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ALN121: **Julian Hallett**
 Down's Syndrome Association

Question 1 – New terminology

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

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

Although we broadly agree with the new definition, we are concerned that this broader description might greatly increase the number of children and young

people to which the scope of the legislation could apply and could significantly add to the pressures on already stretched services.

Whilst extending protection to a broader population of children and young people would be a positive move, attention needs to be given to the possible implications of this to the demands placed on services and professionals working within them - a narrower application of the term would probably secure a more robust focus on disabled children and young people, who are at greatest risk of exclusion.

We are concerned that the headline terminology, setting out the broad scope of intended legislation of "additional learning needs", makes no reference to an ethos of inclusion, nor the statutory right for children (or their parents) to choose a mainstream education.

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

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

We are pleased to see this expansion of the age range coverage from the current system to include children from birth and to extend this to the age of 25. However, it is disappointing to note that no specific mention is made of The Early Support Wales approach to supporting disabled children and their families from birth-5. Having been heavily involved with developing this strategy across Wales during the period 2009-2012, there is a danger of a missed opportunity of building upon the benefits of multi-agency working and sharing of information within the Early Years sector and building on these foundations as children move into statutory education.

We would highlight issues of difficulty around transition experienced by families of children with Down's syndrome. These transitions include movements from home to Early Years provision, Early Years to school, primary school to secondary school and secondary school into FE provision and employment. An 'all-age' system that could smooth these important transitions would be welcomed.

We are concerned that the scope of the reforms (p 6-7) is explicitly focussed on maintained schools, nursery schools and FE institutions, this leaves out a huge tranche of Early Years providers, making a nonsense of the system going from age 0.

Children with Down's syndrome will be diagnosed at birth or before and so it is vital to ensure that the Early Years aspects of the reforms are robust, as the advantages of early intervention have been well documented for decades.

Question 2 – Individual development plans (IDP)

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

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

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Supporting comments

Whilst there are several commendable features of the proposed IDPs (a more holistic approach to assessing the needs of a child / young person); there is a real risk that IDPs (from what we have seen as part of the draft IDPs being used by pilot sites) will be too vague and lack the specific detail of education provision to undertake the role served by Statements in the current system. We understand that the code of practice will outline the minimum requirements for information that must be included in an IDP, however, without sight of this, we cannot confidently say an IDP would sufficiently specify the support provision for a child or young person with Down's syndrome. To be a useful document, an IDP must have a focus on learning goals and teaching strategies / differentiation approaches for the child or young person concerned.

We agree with having the same legislative framework for school-aged children and students in FE, as currently, once young people leave school, they lose the legal protections that they have in the statement. This is particularly important given the shelving of the FE provisions in the Education (Wales) Bill.

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

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

We would suggest that local authorities be given a format for IDPs, so that each

area will follow the same structure and content. This will assist with quality assurance and help with the portability of an IDP, should a child or young person move from one authority to another.

We wish to express some concern that local authorities might lack capacity to accommodate the number of IDPs within their area. There needs to be a clear accountability pathway for families to follow if they are dissatisfied with the way in which their local authority is managing this process.

Question 3 – A new code of practice

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

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

We feel that the wording of the White Paper does not sufficiently explain the difference between "mandatory requirements" and "practical guidance". We fear that the latter will be merely suggestions or examples of good ways of working and will not therefore be enforceable in law.

We are also concerned about when a new code of practice might appear and what process will be followed for its introduction. Will the wording of the code of practice be open to consultation and how will the code be adopted by The Welsh Assembly? e.g. an Affirmative Policy Debate.

The wording of the White Paper does not currently give a clear indication of where the responsibility lies regarding the provision of health services (e.g. speech therapy) within an education setting (school). This is a frequent issue of contention within the current system and we feel the proposed new IDP does not sufficiently address this.

We would like to see guidance regarding triggers for when local authorities should seek the involvement of other agencies, as this could afford greater protection of children and young people with more complex needs that might not easily be assessed by a regular, in-house, local authority assessment.

Other bodies that should specifically be included in Code of Practice are private and voluntary sector Early Years providers

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

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

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

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

We are unclear of the legal status of "best endeavors" and are concerned that there is an insufficient focus on outcomes. We are also unclear what mediation process would exist should there be a disagreement on the extent to which an authority had pursued their responsibility to carry out their "best endeavor" duties.

We have concern regarding the statement that a young person could forgo their FE placement if they "did not take up the opportunities identified for them within the school or FE sector within a specified timeframe.." this could potentially lead to an individual losing out if there was a timebreak between an offer being made and the child or young person being in a position to take that offer up.

It would be useful if work-based learning and supported employment provisions were included within the scope of the legislation, especially as the extended age-range up to 25 should encompass a period when employment is a major focus for a young person.

Question 5 – Securing specialist provision for young people

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

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

We are aware of recent trends in accommodating young people with additional learning needs within their local authority boundaries and that specialist placements have been discouraged (often due to the perceived

costs). If IDPs are to be truly person-centered then the broadest range of specialist provision should be considered and a decision to place should be made on the needs of the young person.

Question 6 – Placement at independent schools

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

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

This will largely depend on the process for registration, the criteria applied and the inspection regime surrounding continued registration. A quality assurance safeguard is obviously needed to prevent the placement of a child or young person in an inappropriate or sub-standard setting.

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

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

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

This statement is encouraging, however, we are unclear as to how this would be implemented in practice. It is disappointing to note that local authorities and Health Boards are not currently coterminous, nor are they likely to be even after the implementation of suggested restructuring of boundaries outlined in The Williams Commission report.

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

Supporting comments

Build on the Early Support Wales model established in the Early Years (birth - 5) sector.
Development and commissioning of Integrated / compatible IT systems across education, health and social care professions..
Roll out of Key Working for children and young people - see work undertaken by CCN Cymru (up to April 2014)

Question 8 – Supporting looked after children

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

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

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Question 9 – Resolving disputes at an early stage

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

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

Disagreement resolution can be useful where there are issues relating to how the school is implementing support, or if there is no statutory means of redress. Most parents have engaged in lengthy negotiations with the LA before going down the Tribunal route. In England, a similar requirement was proposed, but due to the outcry it provoked, it was changed to a requirement to consider mediation i.e. you can consider and then turn down. We are concerned that there is a potential risk that this requirement could provide an additional, time-consuming, process for families to contend with, especially if there is a major point of disagreement. This process should therefore be straight-forward and time-limited. Training to ensure that staff have the necessary skills to undertake resolution

discussions with families would be essential. We would suggest that local authorities be required to report on outcomes of disagreement resolution cases - broad headlines of number of cases raised, issue of disagreement, outcome of resolution process (rather than case-specific detail). In the absence of this reporting mechanism poor-practice, or reluctance to adhere to the spirit of cooperation with families could remain under the radar.

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

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

Our points above apply here also.

Question 10 – Extending the right of appeal

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

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

We are especially pleased to note that an appeal to Tribunal can be made regarding a failure to make available the provision identified through the IDP. The extension of a right to appeal to any child of school age or below and post-16 learners up to the age of 25 is very much welcomed. It is not clear whether the extension applies to children in their own right, or to parents, or both. We are aware that Wales has extended the current rights to appeal to tribunal to children - would these rights apply to any children of age? We cannot see it being a realistic proposition for very young children.

Question 11

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

We are generally supportive of the proposals laid out in the White Paper. We feel there should be a renewed focus on robust training for professionals involved in implementing and reviewing the new system across local authorities. There will also need to be an accessible information strategy to ensure that parents of children and young people are aware of the workings of the new system and their entitlements. During the pilot site stage of the review of 'statementing or something better' we are aware that suggestions were made to establish pathways for children with specific conditions / needs. We began some work on this for children with Down's syndrome two years ago, but this was not progressed. It would be useful to revisit this, especially with regard to the shaping of the code of practice. We are aware that a significant focus of the pilot-site work was on the trialling of an on-line version of the IDP and shared IT systems across various agencies. We understand that this aspect of the project proved problematic and would state that before any new system is launched robust trials need to take place and operational difficulties dealt with. We would also highlight that there is significant inequalities in access to the online community amongst many families and that, should the system operate online, significant investment would be needed to ensure that families (and professionals) have access to and are confident in using the necessary IT. The White Paper does not set out the process of implementation for children and young people currently in the system i.e. will they transfer over to the new IDP at an annual review or will their support continue to be detailed under existing systems until they transition to a new setting or remain with them until they leave statutory provision?

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

Legislative proposals for additional learning needs Responses 121-140

ALN122: Donna Lewis
Torfaen Inclusion Service

Question 1 – New terminology

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

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

It will be important to have a clear definition of ALN in the new COP. Clarity around which vulnerable groups will be part of the definition will be needed as all Looked After children are mentioned in the document as requiring and IDP regardless of their ALN needs.

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

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

The extension of provision to 25 years olds is difficult to assess as there is no clarity or detail in the paper about how this would be resourced or if there are plans to improve or increase existing post 16 provision for young people.

Also it is not clear what the funding arrangements will be - these will be critical

Question 2 – Individual development plans (IDP)

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

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Supporting comments

In theory the IDP could provide a better working document and plan for young people and has been successful in identifying the important factors for young people. However there will need to be clarification and clear criteria in the new COP about the differentiation/demarkation of different levels of need. There would also need to be thought put in to how children with the most complex needs have their needs met as the statement currently draws together information in a legal document that has to be adhered to.

Additionally further clarity on the requirement for health and social care to contribute to the process and costs is required.

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

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

A clear definition of 'responsibility' would be needed to answer the question in greater detail .

The plan should be written and maintained by people that know and work with the child on a daily basis not by LA staff who would not meet/know the young person .It needs to be a live working document not a paper exercise . By the LA being given responsibility this would take the accountability from schools who should be able to meet the needs of the majority of children through their own delegated budgets. This again would require clarity and detail as part of the new COP.

Both Health and Social care must be involved in appropriate cases and they should be bound by the code to contribute services and costs.

Question 3 – A new code of practice

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

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

It is essential to ensure the young people's needs are met and that there are mandatory/legal requirements for all agencies to participate fully in the process otherwise we are no further forward in making the process more transparent and accessible for families.

Involvement from other agencies particularly Health and Social Care is vital in meeting the needs of young people with complex needs. Joint planning is essential in meeting the needs of our most complex and vulnerable young people and each agency should have duties placed upon them to meet the identified needs.

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

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

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

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

The COP and new arrangements should apply to all.

Question 5 – Securing specialist provision for young people

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

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

This should be done through assessment of the young person's needs. Again this could require involvement and support from other agencies as part of joint planning and funding arrangements. Clarity around the additional funding is required and to achieve this it must be forthcoming.

Legislative proposals for additional learning needs Responses 121-140

Question 6 – Placement at independent schools

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

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

The independent school should be able to meet required standards to meet the needs of the young person placed there.

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

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

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

Yes there should be clarity around responsibilities for provision and funding from all agencies.

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

Supporting comments

Strengthen arrangements for funding for children with more complex needs. Mandatory/legal duties to meet needs. e.g speech and language therapy.

Question 8 – Supporting looked after children

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Supporting comments

There needs to be clarity around who will be responsible for completion of the PEP as under current duties social care lead on the process as it is part of the care planning. Again clarity around roles and responsibilities will be needed.

Question 9 – Resolving disputes at an early stage

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

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

Part of good practise that LA's try to resolve issues and discuss with families prior to going any further with an appeal.

Other agencies should either be required to be part of the LA process or be required to have their own parallel process.

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

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

All avenues should be tried to resolve disputes prior to an appeal.

Question 10 – Extending the right of appeal

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

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

There should be an independent tribunal as part of a process but feel that careful consideration will need to be given to extending the rights to tribunal for all young people who have or is felt should have an IDP. This would dramatically increase the number of young people and families who have the right to appeal so consideration would need to be given to the current structure of the service and resources/time/ support that each LA have to put in place for this area. Again there would need to be clarity and a clear graduated response to dealing with decisions to appeal.

Question 11

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

There is a lack of clarity and detail in this document to provide a full evaluation. There could be missed opportunities to deal with some of the current issues we face around support and funding from other agencies which could and should be addressed in order to make this a better system. Detail around roles and responsibilities needs to be clear and concise. The new legislation and supporting documents need to be firm for purpose and build on what already works well. Significant thought will need to be put into the resource implications for LA'S and how the extra/new entitlements will be funded.

In its current form the document does not give the LA confidence that significant thought has been given to the proposed changes can be introduced effectively.

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

ALN123: Sinclairs law

We make representations in relation to the White Paper which you issued on 22 May 2014. As Education Law Specialists we believe that we are able to respond comprehensively to the consultation document, our views based on years of front line involvement in the area.

We do not consider that you have afforded sufficient time for such an important issue to be debated. There has been little to no media promotion of this consultation, yet the ramifications are huge. The rights of those under a disability require adequate time and proper consideration, for the issue to be properly discussed and debated. We have seen little media advertising in Wales over this, and we are concerned that change may be introduced by a consultation that is undertaken during a holiday period in which many of us are away on vacation. Change by stealth should be avoided.

We were very disappointed by much that is included within the White Paper. Some of the proposals represent a weakening of the current rights, indicating a rushed attempt to produce proposals without sufficient consideration. The Paper appears to make similar mistakes to those made by the English Government in the most earliest stages of the Bill that subsequently led to improvements within the now Children & Families Act 2014.

Before this Act became law, the English Bill resulted in substantial consultation involving a number of influential and hardworking specialist groups within England. These groups worked together with the English Government to improve the then proposed legislation. The Children and Families Act is the product of that consultation and specialist input. The population within England as compared to Wales in itself demonstrates that the majority of people who might be affected by changes to the legislation voiced their concerns when the English Bill was debated, and as such the final product was the product of majority opinion. A majority opinion should not be brushed aside. It naturally follows that Wales should be slow to ignore the reasons why England introduced this new legislation and should be equally slow to ignore the eventual result which is now contained in the Children and Families Act 2014.

The White Paper however fails to address the critical importance of adopting a holistic approach to a young persons needs. Instead it reflects what was once being proposed in the early stages of the English consultation, an approach which was sensibly subsequently abandoned. It is true that the Children and Families Act 2014, may require improving, but it is a welcome step in the right direction for the people of England. The Welsh public need at least the same as that in England but preferably a stronger series of protective measures, thereby ensuring that those burdened by disability are protected.

The extension of statutory rights up until the age of 25 is welcomed, but we must ensure that the legislation is not a set of well intended objectives without specific obligations. We have to date enough "target duties" within the existing legislation. Protection will not be properly afforded unless "specific duties" owed to individuals as opposed to target objectives afforded to groups are adequately created. It is imperative that people are afforded statutory protection with the new plans having legal weight in the form of specific duties, the breach of which will amount to a violation of statutory duty and should become enforceable in a court.

The new plans should be afforded the same protection as currently provided to young people who hold statements of special needs in accord with section 324(5) of the Education Act 1996.

The plans must however be the product of consultation and assessment of all of the young person's special needs to include educational but also their social and health care needs. It is inadequate to anticipate that concentration on solely educational needs will be sufficient to ensure that those with disabilities are afforded the same protection and equality as those without disability. Special Educational needs, more often than not include health and social needs. One cannot properly address one without needing to address the other. In England the relevant document is now referred to as an Education Health & Social Care Plan. It is unclear why in Wales one is focusing solely on educational needs without looking at the wider picture. It is unsatisfactory to rely on target objectives which expect inter agency cooperation, if those objectives do not involve specific duties to do so, thereby allowing individuals to enforce in circumstances of failure. A cohesive approach to needs is what is needed in Wales as opposed to compartmentalising need, whilst at the same time affording statutory protection for one area of need but not the other.

We therefore wish to make the following specific points for your consideration:-

1. We fail to see the purpose of introducing a new term "additional needs". The phrase itself promotes more questions than answers. It is argued in the document that the basis for a new definition is because of purported and/or perceived problems that this creates in schools. It is argued that young people are accordingly stigmatised or bullied because of the use of this phrase. It is the disability that sadly creates the bullying and or intimidation thus it is the disability that requires protection not the definition. Protection is afforded by strong statutory language and duties; it is also afforded by better education. Not everyone wishes to be labelled "mainstream", but instead celebrate being a little different which is exactly what makes them special. It is the things that set us apart that are often the reasons why we may feel special and the reasons why we may feel special are often the reasons why we may be loved. The phrase "additional" presumes that "mainstream" provides a clearly defined starting point. It does not. The phrase special educational needs does not, in our view, contain any stigma whatsoever, and if there is evidence that it does in fact do so, then the answer is to address it through better education.

It is not clear what would therefore be meant by "additional" needs. Pupils who have English as an additional language have an additional learning need. Seemingly, this is either a deliberate or an accidental weakening of the phrase special educational needs in an attempt to shoe horn those who need something different to achieve their optimum to accept what is provided for within mainstream. The term "additional" is a very broad phrase. We entirely agree with those stakeholders because the phrase additional learning needs is extremely wide and it seems to add nothing. Changing the definition in this manner will result in a substantial amount of administrative work and cost not to mention opening up unnecessary litigation.

Furthermore we should not demonise the phrase "special" as it exposes those who have used the phrase up to now as one that rightly applies to them, to cruel ridicule. By rephrasing it, you lose the argument, as it suggests that the state interprets the phrase in the same way as those who victimise others because of it.

2. We note that you intend to introduce individual development plans (IDPs) to replace statements of special educational needs. It is surely not a coincidence that the phrase IDP is very similar to the phrase IEP which is the current document which supports all pupils who have school action and school action plus support. Pupils with statements of special educational needs also currently have an IEP. The difficulty therefore in relation to the name is that it weakens the strength of having a legally enforceable document in place and it would leave parents to believe that the new document has no legal force. An IEP has very little to no legal force whatsoever.
3. One of the most concerning aspects is that you indicate that the legal force will be afforded by schools being obliged to "use their best endeavours" to ensure that the relevant support is put in place for a child. The current legislation uses similar language ("best endeavours"). Yet this phrase will rarely provide statutory protection to those who are failed. It is another target non enforceable obligation in practice. This is precisely why those with particular learning needs, require full statutory protection. Your suggested legal definition therefore is concerning because it implies that there will simply be a general duty in relation to young people who have an IDP. You indicate on page 20 of your document that a code of practice should be issued and that may include "mandatory requirements in accordance with which relevant bodies ... must act". The SEN code of practice is, in legal practice, rarely a document that is expected to fill the gaps of primary legislation. Guidance documentation is treated as guidance. It is not appropriate to suggest that protection should be afforded within a guidance document when there is opportunity to afford the protection in statute. Generally local authorities are expected to "have regard" to guidance. Rarely does statute bind the authority to "comply specifically" with guidance and neither should it, as to do so, will remove discretion which the law would generally expect. Therefore there is every need to afford proper and specific protection within the statute itself, to ensure that IDPs are properly enforceable. The current statutory duty in the case of statements of SEN confirms clearly at Section 324 (5) of the Education Act 1996 that a LEA must maintain a statement of SEN.
4. The extension of one document covering 16 up until the age of 25 is one of the positives of the proposals. However, you do not seem to have taken into account that there is a substantial difference between statements of SEN and learning difficulty assessments. At the moment if a child has a statement of SEN it is legally enforceable. For pupils post 16 and post 19 who simply have a learning difficulties assessment they are not given proper statutory protection. One is left having to construct legal arguments from a range of different pieces of legislation. It is highly expensive, and inappropriate. The Welsh Government now has an opportunity to better support those with disability. It should do so in the law to protect the enforceability of a document that is supposed to recognise what a young person actually "needs". A "best endeavours" obligation will not do this. A failure to identify that there is a substantial difference pre 16/19 and post 16/19 is concerning.

5. It is not clear who will contribute towards the IDP assessment process. At the moment IEPs are prepared informally within schools with very little specialist support. It is not set out anywhere in the document as to how an IDP assessment would be conducted and whether or not an educational psychologist or other experts will need to be involved. We would have great concerns if you simply leave this issue vague and allow schools and LEAs to complete their own assessment. There should be multi agency involvement.
6. At the moment a parent of a child with SEN requests that the LEA complete a statutory assessment if they are concerned in relation to their child's progress in school. If that request is refused a parent has a right of appeal to the tribunal. A request for an IEP is an entirely different procedure made to the school on a more informal basis with no right of appeal. It is not clear whether or not you are advocating that parents will have to request an IDP from their school or whether they would approach the LEA to make such a request. Your new IDP process seemingly will cover all pupils who previously were classed as school action or school action plus and it therefore seems very difficult to imagine how administratively an LEA would consider every request being made by a parent for an IDP. Seemingly therefore you are going to ask schools to specifically consider the relevant requests. However, there is no indication as to who within the school has to make the final decision as to whether or not an IDP is necessary. Indeed this is the type of administration that schools could do without. It is burdensome and likely to promote hostility between parents and schools damaging relationships that are essential for good child progression. We doubt that head teachers would embrace the idea that they should be expected to turn down parental requests and face parental objections. Further it is unclear whether, if it is going to be the school whether they would have the appropriate training to make such a decision. There is also no indication given as to the timescales that should be involved in relation to such a request.
7. It is extremely concerning that at the moment there seems to be no right of appeal against the refusal to conduct an IDP assessment. This was originally also a concern in relation to the English legislation before the legislation was properly consulted upon and finalised. At the moment you indicate that there is a right of appeal to the Tribunal against a decision not to put an IDP in place. However, that seems to relate to the decision that would be made after the statutory assessment process had been completed. If an LEA or indeed a school refused to complete an IDP assessment then in those circumstances a parent must be given a right of appeal to the SEN Tribunal otherwise they will be prohibited from ever challenging the decision made by the LEA or the school. The assessment duty strikes at the root of the problem. Without an assessment a child may very well be left without adequate support. Delay in a child's educational life can be extremely damaging. As indicated, there was confusion about the original English law before the Children and Families Act 2014 was finalised and that problem has now been rectified. It is concerning that you seemingly have not dealt with this issue when you prepared the White Paper. This is one of the many reasons why it appears that your new White Paper follows the old English proposals rather than the finalised Children & Families Act 2014. The relevant aspects of the Children & Families Act 2014 that were changed in the process of consultation were changed because they were necessary. The majority of the UK population called for these changes. We respectfully suggest therefore that you should pay due regard to those changes.

8. Another concerning aspect is in relation to mediation. Again, in England this was originally a concern before the finalised Act was put in place. Parents were informed that they must engage in the mediation process. However, the new Act deals with this simply by indicating that parents in England will now have to contact the relevant mediator to get further information and confirm that they do not wish to engage in the mediation process. Mediation therefore is not and should not be made compulsory. It would otherwise mean yet another expensive layer of bureaucracy that causes unnecessary delay. When a failing 6 year old child is depressed and in need of specialist services, he/she should not be expected to wait for his/her parents to pursue mediation and then a long tribunal process. It is a sad fact that in the years that we have been dealing with these cases, unmet special needs or indeed delayed action, promotes the chances of the child getting a lot worse. We have even experienced the tragedy of children sometimes even taking more extreme steps to include self harm. Delay should never be promoted in the case of children. Forcing parents through mediation processes when they do not wish to do so is unfair and unnecessary. We note however that your suggested proposals are in many respects even worse than the original proposals that were made in England because you suggest that parents should use not only mediation but local complaints processes prior to appealing to Tribunal. Such complaints processes are notoriously always very slow and difficult to follow. We would strongly advocate that you adopt instead the same procedure as in England. In England at the moment parents are informed of their right to go to mediation but they are allowed to elect not to attend mediation if they do not wish to do so.
9. A more general point is that seemingly almost everybody with a disability will be entitled to an IDP. All pupils on school action or school action plus will now be able to have an IDP and pupils who have statements will also have an IDP. At one point in your White Paper however you indicate that just because a pupil is diagnosed this does not mean that they will be entitled to an IDP. This seemingly correlates with the arguments that we have advanced above about what exactly will be meant by the term "additional needs"? However, a pupil who is diagnosed with dyslexia will obviously require additional support. Under the current system it appears that they would get support at school action or school action plus but they may require greater protection. A pupil with a diagnosis of autism would also be entitled to additional support at school action or school action plus and close monitoring. Will they get an IDP? It is difficult to envisage a situation where a young person has a disability who does not need the protection of a legally enforceable IDP. It is therefore unclear as to who you actually expect to receive an IDP. Further a child with complex social or health care needs, but relatively clear learning needs, may not receive an IDP it seems. Within the documentation you refer to pupils who are currently on school action or school action plus but you make no attempt to define who actually should receive such a document.
10. In relation to the rights of appeal to the Tribunal you indicate that an appeal can be lodged regarding a refusal to review an IDP. However you do not appear to allow a right of appeal against a decision that is made after an annual review. This is exactly what you should be suggesting because such a right of appeal has existed in England since 2010. It is extremely concerning that in Wales there is currently no right of appeal after an annual education review.

11. You have made no attempt to deal with the very complex issue of transitional arrangements. In England the current proposal is that all statements of SEN will be converted into Education, Health & Care Plans and likewise all learning difficulty assessments will be converted within a 4 year period, if necessary. This will cause substantial confusion and it will be a difficult process. Will those currently holding a statement now have to urgently renegotiate with their respective local authorities? There has been careful consideration in England to this issue. We are unclear as to whether or not you are suggesting that such transitional arrangements should be put in place in Wales or whether you are suggesting that pupils who currently have statements of SEN will simply continue to have such statemented support. You will need to carefully consider the issue of transition and how you intend to deal with it. It is a complex and difficult process in relation to such widespread changes to the law. The phraseology that you are electing to use also will not assist this transitional process as we may have children on school action, school action plus, statements, IEPs and IDPs all at the same time. It is unrealistic to expect parents to understand the difference between an IEP and an IDP if both systems run together for a period.
12. We are concerned that you are intending on restricting the ability of parents to elect for their children to be educated within an independent school unless it is specifically registered to take children with disabilities. In some cases independent schools have been an excellent way forward for a child who has sensory difficulties or mild autism because they offer the young person smaller classes in a mainstream type of environment. These schools are not necessarily always registered as being able to accept pupils with special educational needs. However this does not mean that the school placement is unsuitable. Page 24 therefore causes some concern because you are proposing that LEAs would be specifically prohibited from placing children at an independent school that has not been registered to provide the specified type of additional learning provision. Kings Monkton School in Cardiff, for example, is able to offer young people with disabilities a smaller class environment and a more quiet environment overall. It is not necessarily a school that is registered to support pupils with autism but it is able to do so. We should maintain flexibility of this kind, and we should certainly be avoiding the type of unnecessary and slow bureaucracy (long abolished in England) which suggests that the Welsh Government should somehow be better placed than our schools and teachers to determine what is best for children. Politics should respect professional opinions. Restricting a child's ability to attend at an independent school solely based on their relevant registration is completely unnecessary and could be quite damaging to a number of pupils. Each pupil must be considered individually.
13. We note within the white paper that you make no attempt whatsoever to involve the Health Authority in relation to your proposals. In England the law in this respect has dramatically changed because if health provision is set out in an Education, Health & Care Plan the relevant Health Authority has a legal obligation to provide that support. This, in particular, will be a substantial change for young people prior to the age of 5 who require speech and language therapy, occupational therapy and possibly also ABA support. Far too many children in need of health services in Wales are being deprived of speedy or adequate support. One merely has to ask why so many children in our schools in need of speech therapy or occupational therapy do not receive it. One should only consider the long waiting lists and stretched resources within the CAMHS teams. So many children in need of good mental health services have to wait far too

long, only to find that there is no service for them after all. It is not clear why you have disregarded this aspect addressed within the new English legislation. It should be incorporated in Wales. Your current proposals are that the new statutory provisions will come into place in 2016 and therefore it will have taken Wales 20 years to effect change. Refusal to deal therefore with health provisions represents a missed opportunity.

For these reasons might we very respectfully ask that we all look across the Severn to learn what is happening there, and improve the situation further for the people of Wales. Affording support to those under a disability is not a privilege but a right. We respectfully suggest that a lot of money and time could be saved if we simply adopt the wording contained within the Children and Families Act 2004, and then go further by improving it.

We therefore trust that you will take the above into account. We note within the White Paper that you indicate that you will publish a summary on your website in relation to the responses. However, can you please ensure that a copy of this letter in full is published on your website so that other professionals and parents can see the concerns that we are raising. We say this because we are one of, if not the only firm in Wales that has specialised in this field of the law for so many years.

Please confirm receipt of this letter. If you wish to meet with us to properly consult in relation to the issues that we have raised then we will be absolutely happy to participate. This, as you may appreciate happens to be a matter close to all of our hearts here at SinclairsLaw and we will continue to advocate strongly for the vulnerable groups that we have represented for so long.

The white paper requires substantial re-consideration before any law is drafted. We call for a national conference to debate the issue. We would certainly wish to participate if not organise it. We would invite all of our partner organisations who work with vulnerable people to attend. We ask that a member of Government also participate.

Yours faithfully



SINCLAIRSLAW

Legislative proposals for additional learning needs Responses 121-140

ALN024: **Phillippa Large**
 Hywel Dda health Board

Question 1 – New terminology

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

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

Clear definitions are needed in order to ensure consistency across authorities and stakeholders. Consultation will be required to agree the scope of 'ALN' with regard to different learning needs e.g. speech, language and communication.

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

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

In principle there is agreement, but also a level of concern :

Clarity on funding and administration of IDPs for the 0-4 age range.

Funding implications for a greater demand upon services post 16. With regard to speech, language and communication needs, currently robust multi agency transition plans and post 16 interventions are generally in place **only** for young people with severe and complex needs. Whilst acknowledging a significant unmet need in the wider population, significant investment is required to develop services to a level which would enable the local authorities to fulfil increased mandatory responsibilities. In a tiered approach to ALN there are staffing implications for training the wider workforce as well as providing necessary interventions. Already services to the secondary school sector are significantly under funded and these pupils' needs underrepresented. The situation will be exacerbated and the legislation meaningless without investment.

Consideration of support for ALN during transition and into the first work placement has also been highlighted as a need.

Legislative proposals for additional learning needs Responses 121-140

Question 2 – Individual development plans (IDP)

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

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

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

Capacity issues and information sharing mechanisms are crucial. There is concern that given the prevalence of speech, language and communication needs, already limited face to face SLT time (needed for assessment and provision of support/interventions/training) could be eroded through an increase in meetings.

However a greater recognition of the rights of all CYPs with additional learning needs is welcome.

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

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

This may be challenging in settings not funded or administered by LAs.

Will there be sufficient funding made available to local authorities to commission additional services/capacity where e.g. core NHS services are unable to meet demand?

Legislative proposals for additional learning needs Responses 121-140

Question 3 – A new code of practice

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

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

Whilst agreeing to a mandatory requirement to protect CYP's rights to have their learning needs met, more information is needed on what the legislation will entail and how responsibility is divided/interpreted between e.g. LAs and HBs.

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

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

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

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

'Best endeavours' is felt to be too vague.

Question 5 – Securing specialist provision for young people

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

Agree	x <input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Supporting comments

Safeguards may need to be put in place to ensure identification of necessary provision is not compromised by financial considerations.

Question 6 – Placement at independent schools

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

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

Parental choice needs also to be considered.

How frequently would registration be reviewed?

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

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

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

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

Legislative proposals for additional learning needs Responses 121-140

Supporting comments

Shared information systems need to be developed further. Outstanding issues with IT infrastructure and different organisations' confidentiality constraints need to be addressed at the highest levels.

Also multi agency centres and bases facilitate closer working relationships and increased understanding of roles. Cost effective as duplication of resources diminishes.

Question 8 – Supporting looked after children

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

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

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Question 9 – Resolving disputes at an early stage

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

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

Possibility that a large number of families with CYP on school action/school action plus may want to appeal – particularly if support mechanisms/provisions are not robust enough at the start of new legislation. May place strain on the system.

Development of new code of practice should go hand in hand with development of good support structures.

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

Agree	x <input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Supporting comments

Definitely better to have swift early resolution to relieve stress on CYP, families and professionals.

Question 10 – Extending the right of appeal

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

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

Hopefully early resolution will reduce frequency of lengthy and costly tribunals.

Question 11

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

The detail of the definition of ALN and the specifics of funding for provision are important details without which this is only a partial consultation, as they will make or break the whole process.

Clarity over level of experience/qualifications needed to fulfil ALNCo role, plus guidance of time needed e.g. depending upon school size, levels of need/deprivation in cohort. There will be greatly increased coordination/liaison/review role in addition to ensuring staff are able to provide appropriate levels of support and intervention packages.

Care needs to be taken with the wording of unquantifiable measures e.g. 'reaching full potential'

Timeline for legislation, new Code of Practice and information on further consultation over detail would be welcome.

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

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ALN125: Ellis Peters
Powys Teaching Health Board

Question 1 – New terminology

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

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

It is more inclusive and the new term may help remove some of the stigma around the previous terminology

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

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

Consideration is required in relation to how health, social services and the voluntary sector are currently set up in comparison of age range to support a service from birth to 25 years.

Further consideration is required in relation to the legal framework that supports service delivery within all agencies and the voluntary sector in relation to this age range. For example how would this interface for young people beyond 19 years in receipt of Continuing Care, given the difference between WG guidance relating to responsibilities by way of statutory services between the adult Continuing Health Care and Children and Young People (C&YP) Continuing Care.

Legislative proposals for additional learning needs Responses 121-140

Question 2 – Individual development plans (IDP)

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

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

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

Without the new Code of Practice we are unclear how this will be actioned especially the IEP's at School Action & School Action Plus.

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

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

We would welcome clarity regarding health responsibility to provide in the future. Currently even if therapy input is in part 3 of the statement it is not the local health board's responsibility to meet that provision but education. Is it proposed this will change?

Legislative proposals for additional learning needs Responses 121-140

Question 3 – A new code of practice

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

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

We would welcome clarity regarding health responsibility to provide in the future. Currently even if therapy input is in part 3 of the statement it is not the local health board's responsibility to meet that provision but education. It is unclear if or how this will change.

Until the new Code of Practice is available we do not know the implications or comment in detail.

Initial clarity is required on the impact for statutory obligations.

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

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

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

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

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

We fully support extending IPD's to include all further education institutions, and maintained nurseries however this will have implications for some health service provision where it only extends to 18 or 19 yrs if in special school currently.

Question 5 – Securing specialist provision for young people

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

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

Question 6 – Placement at independent schools

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

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

It clearly would be inappropriate to place a child in a setting that cannot meet their identified needs.

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

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

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

Currently IT systems are not in place to facilitate sharing of information readily.

Parents are key in this communication but are not specifically mentioned. Where lack of parental consent restricts sharing this can impact on the IDP

Legislative proposals for additional learning needs Responses 121-140

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

Supporting comments

Systems between health & local authorities that allow electronic sharing of information are currently weak. Previously it had been indicated that the IDP would be live electronic document however it is unclear if this is still the plan.

Development and training of an appropriate workforce and skill mix to meet the needs of pre school children, & young people up to the age of 25 with ALN. Currently there is considerable variation in services & eligibility criteria across Wales.

Specialist All Wales store (virtual or real) for equipment recommended in WG report, including equipment management structures to facilitate, procurement and core equipment stock. This will facilitate best use of resources and timely provision of equipment required to meet ALN.

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

Integrated training opportunities between agencies.

Legislative proposals for additional learning needs Responses 121-140

Question 8 – Supporting looked after children

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

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

The IDP would need to be significantly broader in its reach to ensure it covers all the needs developmentally as well as educational for some looked after children who may have very complex needs.

Question 9 – Resolving disputes at an early stage

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

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

A multi-agency/professional panel is recommended, with advocacy representation for the child/young person as a norm not the exception.

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

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

The local disagreement resolution arrangements should include an appeals process rather than parents needing to take it up with an individual agency via

their complaints procedure.

Legislative proposals for additional learning needs Responses 121-140

Question 10 – Extending the right of appeal

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

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

Question 11

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

<p>Currently without the new statutory Code of Practice fleshing out the proposals it has been difficult to comment in depth on them.</p> <p>Ideally the documentation and process relating to IDP will be standardised across Wales and not open to local interpretation to ensure a more consistent approach and equity.</p> <p>Advocacy is currently available but optional however for older children & young people especially those with complex needs the need for them to be given a voice is essential.</p>
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Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐

Legislative proposals for additional learning needs Responses 121-140

ALN126: **Melanie Jones**
Anglesey County Council

Question 1 – New terminology

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

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

It is essential that the term is clearly defined and clear what is considered an 'additional learning need'

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

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

If the age range is to be extended 25 it is essential that additional financial and physical resources are provided to ensure that services are able to meet the assessed and identified needs adequately

Question 2 – Individual development plans (IDP)

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

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Supporting comments

If the IDP system is going to be effective in meeting the very wide range of needs additional resources will need to be available to local authorities so that appropriate services are available

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

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

Training and support will need to be available for all staff involved in the process and additional resources available to develop services

Legislative proposals for additional learning needs Responses 121-140

Question 3 – A new code of practice

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

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

Hopefully it will enable agencies to work in closer partnership in the interests of disabled children and young people

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

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

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

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

Although this will be potentially be difficult to monitor and regulate

Question 5 – Securing specialist provision for young people

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Supporting comments

It will be important for additional resources to be available to meet assessed needs. The assessment process will need to be robust and transparent

Question 6 – Placement at independent schools

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

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

In most circumstances

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

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

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

It is essential that this way of working becomes the norm and should be ongoing throughout the process for those individuals who need specialist education

Legislative proposals for additional learning needs Responses 121-140

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

Supporting comments

All services should have the full commitment of their management structures to the highest level to ensure that multi agency work succeeds in the interests of children, young people and their families

Question 8 – Supporting looked after children

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

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

I agree ONE document would work better, as it's the same professional people attending statement reviews and PEP meetings. But circumstances change more often for a looked after child (eg attendance improves, change of placement) so a new PEP would need to be completed. I disagree that a looked after child at the age of 0 should have a PEP. If it had to be done, a Health Visitor would be the appropriate person to complete the document and not a LAC Education Co-ordinator (as in some Authorities it's the LAC Co-ordinators completing the PEPs).

Question 9 – Resolving disputes at an early stage

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

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

AS long as the process is clear and transparent for all involved

Legislative proposals for additional learning needs Responses 121-140

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

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

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Question 10 – Extending the right of appeal

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

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

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Question 11

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

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

ALN127: ANONYMOUS

Question 1 – New terminology

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

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

Moving away from the term 'special' is a step forward. However reference to specific needs can still be stigmatising. As classes are increasingly diverse referring to learners who require additional support (as in the question here) provides more scope to develop a flexible continuum of support for all learners which is seen as the 'norm' - most learners may need a little extra at some time

in their school career - personalised education is for all learners not a 'special need'.

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

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

All professionals need to develop skills for collaborative working and effective communication to ensure coherence and continuity. Also ensure that procedures are in place to listen to learners and families particularly as age increases. In particular teachers need professional development to enable them to support the full diversity of learners so that good support is available for all and 'additional' is for those with more complex disabilities. Support should be provided early by identifying learners 'at risk' without waiting for them to fail and then using 'compensatory' approaches

Legislative proposals for additional learning needs Responses 121-140

Question 2 – Individual development plans (IDP)

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

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

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

As stated this should help reduce duplication - but should be a flexible working document that can be quickly amended to reflect changes in provision/practice if learners support requirements change

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

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

See above

Question 3 – A new code of practice

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

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

But without increasing bureaucracy. As teachers become more skills at dealing with diversity, procedures should apply only to those with the most complex disabilities. For everyone else the focus should be on learning (Scotland have a code of practice that focuses on learning)

Legislative proposals for additional learning needs Responses 121-140

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

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

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

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

Question 5 – Securing specialist provision for young people

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

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

Need to consider distance from home and maintaining contact with services if to return after specialist placement

Question 6 – Placement at independent schools

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Supporting comments

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

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

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

Effetctive systems needed - cannot rely on individuals who may change over time. If inter-disciplinary services are to collaborate - a model of joint working should also be in place at level of Ministers/policy makers to ensure correspondence between policies

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

Supporting comments

See above

Question 8 – Supporting looked after children

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

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

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Legislative proposals for additional learning needs Responses 121-140

Question 9 – Resolving disputes at an early stage

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

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

Legislative proposals for additional learning needs Responses 121-140

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

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

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Question 10 – Extending the right of appeal

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

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

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Question 11

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

The United Nations Convention on the Rights of Persons with Disabilities is not mentioned. This should also be referred to (article 24 on education) particularly now that the age range has been extended to 25 years to move towards a more inclusive education system. There is a synergy between the UN Convention on the Rights of the Child and the UNCRRPD that can be used to ensure that the rights of children with disabilities are fully addressed. The system needs to change to better accommodate all learners - many difficulties arise because support is not provided at an early stage - see question 1.

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

ALN128: **Sian Griffiths**
All Wales Paediatric OT Network & OTAF

Question 1 – New terminology

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

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

The Network support the new terminology and feel it is a more positive term.

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

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

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

Consideration is required in relation to how health, social services and the voluntary sector are currently set up in respect of age range i.e. children's services up to the age of 18 (and 19 if they are in full time education), if they are to support a service from birth to 25 years. Health do not currently provide the kind of services post 19 that they provide pre 19 and clearly there would be an expectation that they would until the age of 25. This would require additional resourcing from a health perspective.

Further consideration is required in relation to the legal framework that supports service delivery within all agencies and the voluntary sector in relation to this age range. For example how would this interface for young people beyond 19 years in receipt of Continuing Care, given the difference between WG guidance relating to responsibilities within adult Continuing Health Care and within children and young people (C&YP) Continuing Care.

Legislative proposals for additional learning needs Responses 121-140

Question 2 – Individual development plans (IDP)

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

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

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

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

The Network also seeks clarity and assurance that the appropriate skill mix will be put in place to support individual learning needs, which is often not within the competencies of teaching staff alone e.g. atypical child development.

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

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

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

For example, paediatric OTs have in depth knowledge and skills to facilitate and support learning and development, to provide training for other staff and in support of IDP's, yet whilst openly recognised, employment of these skills within the educational skill mix is often ad hoc and access to OT in educational settings across Wales remains patchy.

Current IEP's rely on paediatric therapy advice from a mix of education based services and those employed by health, which can lead to inequality and can have an impact on timely contributions. Health based OT services have a different statutory obligation and therefore are not compatible with the LA OT based services. It is currently unclear how the LA will implement the IDP as the commissioning structure around this has not been defined.

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

Clarity is also sought in relation to whether LA as indicated above, includes social services? Occupational therapists employed by social services have

expertise in environmental adaptations to facilitate access to and within educational settings, but are not currently utilised in this capacity. Is there a plan to include these skills to support the provision of the IDP? Again, this will require a review of the current access criteria to social services OTs and potentially additional commissioning.

Question 3 – A new code of practice

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

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Supporting comments

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

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

3b refer to 3a.

It is unclear if recipients of the guidance will include private practitioners and parents/those who take on parental responsibility.

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

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

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

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

The network fully supports extending IDP's to include all further education institutions, where an appropriate skill mix is in place.

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

Question 5 – Securing specialist provision for young people

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

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

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

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

Question 6 – Placement at independent schools

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

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

The Network agrees, on the assumption that the IDP is accurate, appropriate and realistic.

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

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

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

The Network recognises that sharing of relevant information is key to informing the IDP. However, the Network is unclear from the question as to the legal obligations for health based OT services, in respect of meeting identified need and delivering components of the ALN. The Network recommends an infrastructure to support the management and implementation.

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

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

There are circumstances where health professionals have not been party to the identification of ALN and parents have commissioned advice that has directed OT provision outside of core service provision e.g. out of county placements. The Network recommends that health should not automatically be committed to joint funding this provision, until health has undertaken an assessment. This is particularly pertinent where parents have commissioned their own OT report and not consented to an assessment from a local therapist.

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

Supporting comments

As indicated in the responses above, the Network recommends the development of an appropriate education workforce and skill mix to meet the requirements of children and young people with ALN and the provision of IDP's. Paediatric OTs, with our extensive experience of working within ALN, recognises that given the increasing number of pupils with ALN, the current education workforce does not possess all the skills and competencies required to deliver the national curriculum and needs to work in closer collaboration with colleagues from health.

Additional recommendations support pooled equipment budgets and the development of a virtual store for specialist equipment across Wales, as recommended in an existing WG report and recommendations. This will require an equipment management structure to facilitate procurement and maintenance of core equipment stock. This will facilitate best use of resources and the timely provision of equipment required to meet the needs of pupils with ALN. Current systems rely on manufacturer time frames and individual pricing and the amount of wastage within individual authorities is currently unacceptable.

As indicated in 2c, LAs employ occupational therapists with expertise in environmental adaptations, but do not utilise these in-house skills to advise on school environment development. In many schools areas rely on general advice from Disability Environmental Guidance, which is primarily designed for adults and are very general in nature. The Network recommends that any Welsh Government funded new build education establishment should have an advisory paediatric OT with this expertise to guide the project in terms of environmental access and facilities.

Common thresholds of criteria across agencies will support inter agency practice.

An IT system to support communication, avoid duplication and support timely access to information is essential.

Co-location of services across agencies, including educational psychology within core community services is desirable.

Shared performance targets are required.

Capacity to deliver integrated training opportunities between agencies is also highly desirable.

A move away from diagnosis led services is recommended. Co-morbidity is 90%+ and diagnosis led pathways have the capacity to increase ALN, without the expertise to identify the presence of co-morbidity and it's associated needs.

Question 8 – Supporting looked after children

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

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

The Network supports that an IDP can function as a personal education plan for C&YP who are looked after by the LA, on the premise that attachment, psychosocial development and delivery of appropriate interventions are included as part of the IDP. In addition it requires that the relevant skill mix is in place to support dealing with these psychological issues which can have an impact on neuro development and therefore on extent of the ALN.

Question 9 – Resolving disputes at an early stage

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

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

The Network agrees, providing that this is commissioned from an independent body.

A multi-agency/professional panel is recommended.

In the case of a disagreement resolution, it is recommended that an advocate for the child/young person is included.

Capacity and competency for the multi-agency professional to take part will need to be addressed.

Legislative proposals for additional learning needs Responses 121-140

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

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

The Network does not feel that this would support integrated working practice in their current form. Consideration is required as above.

Question 10 – Extending the right of appeal

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

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

The Network agrees in principle, given that it is reasonable and practicable.

It is recommended that evidence based service provision, which has proven to have efficacy should be respected where there are disputes about the nature of intervention needed.

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

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

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

Question 11

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

The Network has included in the body of its responses recommendations regarding workforce development and seeks a response with regard to this recommendation.

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

The Network seeks assurance that documentation and processing relating to

IDP will be standardised and not open to local interpretation.

The Network would welcome sight of the Code of Practice.

The Network seeks clarity regarding the provision and guidance for pupils placed across the border and outside the jurisdiction of the placing authority.

The Network seeks clarity on the ALN provision for pupils who are home tutored.

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

**ALN129: Ffion Haf
Meningitis Now**

Question 1 – New terminology

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

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

Although terminology is important, it should not stand in the way of the speedy introduction of measures that could make immediate difference to those affected.

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

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

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Question 2 – Individual development plans (IDP)

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

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

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

We broadly agree with these measures but need to stress that early identification of need is paramount. Meningitis can be a cause of an acquired brain injury. Severe brain injury is readily recognised, however many children who have suffered from meningitis will be left with more subtle changes. These changes may not be apparent for months or years after the illness and can cause learning and behavioural problems. Without early assessment and support these children and families are often left struggling to cope.

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

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

If LA's are responsible then they should be enforced to spend the money allocated by the government to ensure needs in their LA's are met. We have heard too often about a surplus in some LA's while there are deficits in others. If LA's are responsible, then there must be a system where families can choose provisions outside of that LA if it's beneficial to the child without resistance from the LA

Legislative proposals for additional learning needs Responses 121-140

Question 3 – A new code of practice

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

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

Although we acknowledge that mandatory requirements are important to support consistency between LA's, what the mandatory requirements are is still up for debate. Many children who have ALN following meningitis don't fall into a 'category' and their issues with learning often go 'undiagnosed' for many years. This reform must make it easier for those struggling to get help quicker than before in order to minimise impact on the child's ability to learn.

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

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

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

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

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Question 5 – Securing specialist provision for young people

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Supporting comments

While we broadly support this statement, it must be acknowledged that many third sector organisations already provide a service that can be developed.

Question 6 – Placement at independent schools

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

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

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

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

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

Absolutely. Joint up working between the LA, LHB and FE institutions as well as third sector organisation who can often have a greater understanding of the holistic issues a child is facing is paramount to the success of this reform.

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

Supporting comments

Legislative proposals for additional learning needs Responses 121-140

Question 8 – Supporting looked after children

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

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

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Question 9 – Resolving disputes at an early stage

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

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

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

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

We would like parents to have the right to submit an appeal to the tribunal at any time during the local complaints process.

Question 10 – Extending the right of appeal

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Supporting comments

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Question 11

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

Recent research commissioned by Meningitis Now* concluded that children who have had meningitis as children are 5 times more likely to have speech and communication problems and significant issues with memory, IQ and ability to organise and plan, which can have a dramatic effect on a child's ability to learn at school.

Joint working between the LA and LHB should ensure that children who have had meningitis should have access to timely and appropriate assessments when concerns are raised by parents or the school. We know that many families in Wales have had to fight for these kind of assessments in the past - we want to see this change in the future.

*MOSAIC study 2012

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

ALN130: ANONYMOUS

Question 1 – New terminology

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

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

NAS Cymru would support the change of language from Special Education Needs to Additional Learning Needs [ALN]. We believe that this term has the potential

to encompass an individual's learning needs in its widest sense, including their developmental needs.

Similarly, we believe the term Additional Needs Provision reflects the fact that while the focus remains on learning, it also recognises that other agencies, such as health and social services, may need to be involved to help with a child's access to learning.

Autism is a developmental condition and not a learning disability in itself, and affects each person in a different way. And because it is 'hidden' condition often children and young people with autism can find it challenging accessing suitable support.

NAS Cymru would seek assurances from Welsh Government that in order to meet the needs of people with autism the definitions on the face of the Bill and the Code of Practice will include references to a person's developmental and environmental requirements including:

- their communication needs;
- their physical and sensory needs; and
- their social and emotional development.

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

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

In order to ensure that the professionals involved are fully equipped to assess and provide support we would urge the Welsh Government to be clear that:

- relevant agencies are provided with autism awareness training, especially for those who are making assessments around the educational and training needs of people with autism, including ALNcos;
- local authorities are properly resourced to assess the post-16 educational and training needs; and
- funding for specialist colleges and other further education provision should be ring-fenced

Question 2 – Individual development plans (IDP)

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

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

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

We note the Government's intention to introduce an IDP. While we support the move to provide all children who have ALN with the same statutory plan, we are concerned that key questions still remain unanswered about the IDP, despite the concept being first introduced in the Welsh Government's consultation document 'Forward in partnership for children and young people with additional needs' published in June 2012.

Anecdotal evidence from parents of children with autism suggests that local authorities are not giving Statements and are telling parents to wait for the new system to be in place. We understand that Local Authorities have been reminded of their duties under the Education Act 1996 and the current SEN Code until the new legislation is introduced. We are grateful for the clarity that this brings for both parents and Local Authorities.

Before introducing the IDP, NAS Cymru would seek further clarity from the Welsh Government on these key questions:

- how the IDP process is triggered and what can parents, children and young people expect, especially for those outside of school age?
- what are the transition arrangements for moving from the current system to the IDP? and
- how does an IDP fit in with other Welsh Government legislation, including new regulations and guidance for assessments relating to the Social Services and Wellbeing [Wales] Act?

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Supporting comments

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Question 3 – A new code of practice

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

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

NAS Cymru would welcome the opportunity to work with Welsh Government in developing the new Code of Practice and would urge Welsh Government to ensure that the Code:

- includes a specific autism pathway

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

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

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

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

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Legislative proposals for additional learning needs Responses 121-140

Question 5 – Securing specialist provision for young people

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

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

For young people with autism, who, because of the nature of their condition can find dealing with change difficult, moving from childhood into adulthood can be a period of great uncertainty and can be particularly challenging. Providing long-term support and effective transition for individuals with autism is therefore essential for their educational and social development.

In 2010, following work by the Cross Party Autism Group on autism provision in further education, the National Assembly's Enterprise and Learning Committee undertook an inquiry into this issue and subsequently published its report 'Specialist provision for young people with autism in further education'.

A key recommendation of the Committee around transition into further education was that all funding decisions on FE placements should be made by 31 March each year.

NAS Cymru would urge the Welsh Government to include this as a statutory duty in the Code of Practice to ensure greater efficiency and consistency for young people with ALN across Wales.

Question 6 – Placement at independent schools

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

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

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Legislative proposals for additional learning needs Responses 121-140

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

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

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

NAS Cymru welcomes the inclusion in the White Paper of the key information that is expected to be in an IDP, and notes the reference to an 'Action Plan that sets out how, by whom and by when the agreed interventions will be delivered...and which agency has agreed to fund each intervention.'

While we agree with the principle outlined in the document that 'all those involved in providing support to learners should work together', in our experience the lack of co-operation and information sharing between health, local authorities and social services means that people with disabilities, including those with autism, fall through the gaps and don't get the provision they need.

NAS Cymru would strengthen the wording on the face of the Bill to include:

- robust language around a shared duty to collaborate on health, social services and education; and
- details about when a review will be conducted, by whom and how often.

We would also urge Welsh Government to give guidance in the revised Code of Practice on how parents and/or pupils can seek redress, and from who, if the requirements of an IDP aren't being met.

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

Supporting comments

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Question 8 – Supporting looked after children

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Supporting comments

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Question 9 – Resolving disputes at an early stage

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

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

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

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

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Question 10 – Extending the right of appeal

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

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

We very much welcome the proposals to provide a right to appeal to any child or young person of compulsory school age or below and the decision to extend this provision to people from birth up to the age of 25. This will give legal parity to all children with an IDP and not just for those with the most complex needs.

Question 11

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

For most parents, getting the right educational provision for their children is a priority.

With the right support, every child has the opportunity to succeed. But, because autism is a spectrum condition and affects each person in a different way, a single type of provision will not meet the educational needs of people with autism. This means that the right provision has to be suitable for the individual involved.

NAS Cymru believes that parents and young people should be able to access relevant information so that they can make informed decisions about which educational establishment would best support them to meet their potential.

NAS Cymru believes that an ALN Bill offers a clear opportunity to address this by putting clearer duties on local authorities to develop a local statement of what is available for children and young people with ALN and making arrangements to publish and publicise this information widely.

In addition, we also believe that Welsh Government and local authorities should work together to ensure:

- the need for a range of educational provision locally is reflected in local autism action plans; and
- local needs assessments are carried out in every local area, in consultation with relevant stakeholders, to plan for sufficient placements

Parents of children with autism have also shared with us their concerns at the lack of choice facing them in terms of further education and that local provision doesn't necessarily provide the right level of support.

NAS Cymru firmly believes that an ALN Bill should:

- place a duty on local authorities to ensure that a range of provision is available locally so that young people with autism can access the right support at local level, whether that is in mainstream or in specialist settings, as appropriate.

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

ALN131: **Ann Sivapatham**
Epilepsy Action Cymru

Question 1 – New terminology

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

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

Epilepsy Action Cymru urges the Department for Education and Skills to provide urgent clarification on when, how, where and by whom - children and young

people will be judged to have additional learning needs (ALN). One in every 220 children will have a diagnosis of epilepsy, and upto 50% of children with epilepsy underachieve academically in relation to their ability. We believe that the current process of identification is fundamentally flawed for children and young people with epilepsy.

We believe that the proposed model of ALN is similar to that of the Scottish model of additional support for learning. (Giving children and young people extra help or support so they can get the most out of their education and reach their full potential). Epilepsy Action Cymru is broadly supportive of this model.

In Scotland, a child or young person is said to have 'additional support needs' (ASN) if they need more - or different support - to what is normally provided in schools to pupils of the same age. As it doesn't just apply to children who have long-term learning difficulties or disabilities Epilepsy Action Cymru believes this would be a solution for children and young people to access the support they deserve.

As mentioned in the consultation it could be that the term ALN could broaden scope and mean more children and young people are judged to have an ALN. For example a child who misses lessons due to a medical condition such as epilepsy may need additional support to keep up with their peers. Would they therefore be classed as having ALN? Or does the Welsh government have any plans to carry out a piece of work equivalent to Supporting Pupils with Medical Conditions in School legislation being brought into force in England in September?

Further on this point, if the Departments ALN framework is very similar to the Scottish ASN framework. It might be helpful to include case studies of how successful the Scottish model has been, how it is implemented and the impact it has had.

Legislative proposals for additional learning needs Responses 121-140

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

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

We welcome the fact that this legislative proposal encompasses young people up to the age of 25 as part of a multi-agency approach. You should also consider the impact of transition from childhood to adulthood and systems professional can put in place to tackle this.

Please can the department explain why PRU's and Early Years education are to be treated as additional to this scope? Are all children and young people in PRU to be pre-judged as having ALN?

Question 2 – Individual development plans (IDP)

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

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

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

We welcome every child with an ALN getting an IDP. Again we have questions about whether this will broaden the scope and need for IDPs. Epilepsy Action Cymru is aware that some children with epilepsy may currently have an IEP in place at school but may not have a statement of SEN. Will they now get an IDP?

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

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

As developing IDPs would involve range of stakeholders and a joined up approach it seems that the ultimate responsibility should lie with one party. Local authorities seem well placed to do this.

Question 3 – A new code of practice

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

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

We would welcome mandatory requirements to ensure that children and young people get the support they need and there is accountability.

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

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

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

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

Yes as the proposals are to cover young people up to the age of 25.

Legislative proposals for additional learning needs Responses 121-140

Question 5 – Securing specialist provision for young people

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

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

Question 6 – Placement at independent schools

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

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

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

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

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

We welcome the moves to a more joined up approach and believe this will be key to successfully implement the proposals. Children, young people and their families need to be included in this joined up approach too.

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

Supporting comments

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Legislative proposals for additional learning needs Responses 121-140

Question 8 – Supporting looked after children

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

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

Question 9 – Resolving disputes at an early stage

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

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

We would welcome this and hope that it leads to earlier and easier disagreement resolution.

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

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

Question 10 – Extending the right of appeal

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

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

We welcome the proposal to allow children, young people and their parents to appeal the decision on the need for an IDP.
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Legislative proposals for additional learning needs Responses 121-140

Question 11

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

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

ALN132: **Fiona Nicholson**
 Home Education Consultant

Comments

My comments on the proposed changes are as follows: at present it is only those children and young people with a statement of SEN who have annual reviews, but under the proposed new system, statements, School Action and School Action Plus will all come under one umbrella of "Additional Learning Needs" or ALN.

All children and young people in this wider ALN group will have Individual Development Plans or IDPs, to be reviewed every year, as statements are now.

Around a thousand home educated children are listed as being home educated in Wales and at the time of the last survey in 2012, 51 home educated children were recorded as having a statement of SEN.

The BBC has estimated that only 1 in 8 children with special needs actually have a statement.

My concern is that in future if reviews were carried out for lower-level SEN as well, this would potentially impose annual reviews on hundreds more home educated children and young people in Wales.

A subsidiary point is that currently, parents sometimes want to keep the statement as "insurance" even though there is little or no benefit when a child is home educated. It is difficult to see how this will work if some IDPs are effectively "real statements" and some aren't, for example with special access arrangements in exams or other situations where having a statement opens the door to services.

ALN133:

Lisa Rapado

Hands Off Our Specialist Units Powys (HOOSUP)

1. I do not find the term Special Educational Needs offensive, however I do find the term Additional Learning Needs to be used interchangeably at the moment, so some clarity on this is to be welcomed.
2. I have found the statementing process easy with one child and difficult with another, I'm not certain whether changing the name to Individual Development Plan will necessarily produce the expected results without additional resources being put in place for local authorities.
3. I would like to see the new Code of Practice that will accompany this change sooner, rather than later and would expect it to clearly set out the legal protection parents and learners will have to challenge any decisions made or not made by the local authority.
4. Minimum information for inclusion in an IDP is welcome, as is the mandatory requirements that will be set out in the COP.
5. The requirement to set out agreed additional learning provision in an IDP is welcome, but what happens when there is disagreement about learning or other provision? Covering people from birth to twenty five is also a good move as far as I'm concerned.
6. I'm rather concerned about the term "best endeavours" as it could be interpreted in a number of ways.
7. Any provision at post-16 needs to take account the complexities of needs that are to be met for such a huge variety of learners that this bill will encompass. How will it be funded?
8. This statement about unregistered provision is welcome.
9. I wonder whose view would carry more weight in this process. Because it's a good thing to involve and consult with children, young people and parents, but whose views would carry the most clout in the decision making process? Some children will never be capable of understanding enough to make an informed decision.
10. Annual reviews of IDP's are welcomed, although, there will be an increased workload for schools and local authorities to manage as all children with ALN will now have their IDP's reviewed, unlike the current system that currently only applies to statemented children.
11. I agree with proposal 11 and would like to see the detailed guidance.
12. This proposal has raised many questions: Who will be the gate keepers to the information? How much information and how will it be shared? How will incorrect, out of date or super sensitive information be dealt with? Will parents be able to choose which service sees information about their child or family circumstances?
13. Multi- agency working is like the holy grail...it would be nice if it could happen as attending lots of meetings with different professionals and repeating the same thing is draining as a parent, particularly when you have complex or

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multiple children with additional needs to deal with, plus your own health issues.

14. A change from a SENCO to ALNCO...how much training will an ALNCO receive?
15. So an IDP will replace statements and Personal Education Plans? How can carers, such as kinship carers appeal any provisions or decisions made about children in their care?
16. Given the current squeeze on funding to Local Authorities I feel many need to be told that they have very specific duties to care for the vulnerable and to ensure that needs are met.
17. This process happens now to a large extent however I wonder how the tribunal system will cope with the possible increase that the inclusion of a right to appeal from the point of "school action" could result in. I waited over six months for my appeal to be heard and a further 6 months by the time the statement was prepared and signed off.
18. Who pays for the independent person to facilitate the resolution of disagreements?
19. There are many items to appeal about, how would one appeal things like respite provision, community breaks, those sorts of things...as they are quite often needed by people with ALN?
20. I welcome the right of appeal.
21. I welcome the right of appeal for post-16 learners and that the white paper ought to ensure an improved transition from school to college.

Mandatory requirements will be welcome, provided they are robust and ensure children and parents get the support they need.

ALN135: Marie Macey

Question 1 – New terminology

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

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

Prefer additional needs “Forward in partnership” referred to ‘additional needs’ not ‘additional learning needs’ and placed responsibilities on social services and health (not solely education) to provide what is needed. This emphasis on learning needs loses the holistic approach which would have so benefited those with the severest needs.

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

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

Question 2 – Individual development plans (IDP)

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

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

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

Will the IDP downgrade the needs of the formerly ‘statemented children’ if those currently on action plus have the same type of plan. The replacement to a statement sounds much weaker than a statement was. The greater needs of some children compared with others has not been emphasised in this consultation. Forward in partnership” made reference to child or young person diagnosed with severe and/or complex needs, as a subgroup of the total ALN group, and made particular recommendations for those with the highest level of need. It is very concerning that this is omitted from this consultation

Legislative proposals for additional learning needs Responses 121-140

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

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

Concerned about the best endeavours approach. What does that mean? How could anyone question whether someone is using their best endeavours? The concept is too weak to be useful

Question 3 – A new code of practice

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

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

Parents are well used to their children not getting the provision even with a legal entitlement. No legal entitlement would be a serious retrograde step. The legal entitlement can be used as a lever on occasions. It is impossible to comment further as there are no details of the mandatory requirements.

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

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

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

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

Concerned about the best endeavours approach. What does that mean? How could anyone question whether someone is using their best endeavours? The concept is too weak to be useful

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Question 5 – Securing specialist provision for young people

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

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

The finance transferred to the local authorities is not ring fenced. The fear is that it will be even more difficult to gain this specialist provision. Also the issue of the very late decisions (often parents don't get financial agreement to the provision until after the end of the summer term), making for a poor transition has not been addressed. NASCymru recommends that decisions are made by March 31st of the year of entry to college. The argument that decisions will be earlier because fewer organisations involved is a logical argument, however may well not happen in practice. If there is so much confidence that decisions will be earlier why not include it in the guidance.

Question 6 – Placement at independent schools

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

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

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

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

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

They are required to cooperate, and have been since at least the 1989 Children Act, reinforced in 2004, so there's little to be gained by restating cooperation. The 'framework' consultation required multi-agency panels, called Support Panels, to assess and agree the package of services for those with significant needs, that will be provided from education, social and health services. This seems to have been replaced by a 'multi-disciplinary' approach, which is considerably weaker, and the reference to any plan including social care and health support have disappeared. These original plans were a step forward in getting meaningful cooperation.

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

Supporting comments

Go back to the panel idea of 2012 and in the appropriate circumstances include some social services and health in the mandatory provision

Question 8 – Supporting looked after children

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

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

Yes, as it can be a useless duplication. However under the current system there is a designated teacher with special responsibility for Looked after children. Under this consultation an ALN Co-ordinator (ALNCO) will replace the existing

Senco role, but it is very unclear whether this role will also include that of 'designated teacher' for 'looked after children'. Given the historically very poor educational standards of many 'looked after children', this would be a retrograde step if this role was abolished.

Legislative proposals for additional learning needs Responses 121-140

Question 9 – Resolving disputes at an early stage

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

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

Yes, providing there is strict timetabling, and parents have the power to go to the next stage if that timetabling is not adhered to.

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

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

Yes but not the complaints system as well, which is unreasonable for very stressed parents

Question 10 – Extending the right of appeal

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

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

Am fully in agreement to the rights being extended to those applying for college placements. Am less sure regarding the general rights. The initial

definition of additional needs was so wide eg those with English as a second language, very able children and a host of others.. I do believe that those with the severest needs should be prioritised.

Legislative proposals for additional learning needs Responses 121-140

Question 11

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

Forward in partnership” made reference to child or young person diagnosed with severe and/or complex needs, as a subgroup of the total ALN group, and made particular recommendations for those with the highest level of need. It is very concerning that this is omitted from this consultation

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

ALN136: **Roger Colman**
Ceredigion Parents & Carers Forum (for Parents and Carers of People with Learning Disability.)

Question 1 – New terminology

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

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

The term 'special educational needs' for children with a learning disability, is appropriate but a different term for children with other kinds of problems, in need of a different type of support, is welcome.

'Additional learning needs' implies that the child can manage ordinary education, in a mainstream school, with additional support, but many children with a LD cannot.

Legislative proposals for additional learning needs Responses 121-140

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

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

Ceredigion has a good multi-agency team, Tim Plant Anabl. The team, comprising professionals in health, education and social work, guide parents through complexities of diagnosis, identification of support needs and education.

It is good that WG intend to meet the additional learning needs up to age 25. A quality transition service would go a long way to seeing proper continuity between schools and colleges. This will not only help the individual but help future proof services by identifying future need. Unfortunately Ceredigion does not have a good transition service.

Learning Disability Wales have already discovered evidence of further education courses being cut for students with a learning disability / students with complex needs. The development of 'Programmes for Learning', means that there is a requirement for all courses offered by further education colleges to provide full time programmes that lead to education progression and/or career progression routes and opportunities. This is not always possible for a person with a LD. There is nothing in this consultation that mentions personal care / travel / independence training, it is all academic. The further education needs of an individual with LD may very well be better met with this type of training. This would hopefully be identified if there is a quality transition service. The WG needs to acknowledge this and make provision for it.

Question 2 – Individual development plans (IDP)

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

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

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

The current system works well for children with a learning disability, and means that resources are earmarked for these children and young people. At a time of cutbacks I feel we must guard this safety net carefully.

It would have been good to see a template of this document. It needs to be very detailed while remaining very clear to ensure there are no misunderstandings.

The process of preparing an IDP would be much the same as the statementing process – the same assessments would be needed after all for LD children. All that would be different would be that there would not necessarily be a legally binding requirement to provide resources to meet the identified needs. This a backward step.

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

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

The local authority should be responsible for preparing IDPs, and ensuring that provision is reviewed and delivered, but it is also essential that the provision is agreed with the parents.

I would like to see an arrangement whereby the IDP can come from a health professional, social worker, school, multi-agency team or a parent. One of the few weaknesses in the statementing system has been the need for a parent to initiate the process.

When it comes to post-school provision, for those with a learning disability, further education needs to offer meaningful courses and not have their hands tied by a 'results based' culture. Learning Disability Wales have already discovered evidence of further education courses being cut for students with a learning disability / students

Legislative proposals for additional learning needs Responses 121-140

with complex needs. The development of 'Programmes for Learning', means that there is a requirement for all courses offered by further education colleges to provide full time programmes that lead to education progression and/or career progression routes and opportunities. This is not always possible for a person with a LD. There is nothing in this consultation that mentions personal care / travel / independence training, it is all academic. The further education needs of an individual with LD may very well be better met with this type of training. This would hopefully be identified if there is a quality transition service. The WG needs to acknowledge this and make provision for it.

Question 3 – A new code of practice

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

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

A new code of practice on ALN must include mandatory requirements, but I would also want assurance that WG would ensure there are firm time scales and strong consequences of failure.

Are the WG trying to find one simple solution to a large number of different and complex problems in these proposals?

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

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

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Supporting comments

I am very concerned with the term 'best endeavours' to secure the ALN provision called for in an IDP. I believe some parents have failed to get this when there has been a 'statutory duty' on a LEA. WG need to be much stronger on this if they really do have a commitment to change things for the better. Also there is no indication of consequences if LEA's are found wanting in this regard.

Question 5 – Securing specialist provision for young people

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

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

Will WG provide additional resources for this?

Question 6 – Placement at independent schools

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

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

I agree, but rural counties will still find the need to send a child to registered placements if specialist provision cannot be provided locally such as a child with challenging behaviour.

Legislative proposals for additional learning needs Responses 121-140

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

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

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

I agree strongly with this and would urge the WG to use Ceredigion County Council Tim Plant Anabl (TPA) as a model.

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

Supporting comments

A multi-agency approach should help those with a LD. Joint training and I would suggest shared budgets could help strengthen this approach.

Question 8 – Supporting looked after children

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

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

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Question 9 – Resolving disputes at an early stage

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Supporting comments

LEA complaints processes must be clear and transparent. There must be clear time frames that have severe consequences if broken if parents are to have any faith in the new system. The problem with the SEN system, was not the 'code of practise' but the 'current practise'. The difference between theory and practise. Little in this suggests that will change.

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

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

I am told that our LEA used the complaint process as a delaying tactic in the old system.

LEA's are cutting back on the cost of advocacy services, support for parents must be properly resourced.

Question 10 – Extending the right of appeal

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

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

I would like to see some clear time frames for this, there have been massive time spans between original complaints to tribunal / ombudsman's ruling. This must be speeded up.

Legislative proposals for additional learning needs Responses 121-140

Question 11

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

The number of parents home tutoring due to an LEA's lack of understanding of ASD needs to be addressed. A child or young person may be an exceptionally talented pupil academically but cannot cope in the class room environment. Indeed parents could be unable to even get their child to school and the LEA's go down the truant / threat of legal action route giving the parents no other option but to go have their child home educated.

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

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ALN137: ANONYMOUS

Question 1 – New terminology

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

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

The term itself is not what is important but adopting a new term provides an opportunity to break from existing 'custom & practise' which falls well short of the aims and spirit of the current Code of Practice for Special Educational Needs.

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Supporting comments

Additional funding and professionals. Currently a lot of problems arise in Mainstream Secondary school setting as SENCO is too overloaded to comply with the code of practice for SEN. This leads to adversarial situations between home and school.

Access to other professionals eg. Educational Psychologists is reportedly restricted on an arbitrary quota basis meaning that assessments are not carried out in a timely way.

Effective inclusion in mainstream with needs properly identified and fully met is dependent on adequate ring-fenced funding and professionals having sufficient time for their case load.

Question 2 – Individual development plans (IDP)

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

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

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

IDPs must have the same legal status as statements of SEN currently have. The current Code of Practice is good yet the system does not work because of failure to adhere to the code of practice, or exploiting loop holes (there are 'should's instead of 'must') . Replacing statutory assessments with IDPs,

Provided that IDPs have the same legal status as statements, must be accompanied by very clear, precise and binding code of practise.

Indications are there are still too many 'should's instead of 'must's (eg in the bullet points of the principles) creeping in.

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

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Supporting comments

Currently different LAs do better / worse than others. There should not be this sort of lottery affecting the life chances of children with ALN / SEN. Perhaps ultimate responsibility ought to lie with an independent national body? Ideally IDPs will be agreed through constructive and collaborative multiagency team working (which must include parents as equal team members).

There must be thorough independent audit and independent monitoring of effectiveness of implementation of the process within each LA, with data openly published and easy to access for the public eg via LA websites & clearly signposted.

Question 3 – A new code of practice

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

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

The code of practice must be clear, robust and free from loopholes. It must be seen as something which must be complied with in its entirety rather than as only guidance / optional.

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

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

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Supporting comments

However, what does 'best endeavours' mean in practice? This turns a must into a 'should'.

Surely if the provision is called for in the IDP and the IDP has the same legal status as a statement then the provision must be secured.

Question 5 – Securing specialist provision for young people

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

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

There needs to be ring-fenced funding

Question 6 – Placement at independent schools

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

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

Any placement, whether independent or state school, must be able to deliver the identified provision, and evidence to show that they can must be able to be provided. Why single out independent schools in this question?

There is still widespread poor understanding of the complexity of impact of certain hidden disabilities (eg Dyspraxia) which means that mainstream schools, however well intentioned, can fail to deliver.

Legislative proposals for additional learning needs Responses 121-140

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

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

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

Parents must be considered as equal partners and LA, Healthboards and FE/school must be required to share information openly ie ensure parents are also included in this information sharing by, as a minimum copying parents in on all information sharing.

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

Supporting comments

Artificial barriers to effective communication and working together due to different health and local authority boundaries must be broken down. Parents must be considered as equal partners in multi-agency partnership working alongside health, LA, and FE/School personnel.

Question 8 – Supporting looked after children

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

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

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Question 9 – Resolving disputes at an early stage

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Supporting comments

There must also be a mechanism (and audit) to ensure that Local authorities consistently actually engage constructively with requests for disagreement resolution, Rather than block the proper progress of this - often by use of their own Legal departments - contrary to section 2 of the current code of practise. Under the current system we requested disagreement resolution, the request was repeatedly deflected, but eventually agreed to, however (some 16 months later) a Disagreement resolution meeting has still not been held.

This loop hole which allows the LA to avoid engaging with the process needs to be closed.

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

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

However this process must have short time limits which LA have to respond / engage constructively within.

Question 10 – Extending the right of appeal

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

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

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Legislative proposals for additional learning needs Responses 121-140

Question 11

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

any of the problems with the current system arise from resource pressures, a lack of understanding, a lack of willingness to work collaboratively, and consequently an unwillingness or inability to do things differently ie. respond to diversity in the way necessary for effective inclusion.

In our experience there is a long way to go to be able achieve true collaborative partnership working. Old habits and attitudes within schools and LAs need to be 'unlearned'. This will be hard for the highly hierarchical education system, where any comment by a parent is treated as a 'complaint' rather than part of a constructive discussion between stakeholders.

Schools and LA should look at best practice in industry and business for effective/rapid change implementation / management and true collaborative partnership working.

The change in legislation / nomenclature will only bring about the desired improvements if the attitudes and avoidance behaviour adopted by LAs and Schools in the past is eliminated. If the existing code of practice were followed as intended there would be no need for this change of legislation/ nomenclature; So it is imperative that the new legislation and code must be unambiguous, thorough and clear and leave no loopholes.

Please do not use the word 'should', invariably this is where the spirit and intention is 'must': Using the word 'Should' allows things which are necessary to not happen.

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



ALN139: ANONYMOUS

Question 1 – New terminology

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

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

I think that Individual learning needs is better as Additional Learning needs has a negative spin. Although I do think that it is better than Special needs.

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

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

I think that this sounds good although - our experience so far has not been good even though best practice is that there is early, prompt and seamless support. This sounds good but how is it going to be enforced? I would feel better if the assessments were realistic and done by people who get to know our children and would rather the assessors were independent from the people providing the money.

Question 2 – Individual development plans (IDP)

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

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

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

I really am undecided on this, mainly because the Statement system is failing us and I am not sure that the change will make any difference. There is a tendency for professionals to know best and although we are told that they want our opinion - the message is opposite.

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

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

I think that the IDP needs to be prepared by an independent group who work with parents and professionals. The LA have too much authority over the process at the moment. For instance - from our experience the people who are making the decisions tend to be people who may have not even met our child! At the moment it is a very unfair situation. The power is with people who hold the purse but don't know the child! Our son has complex needs. We have spoken quite clearly about them but no one really gets the big picture. We rely on professional advice but have come to know that all the advice given is not in the best interest of the child but in the best interest of what the authority can afford to give you or what is best value for them. We had independent assessments done on our child and the difference was startling! the advice was brilliant and gave us an idea of what his needs were. The authority assessed our child badly. I would never trust anything that was done by the LA. There is a culture of low expectations.

Question 3 – A new code of practice

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

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

definitely! our children will be very vulnerable without it - our children are even vulnerable with it!!

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Question 4 – Securing provision

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

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

Best endeavors is too grey. There is very little 'good will' at schools in this present climate. Our experience is that the educational statement is only looked at to get out of provision. We have to 'police' our child's provision which is very difficult because he has communication issues!

Question 5 – Securing specialist provision for young people

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

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

I strongly disagree. I think this body needs to be independent.

Question 6 – Placement at independent schools

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

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

The choice should be firstly with the parent. I am the person who is dedicated

to my son. I funded my own Elklan training to help him. I asked the local authority to provide the training but they would rather train people who may decide to leave their job. I am my child's greatest resource - death being the only divider. Please, please give us more equality in the system. We need our professionals advice but asking for our opinion is often 'just because they should do'.

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

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

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

I think that this needs to be done by an independent body or a keyworking system. My son was assessed (very poorly) by a LA Ed P who had only met him that day. He was assessed with no interpreter and also assessed on his writing and drawing skills even tho he has a medical condition which would compromise him. He was assessed as having a severe learning difficulty. This then set the basis for his speech and language provision (health provision) and due to his severe learning difficulty diagnosis. They planned to reduce his SALT entitlement from 12 hours per year which includes attending meetings/laiaising with teachers and parents and writing reports. (By the way 12 hours is the Rolls Royce SALT provision!) to 6 hours per year. This was all down to the very poorly EP assessment. We had him independently assessed and they assessed him as having lower average/borderline learning difficulties and at tribunal we won 24 hours per year of SALT. It was only this low as he is placed in a specialist teaching facility for hearing impaired and it was felt that all the staff would be sufficiently experienced to follow up the work during the week . My son's needs have been assessed on the basis of what the LA and school and SALT can provide and not on what he needs. We definitely need an independent body/person/keyworker/assessor!

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

Supporting comments

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Legislative proposals for additional learning needs Responses 121-140

Question 8 – Supporting looked after children

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

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

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Question 9 – Resolving disputes at an early stage

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

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

<p>This really needs an independent body. The LA are the funding body and cannot be independent as they hold the purse strings.</p>

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

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

<p>From our experience this has been a waste of time because the relevant people all agree with each other - it needs an independent service.</p>

Legislative proposals for additional learning needs Responses 121-140

Question 10 – Extending the right of appeal

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

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

Question 11

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

Our son has complex needs. All his diagnosis have been very late - hearing impairment at 4 years and 1 month - retina dystrophy at 5 years - no clear and good advice given on hearing impairment for almost a year. We have had to navigate the system. He also had toileting issues starting school. We were told that the school of our choice didn't have the changing facilities and that it was up the TA if they were willing to change him if he soiled. This is ridiculous to me. Going to the toilet is as important as breathing air and eating and should not be a barrier to learning or choice of school. The toileting issues need to be addressed as a matter of urgency. If a child has hypotonia or autism or other medical difficulties they are often going to need help with this. This shouldn't be an issue. It is a VERY distressing issue for a parent!

Also our child has a 5 year delay in good hearing so needs good language teaching. Our battle is that they would rather see him in a learning difficulty setting and not in the hearing unit that he is in. The message is - if you are profoundly deaf but are also a wheelchair user you cannot access the hearing impairment unit - Swansea provision for hearing impairment is in a school with loads of stairs. Why isn't the authority looking to move the units into some of the new build schools in the last few years.

Our son is small in stature, unsteady on his feet and although he can get around the school he cannot do this alone. Consequently he has to have a TA with him accessing the school. He spends longer than others as it takes him longer and he misses out on education time. He really needs someone with him when he goes to the nearest toilet but the member of staff has to stand outside the toilets because it's the junior toilet. My son struggles with toileting and cannot see to himself when he does a 'poo' but the member of staff isn't allowed in those toilets. The toilets which suit him better are a distance away.

Inclusion has been very token at the school. Recently we have had to try and work out what was happening (difficult when your child finds it tricky to communicate) and have discovered that he has been withdrawn from inclusion without discussion with us. He is in an unit which should deal with all his

learning needs and in his statement he should have inclusion for part of every afternoon. I know children with more learning difficulties than our son who go through mainstream with TA support. We are having to fight for our son all the way. it is very distressing and is making me ill and having a huge impact on my marriage and my ability to mother my THREE children - yes, I have others that I am responsible for and they also have difficulties. Dealing with education has been the most difficult aspect of parenting my son - even though he has been recently diagnosed with Ushers syndrome which means that he is losing his vision. Please contact me about any of my comments. I also have numerous friends who are encountering similar issues. However there are some excellent teachers and professionals out there who really do respond well. I would love to tell you about them!

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

ALN140: ANONYMOUS

Question 1 – New terminology

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

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

This term is broader being more applicable to a wider range of additional support and intervention.

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

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

Professionals providing and assessing support should use adequate baseline measures to determine that the learner has the relevant pre skills. The assessor should also have the relevant skills to break down the task sufficiently to determine the correct baseline measure for the learner. Standardized evidence based assessments should be used but there should be more of an emphasis on direct observation of the child physically demonstrating and if able telling the assessor how they worked out the task to determine if the skill has been attained. Consideration of the affects of the environment before assessing are paramount and ongoing assessment should be easily measurable, regular daily or weekly probes and as early as possible. Assessment is often not early enough or investigated frequently enough. Current assessment provision is often not regular enough and misses gaps in learning and vital learning time is lost. There should be a collaborative process of assessment and code of practice agreed across local authority managers, headteachers, class teachers and multi agencies to facilitate early evidence based practices (the use of teaching practices that have been proven to be effective by carefully conducted research) and also an emphasis on practice based evidence and data informed decision making (the collection of ongoing evidence of competency through copies of work conducted by the child and frequent data collection of daily or weekly probes). This will ensure accurate assessment and facilitate consistent decision making. Communicating assessment outcomes and implementing assessment more consistently and effectively across different people and settings will help to ensure that skills are transferable across different environments and help to promote generalisation.

Question 2 – Individual development plans (IDP)

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

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

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Supporting comments

Any new IDPs should include specific individual needs of the child. Achievable aims/goals. State who will provide the provision and who will monitor and review the progress and how often it should be reviewed. How outcomes are to be measured and what intervention should be used ensuring that the intervention has a strong evidence base.

Educational planning should not include vague references but include clear definitions of target goals and criterion for mastery and an expected time for positive outcomes.

IDPs should outline meaningful behaviour change that is relevant and functional for the child and more person centred.

A combination of structured learning opportunities and natural learning opportunities should also be included in the IDP.

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

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

Question 3 – A new code of practice

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

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

The new code of practice should include that people responsible for education, health and social services work together and communicate more effectively following the same protocols for assessment, measurement and implementation of evidence based practice to ensure a consistent approach.

Codes of practice should state clear roles and expectations and clear definitions of the intervention to be implemented.

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Question 4 – Securing provision

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

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

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Question 5 – Securing specialist provision for young people

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

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

Continued assessment and support should be offered to post 16 learners that is relevant and functional to their individual needs providing meaningful social significant behaviour change.

Question 6 – Placement at independent schools

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

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

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

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

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Legislative proposals for additional learning needs Responses 121-140

Supporting comments

Sharing information is essential for a consistent approach.

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

Supporting comments

More effective communication systems, lots of time spent meeting/travelling rather than spent implementing intervention. Finding a more effective way of communicating the next steps for intervention and planning across multi agencies.

Legislative proposals for additional learning needs Responses 121-140

Question 8 – Supporting looked after children

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

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

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Question 9 – Resolving disputes at an early stage

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

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

It is always preferable to work out any issues amicably and to prevent the situation arising to begin with.
If parents are kept informed more regularly about their child's progress and what their child is being taught in school and actively involved in their child's learning with regular recommendations to assist them with additional support at home, this should reduce disagreements.
Parents should be encouraged to ask questions and given the opportunity to be given information on where to find additional help and how to implement it with their child.
Clear guidelines should be given to parents on how to achieve this so there is no confusion.
If parents still have dispute they should be informed via the guidelines of how to air their grievances in the appropriate way.

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

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

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Legislative proposals for additional learning needs Responses 121-140

Question 10 – Extending the right of appeal

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

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

Question 11

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

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