualified teacher status and have relevant experience.

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?

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?

Supporting comments:

Please see previous comments re workload though.

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

Supporting comments:

With additional sections as mentioned previously.

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?

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 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?

hopefully this will be a positive change for everyone. The overall aim is good. To consider all children be educated in mainstream provision is commendable (not always appropriate but should always be considered).

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

Same as English medium provision.

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

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.

As ALNCOs are going to be the people writing IDPs and responsible for identifying provision and maintaining IEPs, I would like to see them having more direct involvement on the new Code and also for finalising mandatory sections in the IDP.

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:

The use of should/ may/ should not is open to interpretation. Some LA's who are better funded and organised may look at the shoulds and make them mandatory whereas other LA's may look at them as recommendations only. This then leads to different services being offered in different areas.

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 term promptly is open to interpretation and how will this be monitored.

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?

Not sure

Supporting comments:

I think there should be a fixed amount of time for each process which is adhered to across all LA's. This would give parents a clear indication of what to expect.

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

Supporting comments:

Early Intervention is identified as key to the child's success. However, there is no code to how the interventions should be delivered. For example, a child could be under an episode of care with speech and language but not consistently see a therapist due to staff shortages. At which point, the child has been identified as requiring additional services but no services available. There is no mention of how often therapies should be delivered to provide effective support.

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)?

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

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:

6.10 must be changed from should to must. As a parent, navigating what is available in my area for support is impossible. It is not clear who provides what service and how to contact or get referrals to services. This causes frustration and further anxiety to a situation (raising a child with ALN) which is already rife with frustration and anxiety. I do not feel at the moment in Caerphilly it is clear who can help with what and clear instruction needs to be given to the local authority to rectify this.

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)?

No

Supporting comments:

This needs to be changed to - The Early Years ALNCO must have experience of and expertise in. Parents need to be assured that they have experienced professionals working with their child.

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?

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?

Not sure

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:

Resolution of disagreements must be organised by an independent and impartial body not by the local authority. Also, it says that the LA must make arrangements to resolve disputes but 25.18 & 25.19 only suggests ways in which to do so as shoulds. What will stop LA's from threatening legal proceedings to scare off parents who dispute the IDP as the reasonable suggestions at conflict resolution are only suggestions.

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:

The requirements are not imposed, they are suggested as "shoulds". The only imposition is that the LA must resolve conflicts.

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

No

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

Supporting comments:

The councils using Legal representation at Tribunal stage is intimidating and most parents would not be able to afford the legal fees required. It is outrageous that local authorities use public funds to employ legal representatives against parents in their authority

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?

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?

Yes

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 Response

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

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?

Not sure

Supporting comments:

I welcome a timescale but It is likely that many IDPs will be incomplete and the avenue of appeal will open as a result before all the information is to hand. The greatest piece of missing info I can envisage is Health - particularly as it cannot be ordered as such as is the case now. The "circumstances beyond the responsible body's control" is likely to be the NHS in terms of speech and language/occupational health which ultimately feeds into any psychological assesment - it may place further pressure of psychologists to pprepare two seperate reports based on different scenarios - one without all the information and then another once received whenever that may be. The exception therefore cannot be monitored or timesclaes imposed to complete a whole body of work.

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

Supporting comments:

I would envisage that pupils who attend have greater additional needs than most - evidenced to the very fact that they attend the PRU. Its a bit like delegating to a school governing body a particularly difficult and complex child who evidently requires the local authority to manage the IDP. I doubt the management committee will be able to manage the IDP entirely due to the complexity of need ..time will tell..

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

No

Supporting comments:

Disagree with e) should be " A bilingual system where steps must be taken to deliver ALP in Welsh for children..who require support through the medium of Welsh..with scope to deliver.. in Welsh over time" !!! This is not Welsh Language Act compliant surely?? Children have the right to receive their education through the medium of Welsh particularly in a Welsh School - conditions such as Dyslexia affect children in both languages!

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:

Just doubt how much training will be provided to support those who MUST comply with this duty - there is an online resource but is that enough?? Definition including the word "Should" is wholly discretionary on all bodies - seems a bit vague as children are always at the centre of the decision.Granted not all children can voice their view on the matter but duty is slightly vague in

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?

my opinion at 3.4. I welcome the requirement to include the mode of communication in the IDP and the support at meetings which has never in the past been there - parents are usually bombarded with information there and then form many professionals. The support from Health though may not be there which may undermine the 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

Supporting comments:

Just a question - who decides when it is suitable for a child to attend in Tribunal?? They would have no independent advocate - as would a child say in care proceedings - who is responsible for giving the child this opportunity?? Is there a minimum age?? I welcome La's and NHS bodies being accountable for decisions and actions they take - does this include full reasons for a decision about ALNP?? as it does not exist at present - all they say is "does not meet criteria" or words to that effect and no right to know why a moderation panel has refused a request for assessment/provision

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:

Welcome 5.3.5.4 seems slightly like a get out clause if there is a lack of staffing levels? 5.5 "All reasonable steps to remedy"?? Would it depend on funding - what happens when no funding available to fulfil the steps to be taken? The worry is if the Welsh Ministers do not act if there are funding/staffing issues - the possibility then of judicial review which is a long and laborious process and is not in the best interests of the child. 5.12 - the wording "Should also aim to" in my view is not strong enough - should be a "Must also aim" - more likely to be effective than what is currently stated - otherwise we are in the same position as we are at present . 5.13 is too vague and will be used by local authorities to leave much responsibility to the school governing body who are usually none the wiser about support/provision/need. 5.15 - I doubt you would have all bodies/persons at review - e.g psychologists are never there as they are overworked and have no time to attend (e.g I did not see a psychologist at any review between year 1 and year 6 of my son's education - therefore is 5.15 achievable?

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:

Still no impartiality - if a local authority "contracts" services - how can that be impartial. I have been referred to such bodies in the past whereby their reps then end up sitting on the moderation panel who refuse the application - with no explanation. Very sceptical about this aspect of the code - do not see much difference, which is disappointing.

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:

7.10 "such differentiated teaching does not itself constitute ALP" - this is a get out clause style statement - surely if the teaching style must be differentiated to one child it will call for ALP! I can see this being used as a way of disputing whether a child has ALN.

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:

7.18 - concern (as with "differentiated teaching" concern above) re placing onus on teaching body to help learner "catch up" - how long should this last - could argue that throughout a child's schooling. 7.21 - in Wales this is more of a problem as much is learned through play in early years - hence the difficulty of being able to spot ALN at an early stage - much is "masked" through play. 7.36 - - - evidence "other services" - who would pay for these? Will it fall on parents to pay for reports - a worry if the school are not on board - another avenue of appeal with a view to evidence being gathered. 7.50 - vague "There SHOULD be clear processes in schools" - it should be MUST surely as a means of staff highlighting concerns and seek further advice. 7.54 - I would say that a meeting "MUST" normally be arranged with child and parent to discuss and decide upon needs and discuss IDP - must be involved from outset.

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?

Not sure

Supporting comments:

8.17 "reasons" - would assist if proper reasons are given - not just a standard statement of "does not fit criteria" - this duty should be imposed on I.a's. 8.20 - it helps with appeal to have sound reasons upon which to base the appeal which at present is non-existent - even to Tribunal. 9.2 - definition of "more severe or complex" - how define?

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?

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?

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

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?

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?

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?

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:

I question the independence. By the time disagreements occur the trust has usually gone y way of decsions made usually against the best intetsts of the

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?

child. My experience of disagreements with the council are not good. They are not usually open and honest and as a parent it is a very lonely feeling. Much false information has been given to me by psychologist with an aim of them saving money. There are simply no independent advocacy services around to bridge this gap. I cannot therefore see that anything will change in this regard and the usual recourse is therefore to Tribunal

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

Supporting comments:
see question 42

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:

26.5 - - just concern re delay - 12 weeks for school to decide if ALP and provide an IDP - if that is not sufficient - parent /child then requests L.A to reconsider - 7 weeks - almost 5 months which after preparing for Tribunal (another 12 weeks) is a whole school year missed. Disappointing re tribunals limited powers re Health - there will be an increase in appeals if Health info/assessments are not forthcoming - which will be laborious for children. parents - adding to stress overall. Trib can only make recommendations to Health and no more - no sanctions apart from Judicial review etc

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:

Will have to wait and see - the big bug bear is the health side which is integral to gain the whole picture as many children with complex needs need a speedy overview of education and health needs combined which is sadly lacking - the appeal process therefore is just as cumbersome as before - in fact may lead to an increase in appeals

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:

health will be the main problem and lack of enforcement powers

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?

Not sure

Supporting comments:

As a parent you should be given the chance to submit your case statement within a shorter period if at all possible and if elect to do so. By appeal - all the evidence has usually all been gathered. Agree with 1 month timescale for LA

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?

Not sure

Supporting comments:

Overall yes - but the hope is that the I.a do not use "the summer holidays" as excuse to extend this period

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

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:

But a huge task - there needs to be statutory training for teaching staff also to understand the nature of that

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?

A period of adjustment especially with 16+ pupils and a steep learning curve for schools who are underfunded. The extra pressure on schools will take its toll and may lead to more appeals given the reduced numbers of teaching staff to manage and review the IDPs

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

I hope that it will keep in line with the Welsh language Act requirements and not be downgraded due to cuts

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?

Provide exactly the same provision eg literacy in Welsh and English - not just one language due to financial constraints

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?

Yes

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

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?

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?

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?

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?

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

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?

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?

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?

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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

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?

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

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?

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?

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	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?

Not sure

Supporting comments:

In principal all those involved would agree to the need for prompt responses- however, I do not think that the everyday pressures that teachers and specialists are under are taken into account. These changes may add to those pressures.

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 whole document is way too wordy putting off those who may be interested in reading or participating in consultation.

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

Supporting comments:

Think this could cause issues for all involved.

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?

Not sure

Supporting comments:

There may be issues when there are previous concerns or conflict with parents before the changes occur-which isnt addressed.

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:

Again could have workload and financial impact on a provision that is already stretched to breaking point.

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

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

Supporting comments:

Again in principal yes but I feel that its rather idealistic and has not taken the the fact that schools and educational provisions are already stretched to breaking point.

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?

No

Supporting comments:

I think that the timescales should be reviewed, updated and possibly changed once consultation finished.I think many teachers, specialists may find the timescales difficult.

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?

Not sure

Supporting comments:

I think there may be concerns on some areas - involvement of pupils view point may prove difficult in some circumstances. Parental viewpoints may differ from schools / professionals and conflict might arise.

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:

It may need altering to take into account viewpoints after consultation.

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?

Yes

Supporting comments:

In principal yes but may be concerns due to educational bodies and authorities being squeezed because of austerity.

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?

Not sure

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

Supporting comments:

More meetings - added workload and pressure.

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?

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?

Yes

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

Not sure

Supporting comments:

I think there may be issues and a build up of requests which will then have a negative impact on time restraints.

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

Supporting comments:

This is an area which may prove problematic as there may not be the necessary staffing or training - there have been reductions in training as a result of austerity, budgets being squeezed and teachers leaving the profession. I think the principals are good -in reality I think there may be some 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?

Not sure

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

Supporting comments:

Information clear but not always realistic. I feel there will be a huge increase in appeals and as mentioned earlier, not always the time or money to ensure that they are held within time restraints.

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.

I think that the principals behind the changes to ALN provision are well intentioned if a little idealistic. I don't think they take into account how over stretched and near breaking point some educational budgets are and the changes will put more pressure on those budgets. I also think that are huge workload issues for many headteachers, teachers and support staff and some of the time restrictions will add to those. There is already a crisis in teacher retention and these changes may have a negative impact on what is already a crisis in education.

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

Supporting comments:
Possibly idealistic

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?

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:
Idealistic. Lack of funding in schools has had a negative impact on training for

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

the past ten years. Unrealistic expectations and also out of touch with what is happening in education on the chalk face.

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:

I am concerned about workload issues for teachers who are already stretched to the limit. Think it may have a negative impact on teacher retention.

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?

Financial impact on under funded education pots.
Workload implications for headteachers, teachers and support staff -already overstretched.
Teacher retention -negatively impacted.
Conflict between parents and 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	EAL North Wales Coordinators
Organisation (if applicable)	EAL NOOrth Wales Coordinators

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 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.

The North Wales EAL services are in agreement with Paragraph 7.3 and the definition of ALN in relation to pupils with EAL.

Figure 1: definition of additional learning needs

4) A person does not have a learning difficulty or disability solely because the language (or form of language) in which he or she is or will be taught is different from a language (or form of language) which is or has been used at home.

However, whilst it is clear that not all pupils with EAL are ALN, a proportion will require ALP and as such, it is essential that the code and additional guidance for ALNCOs considers the specific needs of this group. Furthermore, recent EAL data show an increase in the number of pupils with EAL and ALN.

Whilst we are clear that this is a code, and not a code of practice, it is concerning that there is a lack of support and guidance for this learner group within any of the consultation documents, government guidance or the proposed training for ALNCOs. The cost and specialism required to implement the code does not appear to have been considered.

For example, there are references throughout the draft Code to using the first or preferred language for a child or young person or their parents or carers.

E.g. Paragraph 3.6 Identifying how a child or young person would like to communicate and Participate, including ‘the language of participation’
Accessibility of advice and information

Paragraph 6.19 make alternative versions (for example, easy read, Braille or in languages other than English or Welsh) available for those who require such.

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.

This is essential inclusive practice and is to be welcomed. However, there is no guidance on good practice in implementing this, by whom, or of the considerable funding required for interpretation and translation services. This would be needed to ensure effective inclusive practice.

Similarly, Paragraph 7.27 states:

7.27 - 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.

Again, there is no available guidance in the document for ALNCO's or other professionals which would support practitioners in the identification and/or ALP required for this group of vulnerable learners. Nor is there clear guidance within the code or supporting documents regarding the use of translation or interpretation services for pupils and parents whose first language is neither English nor Welsh.

In addition, paragraph 7.60 lists a range of agencies who may have a role to play in identifying and supporting children ALN.

This is quite a comprehensive list, but again EAL specialists and interpretation services have been omitted.

In practice, in most schools in North Wales, the ALNCO has responsibility for EAL pupils, and for ensuring that any ALN is identified and an ALP effectively put into place. If this duty is omitted from all documentation, the specific needs of this vulnerable group of learners need/may not be considered as part of the future role.

This is particularly concerning as EAL services across Wales have been severely cut - in fact have disappeared completely from some authorities. In addition, there appears to be an intention by WG to reduce/ further cut the MEAG.

A further question arose in our group as to whether or not an Equality Impact Assessment had been completed and published. Has consideration been given as to how the implementation of this code will impact on pupils with protected characteristics, such as ethnicity?

For the reasons stated above, the omission of this group from any final policy, legislation or guidance means that ALN pupils with EAL are likely to face indirect discrimination.

We would urge Welsh Government to consider the above, and to ensure that

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.

supporting guidance and funding is made available to ensure that EAL pupils with ALN are enabled to reach their maximum potential.

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?

Supporting comments:

The North Wales EAL services are in agreement with Paragraph 7.3 and the definition of ALN in relation to pupils with EAL.

Figure 1: definition of additional learning needs

4) A person does not have a learning difficulty or disability solely because the language (or form of language) in which he or she is or will be taught is different from a language (or form of language) which is or has been used at home.

However, whilst it is clear that not all pupils with EAL are ALN, a proportion will require ALP and as such, it is essential that the code and additional guidance for ALNCOs considers the specific needs of this group. Furthermore, recent EAL data show an increase in the number of pupils with EAL and ALN.

Whilst we are clear that this is a code, and not a code of practice, it is concerning that there is a lack of support and guidance for this learner group within any of the consultation documents, government guidance or the proposed training for ALNCOs. The cost and specialism required to implement the code does not appear to have been considered.

For example, there are references throughout the draft Code to using the first or preferred language for a child or young person or their parents or carers.

E.g. Paragraph 3.6 Identifying how a child or young person would like to communicate and Participate, including 'the language of participation'
Accessibility of advice and information

Paragraph 6.19 make alternative versions (for example, easy read, Braille or in languages other than English or Welsh) available for those who require such.

This is essential inclusive practice and is to be welcomed. However, there is no guidance on good practice in implementing this, by whom, or of the considerable funding required for interpretation and translation services. This would be needed to ensure effective inclusive practice.

Similarly, Paragraph 7.27 states:

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?

7.27 - 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.

Again, there is no available guidance in the document for ALNCO's or other professionals which would support practitioners in the identification and/or ALP required for this group of vulnerable learners. Nor is there clear guidance within the code or supporting documents regarding the use of translation or interpretation services for pupils and parents whose first language is neither English nor Welsh.

In addition, paragraph 7.60 lists a range of agencies who may have a role to play in identifying and supporting children ALN.

This is quite a comprehensive list, but again EAL specialists and interpretation services have been omitted.

In practice, in most schools in North Wales, the ALNCO has responsibility for EAL pupils, and for ensuring that any ALN is identified and an ALP effectively put into place. If this duty is omitted from all documentation, the specific needs of this vulnerable group of learners need/may not be considered as part of the future role.

This is particularly concerning as EAL services across Wales have been severely cut - in fact have disappeared completely from some authorities. In addition, there appears to be an intention by WG to reduce/ further cut the MEAG.

A further question arose in our group as to whether or not an Equality Impact Assessment had been completed and published. Has consideration been given as to how the implementation of this code will impact on pupils with protected characteristics, such as ethnicity?

For the reasons stated above, the omission of this group from any final policy, legislation or guidance means that ALN pupils with EAL are likely to face indirect discrimination.

We would urge Welsh Government to consider the above, and to ensure that supporting guidance and funding is made available to ensure that EAL pupils with ALN are enabled to reach their maximum potential.

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:

Helpful references to sections of The Code as well as other legislation/guidance to provide the context. Useful use of colour to denote interpretation (to those who can differentiate the differences in colour) and consistent through the document.

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:

Yes - seem reasonable, fair and well articulated within The Code

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

Supporting comments:

Yes - again, seems reasonable, fair and clearly communicated.

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

Yes

Supporting comments:

Very useful and clear generally. Would it be useful to clarify where reference is made to Children and Young People in Specific Circumstances (ch.23) that home-schooled children are explicitly referenced here? Especially as there may be a high incidence of children and young people within this cohort who have ALN.

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

Yes

Supporting comments:

Agree that too much information may cause The Code to date quicker

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

Supporting comments:

Yes - specific references to other appropriate chapters within The Code (although 1.57 and 1.58 in The Code rather than 1.56 and 1.57 as cited in the Consultation Document).

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

Yes

Supporting comments:

Yes - and clear reference to additional detail regarding the principles (i.e. reference to Ch.4 under the UNCRC and UNCRDP)

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:

Clear and positively worded highlighting additional considerations regarding support parents may require to enable more independence (where appropriate) to their children's rights and wishes.

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

Supporting comments:

Yes. Very clear. Could the Functional Model of Disability (a focus on what the individual can do relevant to their functional ability - rather than what they can't do as assumed by their impairment) be referred to alongside the Social Model

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)?

of Disability (this is especially relevant when considering Article 30 of the UNCRPD)?

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:

In principle looks fair and balanced, and aims to ensure fluidity and reflection of the essential balance between need of child/young person and capacity of professionals (growth as well as attrition).

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:

Yes - generally. How will a Local Authority know which 'relevant and additional sources of information' are available and appropriate (high quality) (6.11)? Will this be provided in a specific environment or source available to the LA (i.e. a website, or an appendix to The Code)?

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:

It does BUT with the below observation and request that learning physical skills needs recognition within ALN 7.22 and 7.23 - where an individual has a physical impairment but no specific ALN in cognitive (more traditional academic) provision - is there any recognition of support they may need in a more physical learning environment (i.e. having their physical competencies and broader physical literacy supported within PE/Sport environments)? Would be very positive to have some recognition of physical and intellectual learning need reflected within the ALN and ALP descriptions.

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?

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:

Whilst reference to impaired co-ordination is made in 7.34 this is not broad enough to reflect physical literacy (and physical competency as part of this) and the differences therein may be brought about by a lack in teacher confidence to be able to differentiate between disabled and non-disabled children's physical competencies rather than an ALN specifically linked to learning physical skills (which would manifest themselves in some of the markers identified in 7.35).

7.37 - could this reference physical as well as cognitive learning? 7.42 - for physical competencies this has to be relevant to a model to that child's functional ability rather than a model based on a non-disabled child. 7.6 - could sport (or specialist sports) organisations be referred to within this list? Useful flow diagrams. The link identified at the bottom of p61

(<http://learning.gov.wales/resources/browse-all/supporting-learners-with-healthcare-needs/?lang=en>) appears to have changed to <https://gov.wales/supporting-learners-healthcare-needs-0>

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:
Clear

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

Yes

Supporting comments:
Clear

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:
Appear reasonable

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

Supporting comments:
Appear reasonable

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

Not sure

Supporting comments:

Yes. Didnt see reference to a list of organisations (virtual or otherwise) which might be useful contacts for supporting the development of the IDP?

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:

Yes but how do individuals completing the form know which organisations might be able to support delivery? Is this done locally in another format?

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

Supporting comments:

yes clear - but additional information could be included

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

Not sure

Supporting comments:

yes but is there scope for flexibility in this so that IDPs (wherever possible) allow children and young people sufficient opportunity to engage with the essential activities which might occur in extra-curricular time and are central to confidence and social engagement (and physical literacy with those elements as a part)?

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

Supporting comments:
Appear reasonable

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

Supporting comments:
clear

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

Supporting comments:
clear

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

Yes

Supporting comments:
Yes clear and supported with the flow diagrams

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

Supporting comments:
appears so

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

Yes

Supporting comments:
Appears to be

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

Supporting comments:
Appears reasonable

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:

18.6 very useful (could be replicated similarly in response to my observation in response to Q19 18.16 - 18.19 - could reference be made here to appropriate support being provided within the meeting so as to enable full access to the content of the meeting (i.e. BSL interpreter will be provided if this is identified in the IDP) (this may be picked up with the reference to 'the multi-agency arrangements required' in 18.18)

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

Supporting comments:
Appears so

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

Yes

Supporting comments:
Appear so

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

Supporting comments:
Appear to be

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

Supporting comments:
Yes

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

Yes

Supporting comments:
Yes - clear

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

Yes

Supporting comments:
Yes

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

Yes

Supporting comments:
Yes clear

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

Supporting comments:
Yes appear to be

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

Supporting comments:

Yes - seems clear and appropriate

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

Supporting comments:

Yes seems sensible and would be useful to monitor nationally so as to ensure that promptly isn't being interpreted too loosely.

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

Supporting comments:

21.14 - change 'suffer' to 'experience' Yes - appropriate

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:

24.15 - should reference to Ch6 be made here (as well as Ch7)? Also refer to comments made under Ch6 regarding clarity of sign-posting to external agencies for support around education staff development and CPL. 24.17 - do they also have an advocacy and advisory role with the pupils/parents/pupils adults to provide additional information about what might be in the best interests of the child? Other than with reference to my observations above, this chapter identifies role clearly.

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 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?

Supporting comments:

25.15 - in addition - use specialist agencies for support where appropriate otherwise appears 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

Supporting comments:

Appears to be

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

Yes

Supporting comments:

Yes - appears to be. Flow diagram is very useful

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:

Yes - clear.

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.

All specific comments identified above.

Throughout would be positive if physical learning and cognitive learning were made explicit.

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

Supporting comments:

yes appear to. Is there going to be an easy read version available?

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

Supporting comments:

Appear to

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

Yes

Supporting comments:

Appears to

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

Supporting comments:

Yes - appear to be (but also see query regarding Easy Read format - particularly for this element)

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:

For Health to respond to - but seems appropriate

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

Yes

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

Supporting comments:
yes - appears so

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

Yes
Supporting comments:
appears to be

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

Yes
Supporting comments:
Yes appear to be

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
Supporting comments:
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?

Yes
Supporting comments:
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?

Not sure

Supporting comments:

Not appropriately positioned to comment

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

Supporting comments:

Not appropriately positioned to comment

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

Supporting comments:

Not appropriately positioned to comment

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

Supporting comments:

Not appropriately positioned to comment

Part 5 of 5: Impact of proposals

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

Greater clarity and responsibility for continuity of provision by all services across Wales for children and young people with ALN

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

Positive

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?

By actively referencing through it makes it clear what responsibility and options are; and that both languages are equally important to the individuals who use them, their identifies and their engagement with their learning (within an ALN context as well as non-ALN context)

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.

Reference to physical learning and cognitive learning - as ALN support (SEN support) has not had a consistent reach into learning of physical skills and competencies for disabled children or children with learning difficulties which impact on their learning in a physical environment.

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?

Not sure

Supporting comments:

In theory this is something we already do, if we suspect that a pupil has difficulties we act swiftly. My concern is the trigger for this process, from what it reads anyone can trigger? Surely this does not go inline with other legal processes for parental consent.

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:

In smaller schools it will be more difficult as they do not have the staff to juggle around if the SENCo is not in school. However, in most schools the system should already be monitoring a child and have picked up that difficulties maybe happening.

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

Supporting comments:

I have no knowledge or experience to comment.

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

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?

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:

In smaller schools it will be more difficult as they do not have the staff to juggle around if the SENCo is not in school. However, in most schools the system should already be monitoring a child and have picked up that difficulties maybe happening.

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:
It is not clear

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

No

Supporting comments:

This paperwork is far too large and time consuming.

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

No

Supporting comments:

This paperwork is far too large and time consuming.

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

Supporting comments:

As long as 'a response' is acceptable as an acknowledgement letter, waiting lists are far too long for us to get a full 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

Supporting comments:

As long as 'a response' is acceptable as an acknowledgement letter, waiting lists are far too long for us to get a full 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)?

Yes

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?

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?

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?

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?

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?

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?

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

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.

The age transfer from child to young person does not fall within NHS guidelines and so will be difficult to get parents on board with. Why are they different? They can't attend a drs appoint this young, so why can they make a decision about their education which could have a massive impact on the rest of their lives?

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?

No

Supporting comments:

Not with the length of the waiting lists, needs to be clearer.

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?

Not sure

Supporting comments:

What would these modules look like? Not enough information.

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?

No

Supporting comments:

It will be the SENCo doing all the tasks as small school will have no-one else to complete them.

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?

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?

Less and less people will want to be SENCo's in schools, the IDP paperwork is unmanageable and unreasonable. I agree that SENCo's should be qualified teachers but the extra modules you are asking to them to complete without extra funding put into schools will mean they will have to complete these in

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

their own time, as the government are saying they are trying to reduce workload this doesn't add up.

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

Nothing

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?

It should be equal, as long as the guidelines are followed by other agencies.

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	Fiona Nicholson
Organisation (if applicable)	Home Education Consultant http://edyourself.org/

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?

Not sure

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

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?

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:

I am answering specifically in relation to how easy it is to find information where a child is in elective home education. It is not at all easy.

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

No

Supporting comments:

I am answering specifically in relation to how easy it is to find information where a child is in elective home education. It is not at all easy.

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?

Not sure

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

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?

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?

Not sure

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)?

Not sure

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

No

Supporting comments:

I am answering specifically in relation to how easy it is to find information where a child is in elective home education. It is not at all easy.

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

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:

I am answering specifically in relation to how easy it is to find information where a child is in elective home education. It is not at all easy.

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?

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?

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

Supporting comments:

I am answering specifically in relation to how easy it is to find information about reviewing IDPs where a child is in elective home education. It is not at all easy.

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

Supporting comments:

I am answering specifically in relation to how easy it is to find information where a child is in elective home education. It is not at all easy.

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?

Not sure

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

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?

Not sure

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

Not sure

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?

No

Supporting comments:

I am answering specifically in relation to how easy it is to find information where a child is in elective home education. It is not at all easy.

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?

Not sure

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

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

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?

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

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

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?

Not sure

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

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?

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?

Not sure

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:

It is not feasible to expect us as ALNCO's to carry out investigations and assessments within such a short space of time, when we only get 2 hours a week set aside for ALN of the whole school. With such short, fixed periods of time it will place enormous pressure on ALNCO's, who most of the time have classes to organise too.

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

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?

Yes

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 (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?

No

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?

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?

No

Supporting comments:
Not enough time.

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?

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?

No

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

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?

No

Supporting comments:
Not enough time.

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

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?

Not sure

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?

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?

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?

No

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?

Yes

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

Yes

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.

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

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?

No

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?

No

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

No

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

Supporting comments:

Too much pressure on ALNCO's who only have two hours a week.

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?

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?

Too much pressure on ALNCO's.

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

None.

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

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?

No

Supporting comments:

Whilst applauding the aim of responding more quickly to the needs of vulnerable children and young people, I believe the proposed timescales are unrealistic, i.e. too short. There are usually delays in hearing back from various external parties and long waiting times for diagnosis, meaning that even if the ALENCO or other school personnel are swift in their side of the work, it could be impossible to formulate the full response by the deadline. There are also big implications for school staffing, as all of the paperwork for so many pupils (including those who were previously only on School Action or School Action Plus) will make the ALENCO job a full-time one but schools are unlikely to acknowledge this or to be able to budget for it. This makes delays even more likely. Back in England when they implemented their new code in 2014, as I was living and working there at the time, I noticed that the local authorities ended up having to hire extra, dedicated office staff centrally to cope with the paperwork because schools couldn't manage it on their own.

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 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?

Supporting comments:

These are helpful exceptions. I would add that lack of resources / personnel could end up being a reason for missing deadlines and this wouldn't be acceptable. It's something that would have to be dealt with higher up the system.

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

Yes

Supporting comments:

I'm in awe of the amount of work and thought that has gone into this document and feel it's very clear, well-written and helpfully structured.

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

Yes

Supporting comments:

Yes. As a separate document once the code is finalised, it would be great to have examples / case studies. When I attended the consultation event in Llanelli, it was mentioned that case studies had been part of a previous draft and would be incorporated later in a code of practice.

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:

PRUs tend to be so small, with so few staff, that it could be unrealistic to expect the staff to have the time, resources and broader experience to manage the ALN process themselves.

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

Yes

Supporting comments:

There may be problems finding enough staff who can speak and write Welsh.

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:

Yes but I would be wary of issues of disclosure when involving children. Some do not know their diagnosis and if exposed prematurely to meetings and documents they might be burdened by it. It's important to follow the family's lead in these things. It isn't always in the best interests of children to be involved at every step.

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?

Not sure

Supporting comments:

It would be difficult for a third party to be genuinely impartial when hired by the local authority. It would be better to use organisations that are truly independent.

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

Supporting comments:

Yes, it's made clear. Personally I would like to see the More Able and Talented included as an ALN, giving it greater status as a learning need in schools. In the code, this is accepted in the case of dual exceptionality, where a pupil might have ALN and also great ability in a specific area. However, the code says that great ability in and of itself is not an ALN. In my opinion, it is an ALN and it seems arbitrary to leave it out. The Welsh Assembly has done some wonderful work in recent years to raise the profile of MAT work and it wouldn't be difficult to incorporate it in ALN provision.

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?

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?

No

Supporting comments:

As mentioned in an earlier response, the timescales seem too short. They are a wonderful idea but probably not achievable. It would require a lot more staffing and time to meet the deadline and ALNCOs will end up completely overloaded. It will be a full-time job just to keep the IDPs rolling, whereas schools tend to allocate ALNCOs far too little time to do their job as it is. They don't have the budget required to take their ALNCOs off timetable. It's also impossible to control external factors such as the time it takes external parties to respond and the time it takes to get a diagnosis or expert assessment.

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?

Yes

Supporting comments:

It would be good to add space for any behaviour management plan.

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 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?

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:

As mentioned earlier, however, I believe it's important not to overburden children with information about their diagnosis or needs prematurely. Whilst ensuring that their opinions and voice are still heard, it's also important to protect them from (possibly accidental) premature disclosure of a diagnosis and from feeling that they are a problem.

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

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

Supporting comments:

Children and families may need longer to process the outcome, access and consider independent advice and make a decision about requesting a reconsideration.

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:

It would be good to have a guaranteed amount of time off timetable for ALNCoS. No formula is perfect but there could be an approximate formula based on school size and the proportion of the school cohort who have ALN. At present, ALNCoS do not have enough time to fulfil their duties and this is likely to get worse due to increased paperwork under the new code. This human factor could actually make or break the success of the new system.

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?

Yes

Supporting comments:

This is a great idea and the term 'case friends' is very child-friendly and user-friendly.

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 admire the spirit of the code and believe it represents the reflection, experience and hard work of sincere and dedicated professionals. My hope is that enough training and money will be provided to make the new system work.

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?

Yes

Supporting comments:

I think it's important that future ALNCoS are qualified teachers. I also believe they should be experienced teachers, although this is not stipulated in the code.

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

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?

Supporting comments:

This will only be possible if the timescales are realistic and the necessary time and administrative support are given to ALNCoS.

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?

Hopefully, more children with ALN will be catered for. The system for identifying them and providing for them will be more homogenised, streamlined and effective. One downside is that the loss of statements could lead to a loss of protection. There are some children with ALN whose needs are much more substantial and it could be argued that they warrant a separate tier. By putting all ALN on the same level, time constraints and paperwork demands may tempt schools to downplay the needs of some. For example, some schools may already be 'pruning' their lists of pupils on School Action and School Action Plus in anticipation of having to convert their paperwork to IDPs. This would have the opposite effect of what the code intends. It's vital to give schools the funding to staff the system adequately.

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

The proposals would possibly increase its use and would result in increased demand for Welsh speakers in order to accommodate those who request access to the new system through the medium of Welsh.

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:
Diffiniad yn glir

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:

Mae'r diffiniadau o ran amseru yn glir. Efallai fod angen diffinio beth sydd yn cael ei olygu o ran 'adnabod' fod gan blentyn neu berson ifanc ADY ac angen DDdY. Ddim yn sicr bod hyn yn cael ei ddiffinio yn glir?

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:

Angen diffiniad o eithriadau er mwyn cynnal perthynas a chydweithio gyda rhiant/person ifanc. Efallai bod angen ychwanegu bod awdurdod y hysbysu rhieni pe na bai yn bosib creu CDU o fewn yr amser.e. bod nifer o geisiadau ar yr un amser.

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

Not sure

Supporting comments:

Rhannau yn ail-adroddus - efallai cael mynegai? .

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:
cyd fynd a dulliau person canolog

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

Supporting comments:
cyn belled a bod hyfforddiant ar gyfer hwylyso pawb i'w dyletswydd.

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:

Bydd angen i'r awdurdodau lleol hysbysu ysgolion o'r ddarpariaethau penodol sydd ar gael ganddynt hwy ar gyfer yr ysgolion. Bod hyfforddiant yn cael ei gynnig i holl staff ysgolion. Fe fydd hyn yn ran annatod o lwyddiant ysgolion i ddarparu gwasanaeth o ansawdd uchel i blant. Bod awdurdodau lleol yn cysoni y ddarpariaeth.

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:

Nid yw'n glir sut y dylai cydlynwyr ystyried yr angen i dderbyn cyngor gan asiantaethau eraill.

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

No

Supporting comments:

Esboniad ei hun ddigon clir ond efallai bod angen bod yn fwy clir am ba gyflyrau meddygol/anableddau a all neu all beidio arwain at ADY.

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)?

Not sure

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?

No

Supporting comments:

Angen cael cyfnod penodol o fonitro datblygiad disgybl cyn creu cais CDU fel arfer dda. beth yn unio n yw digwyddiad sydd yn sbarduno paratoi CDU o fewn yr ysgol? Angen bod fwy eglur ar gyfnod "gwyliau ysgol yr haf" bydd hwn yn cyfyngu amser i'r ysgolion gael ceisiadau i awdurdod lleol ac yna yn ei gwneud yn anodd i dderbyn penderfyniad gan yr awdurdod ynglyn CDU.

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?

No

Supporting comments:

Tuedd if od fwy meddygol yma - Mae angen canolbwyntio ar ddull person canolog gyda'r CDU.

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

No

Supporting comments:

Ddim digon pwerus o safbwynt person canolog!

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?

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?

Not sure

Supporting comments:

Cyfyngiad amser - yn ei gwneud yn anodd i dderbyn mewnbwn pob asiantaeth allanol

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?

No

Supporting comments:

Beth yn union yw cais?

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

No

Supporting comments:
angen manylder

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?

Not sure

Supporting comments:

Beth am y cyfnod o wyliau ysgol yn yr haf?

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:

Cyn belled a bod amserlen hysbys i ysgolion ac asiantaethau allanol o fewn cyfnod penodol i gynnal cyfarfodydd.

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?

Not sure

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

No

Supporting comments:

Angen eglurder er mwyn cysoni pa bryd mae ADY yn peidio bod yn sylweddol.

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

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

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

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

Supporting comments:

Bydd angen cyllido y rol o fewn pob ysgol. Mae rol a disgwyliadau ADY yn ehangu ac yn fwy o waith o fewn yr un cyfnod i athrawon sy'n gydlynwyr!!

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

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?

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?

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?

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?

No

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?

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

Supporting comments:

Angen am hyfforddiant pwrpasol yn angenrheidiol- ond angen cydnabyddiaeth i'r swydd.

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:

Gall fod yn anodd i ysgolion gwledig a bach.

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?

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?

Angen sicrhau bod seicolegwyr addysg yn gallu siarad cymraeg- gwir am pob asiantaeth sydd yn ymwneud a phlant a pholbl ifabc yng Nghymru.

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:

Give examples on timescales to clarify eg dates from and to inclusive so public can see the format of ‘must’ as opposed to ‘should’.

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:

Suggest timescales should state whether they include education holiday periods outside of summer holidays. If request social or health collaboration school holidays should not be included in timescales.

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?

Not sure

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

Yes

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

Supporting comments:

Don't think it is layman friendly. Not democratic if too difficult to follow.

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

Not sure

Supporting comments:

Not easy to understand for the public and does not give assurances on early interventions which is what parents seek.

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:

Independent local panel or teams always welcome if timescales are not affected causing delays for the child.

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

Not sure

Supporting comments:

In principle it aims to improve ALN for schools but there are no assurances for early interventions where that leaves a child at the mercy of the compassion knowledge and efficacy of the SEN and Headteacher.

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

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:

Appropriate monitoring of interventions will ensure that progress is being made or not and whether duration of an IDP is appropriate. This decision should not be made subjectively by the school alone.

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?

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?

Not sure

Supporting comments:

At times parents are forced by primary schools to have their child assessed privately because the school cannot see the parental concern. An independent assessments of a child paid for privately should be accepted where there is need for intervention. This should be so where the prof assessor also works within the NHS. If a private assessor only works privately and not in the NHS then the school could request their collaborative MDT team to validate the assessment tool used - as validated tool. If this is agreed then the assessment should be accepted and acted upon. There should be timescales stipulated for this action.

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?

Not sure

Supporting comments:

Not an easy read for the public

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

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?

Not sure

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)?

Yes

Supporting comments:

There may some confusion with the organisation of SALT as there is cross cutting services. This should not affect timescales.

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

Supporting comments:

Yes but flexible for personal circumstances. Many parents find their child's ALN stressful and it affects their mental health and relationship with the school. This needs to be flexible to account for illness etc.

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?

Not sure

Supporting comments:

Whole school approach should mean that parents school LEA health social governor should be present in agreeing an IDP as the therapies should be suggested by the specialists and not school aloneness. This should be minuted and not circulated to all parties. Where there is an ideal parents would like 'should' to a 'must' to disallow bad practices within schools and helps parents navigate expectations.

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

Supporting comments:

Needs to be flexible for ALN children. Extra considerations taken. Would like to see a 'must' in the content.

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?

Yes

Supporting comments:

Yes but should stipulate objective assessment from monitoring outcomes only to cease the ALN

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

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

Yes

Supporting comments:

Flexibility for parents circumstances needed.

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?

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:

Independent advice and support is important to parents and families and third party input should always be welcomed in the whole school approach.

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?

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.

It is important that the whole child approach equals the vision of the whole school approach. Late ALN interventions are linked to poor child mental health & outcomes. Parents mental health is influenced by their child's mental health and poor mental health of parents increases the risk of ACEs. Primary schools should not be able to obstruct children from having the right ALN and should be held accountable for negative outcomes. Parents request an ALN scrutiny panel in Councils where disagreements and accountability can be discussed.

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

Supporting comments:

Would like to see schools held more accountable for wrong decisions based on subjective opinion and assessment

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:

Depends if the LEA can mediate in disagreements without prejudice then no educational tribunal required

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:

Too long. Should be 4 weeks like it is for parents.

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

No Response

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

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

Supporting comments:

Yes but should be overseen by caseload workers in LEA for scrutiny or audit purposes

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?

Yes

Supporting comments:

Depending on expertise

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?

Better collaboration but only better for the child if ALN interventions are made in primaries and not pushed into secondaries when effects are more severe for the child. Primary schools to be more helpful with families. Private assessments should be accepted if an ALN is flagged. LEA to be involved in IDPs to avoid school and parent disagreements.

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

Don't know

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.

Need to accept private assessments as relationships with schools can break down at the expense of the child. LEA to be more involved in IDPs. Less subjective assessments for primaries and the use of assessment tools rather than teacher opinion. Secondary schools to hold primaries accountable where new diagnoses are made in high school and the effect on their results and outcomes of the child. Primaries to be more pro active in implementing IDP for ALN. School bullying to be considered as important as an ACE.

Respondent Details

Information	
Name	Newport Parent & Carers Consultation Group (Facilitated by SNAP & SEWC)
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:

Can be misunderstood, and needs explanation. Who would ensure that the code is delivered as per the expectations? The local authority are so far removed they have no idea what the schools are doing. The schools don't have the money to deliver. This is the message most parents are receiving. In law these words are used and when they're used these can be challenged. More routes to appeal in the new legislation and code – this is welcomed The 'may' and the 'should', it will vary between LEA's and schools interpretation and where they feel they can get away without doing something they will. If it works it will be good. But who will be there for us parents? We are very unhappy that these consultation events has not been taking place within other counties across Wales. We have had to come here from RCT and Cardiff. We really need to respond to the consultation as we need to have a specialist help that can support us through the processes as they change.

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:

We don't feel that 12 weeks is good enough for LA IDP's and this should be reduced. We are very concerned that any provision written will be down to funding. Will children have to wait 12 weeks before they get help? Identifying ALN - When is the starting point of the 7 weeks? Will we have to write a letter to

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?

school? It feels like it is reactive and not proactive. Does this mean that schools will not recognise unless we push them into doing so? What about those parents who can't do this? Schools need to put in support straight away and not wait for 7 weeks. Parent said that she doesn't believe anything that comes out of the LEA's mouth, no trust. Concise clear and plain language that the code is definitely isn't. National code and national policy to allow CYP's to move around Wales if needed.

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:

Too many ways 'get out' of doing something in time. We agree that it may be difficult to meet the timescales, especially if health are involved or needs are complex. However, this must not stop the child receiving the help they need.

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:

Information and advice should be organised and funded directly by the Welsh Government. We want this to be commissioned to an independent organisation which has national coverage. This will help to avoid postcode lottery of information and advice. Some LA's will retain SNAP and CAB whilst Clear about who you should be able to go to for advice as it is currently not clear. LEA's information on their websites should be clearer. Have you looked at the ALN pages – they are terrible. If local authorities can, some will provide the bare minimum required by the code. Who will help those parents? There will not be anything out there for them unless they can pay or get legal aid. We are pleased that we have SNAP, but what about other families in Wales? Do we know who will help them? We need help especially with the changes. Will my child's statement automatically be turned into an IDP? Will it be school based or LA? Who can help with this?

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

Supporting comments:

Happy it has mandatory sections. It needs to be a working document. The IDP will mean nothing if there aren't the staff or the skills to implement. There is a gap with the transition from 14 ½ to 16 years of age within the code. It is very disjointed with the link between professionals and teaching staff. Additional Points We hope the IDP will be a working document, so we will be able to see success and where there are gaps. Hopefully it can be updated more frequently. We like the one page profile as they can see at a glance what works.

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

PCP approach works really well for my son. It needs to be stronger in the code. Another parent said 'my sister who is a teacher in London told me that the reforms are working well where there are PCP approaches and good advice and support for parents'.

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:

25.12 needs to be amended – this function should be independent and not just impartial. Cannot be done in-house, lack of trust, and a skilled role. We know that the staff from SNAP are very well trained and skilled. They are independent which means they can explain not only local processes, but what the law says. Both functions need to be combined and need to be independent of the LEA. What we mean here are sections 025.12, 25.34, 25.35, and 25.36.

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:

Pleased with the increased rights to access tribunal, and other complaints. Felt that we would need to have help from a solicitor to make an appeal and attend tribunals. LA's attend 'fully loaded' with help from legal departments.

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	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?

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Yes

Supporting comments:

Mae'r pennod yn dangos yn glir y pethau sydd rhaid gwneud a phethau y ddylech chi gwneud. Dydy'r pennod ddim yn rhy hir felly yn hawdd i ddarllen. Bydd pawb yn yr ysgol yn fedru gweld yn glir beth yw eu cyfrifoldebau nhw ar ran y plant sydd ar y gofrestr. Serch hynny, mae ysgolion bach y wlad a thipyn mwy o waith a chyfrifoldebau ac hefyd prinder arian sy'n effeithio ar y pethau sydd RHAID gwneud. Penodwyd amser ychwanegol i'r Alnco os oes arian ar gael. Mae'r cyfarfodydd Tappas yn gymorth drwy helpu llenwi ffurflenni pan bo angen.

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Part 2 of 5: Draft Education Tribunal for Wales regulations

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Part 3 of 5: 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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Part 5 of 5: Impact of proposals

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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?

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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?

Not sure

Supporting comments:

The meanings are clear. Would this information be better presented in a visual table for ease of reading and referencing?

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 approach to a transparent expectation of timelines is welcome. However it is important that the response times requested do not create the unintended consequence for health of ALN priority being in conflict with clinical priority response targets. We do not want to drive more people into the ALN route in the hope of a quicker response from health. 1.31 The wording is clear in this statement but how do we ensure these timescales can be achieved consistently across all professional bodies? 1.32 is a bit of a mixed message – starts by saying the ‘responsible body ‘must’ but then goes on to state that the requirement does not apply where it is ‘impractical’ due to ‘circumstances beyond its control’. 1.32 A clear definition of what is ‘impractical’ will be required. Stating ‘must’ and then adding an unclear description of what qualifies for ‘does not apply’ is contradictory.

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:

Yes see above. It will be interesting to see how the limits of this flexibility is however interpreted by Tribunal. Agreed 'circumstances beyond the responsible body's control' could be open to a wide interpretation. 1.33- 1.35. These paragraphs appear to work regarding prioritising the child's needs but will require an individual or agency to co-ordinate. How will education be able to determine and convey a 'prompt' response for the child? Other agencies will have commitments to other duties. Will these other commitments be deemed as 'circumstances beyond the responsible bodies' control? '

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

Yes

Supporting comments:

The structure and separation are clear however see comments below from Health Care Professionals who have not worked in this area before but are familiar with other Codes of Practice. Whilst the structure is clear the detail is weak on practice guidance for specific common issues, it reads as layman interpretation of the legal language in the act. There is a lot of repetition and e.g. guidance on transition, a key area comes into at least two areas separated by 16 chapters. Needs more interpretation of how to implement the bill, would be useful to have test examples.

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

Supporting comments:

The focus on process and principles is helpful but translation to practice on the ground is more difficult to work out. The Code does not clarify how functions and processes will support an effective interface between key agencies for children with wide ranging ALN. Lacks the practical how to implement.

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?

Supporting comments:

The principles are correct although amplification would be useful. The UNCROC duties could be specifically referenced and a needs outcomes specified clearly at the start. A stronger focus on PCP within this chapter would be helpful as a key principle. How do we ensure equal access for parents/children? Parent's responsibilities need more emphasis in this document. The movement with health care is currently about empowering parents to feel confident and competent to manage their child's healthcare, this document has the opposing vision suggesting reliance on health and education. Safe guarding needs more consideration.

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?

Supporting comments:

It would be helpful to use similar wording/strands to the Wales participation standards and rights approach developed by Children in Wales and the Children commissioner for Wales. Makes minimal reference of participation of child in day to day tasks.

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)?

Supporting comments:

See above. ALN code should just reference expectations as public bodies for all their work, not make it appear ALN specific. This is a good example of where the code is weak – it states in 4.16 'It is for the local authority or NHS body to decide how to exercise its functions and how it does so will depend upon the context'. 4.6 The duties to have regard to the UNCRC and UNCRPD do not require LA and NHS bodies to give specific consideration to the conventions on each occasion that a function is exercised – Meaning? Could be more simply explained?

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

Supporting comments:

No it is not. 7.10 and 7.21 would be more usefully used as context to guide the subsequent decision making. The COP could helpfully provide a structured approach to decision making in that context. E.g. is the child or young person developing/learning in the range of normality expected for their age? If no what is the obstacle/ need that is affecting this development within the child or environment? This is the ALN. What support is required from services to address that need or obstacle? This is the ALP. If the support is something that HB's provide as part of their usual services then this is the HB responsibility. The decision making process should be collaborative across agencies/with children and carers/families.

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?

Supporting comments:

Not clear as too much information and not well enough structure to gather the information. Could be usefully broken down to age and overarching principles with possible annex of more detail. 7.36 seems vague in terms of 'other services' and perhaps should reference Health specifically. 7.50 Schools are advised that there 'should' be in place clear processes to highlight concerns regarding children accessing learning once they have tried sufficient targeted interventions. Why is this not 'must' if not assistance is sought at this point the child will not progress. Therapy services will have specific skills to give guidance. 7.53 references 'medical advice from a health body' – Health Boards offer more than medical advice – we can offer therapeutic and other health related advice. 7.61 – again references only 'medical advice from health care professionals'. The Chapter gives guidance but uses the terminology 'should' throughout this may produce inconsistencies across regions. Resources available within schools to determine what the child needs regarding support may vary. Therefore the level of consultation that each child receives to determine need may be different. Will the guidance ensure equitable access for all children if many duties to be adhered to are only described as 'should'?

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?

Supporting comments:

Yes, most important is that it is viewed as the child/young person's form and filling it is driven by their needs and input rather than just for an education purpose.

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

Supporting comments:

Mandatory content rather than form would be preferable to ensure accessible useable version. A standard form may lead to completion of the form becoming more important than the content and purpose behind it. We should really ensure young people and families themselves are happy with it. The form has a separate part for input from an 'NHS body' it will be important not too separate this out into education input and health input. The focus should be on how the child accesses learning in the environment with therapeutic strategies to

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

support. Health input is not always separate, it is integrated in the child's occupations enabling them to participate

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

Supporting comments:

There is lack of clarity regarding the ALN and the causes of factors creating the ALN. Diagnosis is a cause not an ALN in itself. 13.38 – the issues of ‘quantifiable’ ALP is where we can come into conflict with private therapy reports. We must move away from the notion of ‘therapy once a week for 45 minutes’ to a more focussed outcome approach within episodes of care. A greater focus on ‘outcomes’ rather than ‘input’ would be beneficial in this chapter. It is not how much therapy intervention that services provide that matters but the impact on the child’s access to learning.

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?

Supporting comments:

Yes see comments to Q.2 Concern regarding potential for confusion. The code refers to the period of 6 weeks to comply with a request for information or other help. However, health services work to ‘Referral to Treat’ (RTT) guidance which has a waiting time target of 14 weeks for therapies and 26 weeks for NDD services. 15.14 refers to “if request is urgent”, there are concerns this will be utilised in order to receive assessments more quickly. Urgent needs to be more clearly defined

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?

Supporting comments:

The period is appropriate but the exception description is very unclear. Again it is important that ALN provision does not trump clinical need or have accelerated time frames compared to national NHS standards to avoid ALN provision being seen as route of choice for access. Therapy services must see all children referred within 14 weeks. Children with ALN referred by education may have to await this long for identification in terms of whether there is a relevant treatment or service that will form part of the ALP. Same concern in relation to NHS responses as raised as in Question 22. It is noted that the Bill refers to a new development allowing Further education Institutions to refer to NHS services. Additional capacity may need to be included around mainstream services as after 16 many Paediatrics services are not involved. Adult services will need

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?

training and guidance around their statutory responsibilities. Adult services are much less able to provide targeted support or attend IDPs.

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)?

Supporting comments:

The description in the question is far simpler than the explanation in the document. The document should focus on the key functions, expectations and competencies as otherwise the likelihood of appointment will be significantly reduced. It must also allow for the different structures in HB's as each will have to make modifications of authority lines and reporting lines. The development of IT will be key. Overall this is clear. The Flow chart is very helpful there is some repetitive content. 15.25 – Anyone can make a referral to an NHS body not just 'A local Authority' or an FEI 15.34 – We may need to think about how we reconcile the Care Aims approach whereby children can come on and off caseloads with greater ease depending on identified need at any point in time with the need for the IDPs to be altered every time. DECLO role should influence strategic consistency in implementation of the Code across Wales. It is essential that the DECLO operates at a level enabling them to champion ALN and engage executive teams and service managers for a multitude of services. There will need to be cohesion and learning from test cases.

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

Supporting comments:

The content and structure is clear except where there is lack of detail about timings for reviews. The only reference is 16.1 that identifies that IDPs should be reviewed, at a minimum, annually. The code suggests that any changes to provision must be accompanied by a review meeting. Changes to therapy intervention/ ceasing of intervention may be frequent as episodes of care are completed in line with the Care Aims approach embraced by therapies. There are concerns about pressures on health professionals where reviews are frequent and the communication to education or LA's as to when health are not involved at a given time needs to be evidenced. Currently within a statement you are required to write to the local authority if you change or amend health inclusion from a statement. Will this still apply or will the discharge process be sufficient to be fed into the current IDP?

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?

Supporting comments:

Yes see Q.2, 22, 23 As previously discussed the timescales are not realistic for health services to provide assessment. There will be time for triage to decide if appropriate but not to complete appropriate reports or intervention in the 6 week timescale.

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?

Supporting comments:

The guidance is useful but the principles aren't clearly stated. It appears that the underlying principles for meetings are similar to the principles underpinning the whole Act. If this is so then state it and use guidance as to how these may be applied in practice in meetings. 18.8 – reference to PCP practice is relevant here to ensure that agencies and professionals, in playing a role in identifying ALD and ALP and reviewing an IDP, do so in a mutually agreed framework. This will ensure that where professional are unable to attend IDP meetings, the reports they submit will have context and meaning. Concerns regarding 18.11 and potential pressures on health professionals. An indication of priority of attendance would be very beneficial as would a guidelines for notice of meetings to facilitate attendance (minimum 4 weeks). Use of technology such as attendance in skype format or via face time and clear set organisation of schools with health to schedule on a set clinic day possibly would make this process more organised. This may prove challenging for Health services to respond in 7 weeks if the child is not known to a service at that time. Advice from therapy may have been given and written in to the IDP but the child may not be active on a therapist's caseload.

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

Supporting comments:

See answer to Q.4. There is a risk of repetition. Given the number of transition documents across Health Education and social care a shared set of principles and wording would be helpful. 19.10 – This really should say ‘must work together’ and not should. Concern regarding pressure on Health services to support Young people with ALN in FEI/HEI as mainstream services currently would not have any awareness of this as a statutory responsibility or have allocated service time to achieve IDP reviews. 19.11 Co-ordination of agencies including the children and families is of utmost importance to ensure the child’s needs are met therefore having a single person to co-ordinate will be key. This would benefit from being ‘must’ rather than should.

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?

Supporting comments:

It may be helpful to give some clear principles in the chapter that is currently hidden into the narrative i.e. a clear transparent process that builds on voice of the child, needs of the child, define the point of disagreement, independence,

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?

early negotiation etc. PTR has some similar values and principles which again should be consistent across systems. There need to be similar provisions for early resolution at a universal level across Wales. 25.41 refers to “Putting Things Right”. It should be noted that under the current statementing system all concerns are usually managed by the LA with advice from Health and may escalate to tribunal. The new system proposes that the health element of the concern will be dealt with under “Putting Things Right” This may result in increased concerns and escalations with higher expectation for Patient experience teams or local service managers to handle. Additionally an assumption is being made that the health element of a concern can be separated from the wider concerns. What happens when the ‘input’ argument persists around ‘likely to be of benefit’ as this as a legal term is not strong enough to support health professionals when making clinical decisions and based on evidence base. When there is a lack of resources or no NHS provision to cover the code does not make clear how this can be managed. Local authorities and health boards require joined up complaints systems to ensure that learning is shared across both agencies in the best interests of developing a less divisive system of identifying ALN and meeting ALP (not your problem, or my problem, but our problem), moving towards shared accountability for solution focussed agency interventions with families.

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?

Supporting comments:

Yes the duties under UNROC are almost impossible to deliver and evidence without it.

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.

This document is very difficult to read and understand. Most 'codes' are written as practice documents but this one doesn't read in that way at all. My overriding thoughts are that this document is very difficult to read and understand. Most 'codes' are written as practice documents but this one doesn't read in that way at all. Again, this may well be because I just don't get it but putting myself in the shoes of clinicians/practitioners/commissioning managers on the ground, I really don't think they're going to get it either.

Extremely complex language used in the document like a thinner version of the Bill. This makes understanding for parents, education and professionals as to how this can be achieved difficult. No test cases or any examples. There should be this as part of the appendix.

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?

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	C Bellamy
Organisation (if applicable)	Responding as a parent of a child with ALN

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?

Not sure

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:

I do not think this is very clear.

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?

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:

The previous SEN COP was much clearer. You have to refer back and fore to too many chapters, it is not very user friendly.

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

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 (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?

Not sure

Supporting comments:

I do feel that providing advice and information needs to be impartial and independent of the local authority. I am concerned that during the consultations I have attended it has been suggested that this can be provided in house. I feel strongly that information and advice needs to come from an impartial source if

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?

the system is to be fair and transparent as intended. As a professional parent (working within the education sector itself) of a child with ALN I have found the most valuable advice from the third sector organisations to receive the right support for my child.

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?

Not sure

Supporting comments:

I do not think the guidelines are very clear.

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?

Not sure

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

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 I do feel that IDPs should follow a similar format from county to county.

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?

Not sure

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

Supporting comments:

However as this is a strategic role I have concerns that suggestions made by the DECLO will be based on budget rather than need.

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?

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:

The Act and the draft code refers to 'impartial' rather than 'independent'. Families and professionals value independent information, advice and support. The draft code appears to diminish the availability of free at the point of delivery fully independent access to advice, support and disagreement resolution. The Code does mention that parents, particularly vulnerable parents will need additional support to engage and participate but the pathway to receiving that support is not set out.

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?

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.

Paragraph 25.36 of the draft Code sets out the way in which “independent person” should be interpreted. I feel parents and professionals should be consulted more on this to see how they feel about this and what independent and impartial means to them.

I do feel that providing advice and information needs to be impartial and independent of the Local Authority. I am concerned that during the consultations I have attended it has been suggested that this can be provided in house. I feel strongly that information and advice needs to come from an impartial source if the system is to be fair and transparent as intended.

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?

No

Supporting comments:

I do not think that NHS bodies will respond within this timescale.

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

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 I have concerns that schools will not be able to recruit such staff in a timely manner. ALN Cos in general are already under demand pressure and I have spoken to some who feel that they would not be prepared to take on the role when the changes come in to force.

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?

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?

Change is always difficult for parents and professionals alike. These changes need to be managed effectively for there to have less impact on the support CYPs with ALN receive. The Welsh Government should have a support network in place to effectively manage the changes ahead as parents of

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

children with ALN also need structure and routine in the guidance to help them find the way through the already complicated system.

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

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)?

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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

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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?

Not sure

Supporting comments:

I worry about the time-scale. Ensuring a workable, do-able IDP that works in practical terms needs time to prepare and deliver. Full guidance and consistency will be essential.

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?

Not sure

Supporting comments:

The role of the ALNCo will be enormous : Will there be enough time for the ALNCo to complete all the responsibilities? Will there be a recommendation that the ALNCo should not have a teaching role / timetable within the school? - This

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

would be a step in the right direction so that the ALNCo could fulfil the role appropriately.

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

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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 ALNCoS 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?

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?

Not sure

Supporting comments:

It will be difficult to keep to timescales when waiting on NHS appointments, which have their own time targets.

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

Supporting comments:

It would be good to have an accompanying website or other resource, possibly with a forum to ask questions and a collection of case studies which could be kept current.

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:

Not my field of knowledge

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

Not sure

Supporting comments:

My only query is if the phrase "rights-based" might be interpreted too literally by some parents, who can be unreasonable in their demands.

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:

We wholeheartedly embrace a child-centred ethos and practice, and feel that we are making good progress in this respect. I feel that there is too much emphasis in the CoP on the parent as an expert, without acknowledging that there is also expertise in schools, and that we are the ones who will have to provide the support that is requested. Parents are always a part of our planning and provision, but the CoP does not mention that the school's view is equally important. It seems to assume that we will be obstructive and not try our hardest, whereas in reality we use all of our professional knowledge and expertise to do the best for each child.

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?

Not sure

Supporting comments:

At the moment, we do not know how the school and Authority will interact to provide support for pupils with ALN. We have no idea of what the systems will look like, in terms of graduated response / referrals / SIMS. Could do with more clarification on this!

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:

...although it took me a while to work it out!

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:

This bit still scares me. There is a lot of room for variance across providers, and still not much clarity on what will constitute "extra learning provision".

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

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:

Could do with some templates, in order to avoid unnecessary repetition of paperwork.

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?

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

Supporting comments:

As long as there is funding to go with this requirement (as with all timescales).

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?

Not sure

Supporting comments:

It will all depend on how many requests we have. The timescale seems appropriate but if there are too many "triggers", it will be difficult to comply in all cases.

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

Yes

Supporting comments:

As long as the Authority has the capacity to deal with the number of cases it receives.

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?

Not sure

Supporting comments:

See comments for 27.

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

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?

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?

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?

Yes

Supporting comments:

Some access to funding for good-quality training would be good - training which leads to recognised qualifications.

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:

As a school, we feel that we do not have the expertise to be able to resolve disagreements well. We lack legal knowledge of the systems. The current system of Statements has a whole team of case work officers workign to maintain these and keep them legal (although these teams have been decimated with cuts over the past decade or so). They struggle to keep up with this, so with the expansion of legally-binding IDPs it is difficult to see how the legality of practice can be maintained in the face of complaints without a lot more money being poured into the education 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?

Not sure

Supporting comments:

We all want the best for the children and young people and nobody wants disagreements.

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.

I agree with the principles but am worried about my capacity to implement the requirements if there are too many pupils identified with ALN.
I am also concerned about the lack of funding made available for schools to train classroom staff on teaching pupils with ALN. If this were a business required to change completely its entire way of working, there would be a lot of money made available!
SIMS needs to change.
Initial Teacher Training needs to change fundamentally.

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?

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?

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

Supporting comments:

I think that consideration should also be given to previously looked after children, as they are likely to have significant needs themselves.

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?

Many pupils who are currently monitored as part of SEN provision will no longer be monitored in some schools.
There is a danger of pupils slipping through the net, as if they don't have any "provision", they won't be "on the register."
Hopefully more class teachers will be better able to meet the needs of all learners.
The Review will be more relevant, positive and child-focussed, which is great. I'm looking forward to using the new framework for questions.
I do have real concerns about some parents because they tend to see their children through a prism and do not see the picture in context. I would like to see the views of the school put on an equal par with the views of the parents.

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

Should ensure more adequate provision.
This will be even more effective if there is money made available to provide the services and provisions in Welsh.

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?

Ability to write the Review Report in Welsh (we have to write our Annual Review reports in English at the moment).

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?

No

Supporting comments:

For individual (ALNCO) it is not always feasible due to absence etc.

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?

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 Response

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?

Not sure

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

Not sure

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?

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?

No

Supporting comments:

The definition is vague and open to interpretation, especially terms such as "significantly, greater and "calls for additional learning provision" This seems rather circular: you require an ALP if you have ALN, you have ALN if you require an ALP.

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:

There are far more sources of information than listed. The flow chart is useful and there should be more of them and other diagrams to clarify.

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?

Not sure

Supporting comments:

The content of chapter 9 makes it clear that it is the head's role to delegate responsibilities, as opposed to chapter 24 where many tasks are made the responsibility of one individual, the ALNCO. See response to question 41 below.

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:

However, I agree with these chapters where these timescales are for the 'school' to follow, as opposed to chapter 24 where they are for indivisible, named ALNCOs to follow.

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 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?

Supporting comments:

The logistics of coordinating this for a potentially large number of people is not achievable on a cost neutral basis.

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

Supporting comments:

This is too inflexible. The whole purpose of the act is to be personalised.

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

No

Supporting comments:

It is too long and difficult to navigate. A table or chart would be easier.

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?

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

Supporting comments:
The flow charts help a lot.

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:
It is appropriate if the school is making that decision, not so if it is the individual ALNCO.

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

Not sure

Supporting comments:
This is a massive burden for local authorities.

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?

Not sure

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

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

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?

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?

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?

No

Supporting comments:

This needs to be specified.

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

No

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:

I feel very strongly that it is not right for an individual to be identified as the single person responsible. In my opinion it is the school's responsibility to meet these requirements and the head should then delegate the most appropriate person to carry out those duties. This is made very clear in chapter 9, where the school is made responsible, not the individual ALNCO. These two chapters are somewhat contradictory. As far as I am aware, no other member of a school staff, apart from the head teacher, has specific responsibilities set out in statutory guidance. I repeat that it is the head's role to delegate those responsibilities as per chapter 9.

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

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:

If you need a case friend then you will not understand this chapter!

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.

This is too 'wordy' Tables, charts, summaries and colour coding for different types of settings or different age groups would clarify things greatly for the practitioner as well as the learner. In addition, it is my view that the aims of this act could have been achieved much more efficiently and quickly by altering and adjusting existing frameworks and processes to incorporate the main features of personalisation and working together.

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?

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?

No

Supporting comments:

Not "must". No other tasks in the education sector are detailed in government legislation like this. It is school who "must" not the ALNCO, the school can delegate to the most appropriate person in their setting.

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

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?

More focused support for those with the greatest need. Improved inclusive teaching in main stream.

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

Don't know.

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