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Consultation – summary of responses

Options for implementing the Additional Learning Needs and Education Tribunal (Wales) Bill

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Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Options for implementing the Additional Learning Needs and Education Tribunal (Wales) Bill

- Audience** Maintained schools, early years settings, further education settings, local authorities, local health boards, third sector organisations and anyone else with an interest in additional learning needs.
- Overview** This consultation sought the views about how the Additional Learning Needs and Education Tribunal (Wales) Bill should be implemented if it receives Royal Assent. It focuses on the broad principles associated with implementation. The Bill creates a new legislative system to support children and young people, aged 0 to 25, who have additional learning needs. The new system will replace the existing legislation surrounding special educational needs and the assessment of children and young people with learning difficulties and/or disabilities in post-16 education and training.
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- Additional copies** This document can be accessed from the Welsh Government's website at gov.wales/consultations
- Related documents** Additional Learning Needs and Education Tribunal (Wales) Bill – as amended at Stage 2 (2017)
Draft Additional Learning Needs Code February 2017
Additional Learning Needs and Education Tribunal (Wales) Bill – Explanatory Memorandum (2017)
Additional Learning Needs and Education Tribunal (Wales) Bill: stakeholder consultation workshops on behalf of the Welsh Government – summary report (2017).

Contents

Ministerial foreword	2
Introduction	4
Executive summary	5
Guidance	5
Funding for training and workforce development	5
Strategic leadership, planning and monitoring	5
Methodology	6
Responses	7
Stakeholder consultation workshops	7
Percentages	7
Demographic patterns	8
Question 1	9
Question 2	12
Question 3	15
Question 4	17
Question 5	19
Question 6	20
Other comments provided	21
Annex A: List of respondents	22
Annex B: Responses [not in document]	

Ministerial foreword

I am very pleased to publish this consultation report which asked stakeholders for their views on how best to implement the Additional Learning Needs and Education Tribunal (Wales) Bill, should it receive Royal Assent.

The views expressed in this consultation will be integral to the development of our plans for transitioning to the new ALN system, and have already helped set the direction of travel. Drawing on the responses to this consultation, I have decided on the following approach to implementation.

Individual development plans should be introduced in a phased approach, set by the Welsh Government, to ensure consistency and manageability. The mandated phases will be based on key points of transition, but will prioritise learners with existing Statements who will be transferred within two years. All learners currently with non-statutory plans will be transferred within three years.

This approach relates only to those learners with ALN with existing plans. We would expect any learners identified as having ALN during this period who did not previously have a plan in place, to be provided with an individual development plan during the implementation period – there would be no new Statements or other plans for learners with ALN created from this point onwards.

In response to calls for detailed guidance on implementation, we will publish a Transition Guide which will include detailed timescales for the roll-out of individual development plans to each cohort of learners in the phased approach. The Transition Guide will be developed in partnership with the Transformation Leads and other key stakeholders and published for consultation next year, alongside the consultation on the draft Code and regulations.

In relation to requests for further details on specific roles created by the Bill, including the ALNCo and DECLO role, we will continue to work with the relevant expert groups to develop and refine the guidance on this to be included in the Code, which will then be published for consultation to ensure maximum awareness and to allow expertise from the sector to contribute to the guidance. I can also confirm that the Code will contain a mandatory template for individual development plans.

In supporting implementation of the transformed system, we will be investing £20m. Our programme of support will provide detailed guidance, strategic support and an extensive programme of training for all those working with children and young people with ALN before implementation begins.

Five Transformation Leads will support the delivery of the ALN transformation programme by providing a strategic interface between delivery partners and the Welsh Government. The Transformation Leads will have responsibility for supporting the effective implementation of the ALN system, ensuring transition across Wales is consistent.

Implementation grant funding will be provided on a regional basis to be co-ordinated by the Regional Transformation Leads, to roll-out regional, multi-agency training and professional development on the new legislative framework and its implications for all those involved in supporting learners with ALN. The training will target key practitioners with specific roles in the new system (including the ALNCo and DECLO roles).

Our readiness and compliance monitoring approach will be delivered through direct engagement between the Transformation Leads and delivery partners, to inform the development of regional implementation plans. Progress against these plans will be reported to Welsh Government and monitored at a national level through the ALN Strategic Implementation Group. This will also be reported to Ministers on a regular basis.

Thank you to all who contributed to this consultation. Your continued support and engagement is crucial to ensure that we get the reforms and their implementation right, and can only do so by working collaboratively with our partners and stakeholders.

Kirsty Williams
Cabinet Secretary for Education

Introduction

The Welsh Government published a consultation on options for implementing the Additional Learning Needs and Education Tribunal (Wales) Bill (the Bill) on 27 February 2017. This set out proposals for how the Bill should be implemented if it receives Royal Assent. The Bill creates a new legislative system to support children and young people, aged 0 to 25, who have additional learning needs (ALN).

The new system would replace the existing legislation surrounding special educational needs and the assessment of children and young people with learning difficulties and/or disabilities in post-16 education and training. It also introduces new roles and concepts to support the successful implementation of these reforms.

Maintained schools will be required to have a designated Additional Learning Needs Co-ordinator (ALNCo). This role will help facilitate the effective multi-agency collaboration required to improve services for learners with ALN. The Bill also places a new duty on health bodies to appoint a Designated Education Clinical Lead Officer (DECLO) to better support collaboration between health, education and social care services. Additionally, the new system will ensure person-centred practice (PCP) underpins the whole process, with all individual development plan (IDP) review meetings centred on the child or young person.

The consultation document and responses can be accessed from the Welsh Government website at: <https://consultations.gov.wales/consultations/options-implementing-additional-learning-needs-and-education-tribunal-wales-bill>

The consultation period lasted 15 weeks, concluding on 9 June 2017. The list of respondents is provided at Annex A, with anonymity protected where requested. Copies of the responses are provided at Annex B.

This document presents a summary of respondents' views to the questions contained in the consultation document.

Executive summary

Overall, stakeholders were positive with the new approach to supporting learners with ALN to be introduced by the Bill. The introduction of a single statutory plan, with a new focus on placing the child or young person at the heart of all decisions, was particularly well received. More generally, respondents agreed the current special educational needs system is no longer fit for purpose and the necessary reforms should focus on creating a simpler system based on the principle that all learners should equally be supported to reach their potential.

The vast majority of consultees felt that there should be a national, mandatory phased approach so that the same cohorts of learners across Wales were provided with the new IDPs during the same time frame. There were two preferred options that emerged: learners at a significant point of transition (whether moving between education setting, key stage or to a different area); and those with existing statutory plans.

Three themes came through strongly as the key priorities for Welsh Government support and investment:

Guidance

A number of respondents asked for more details on the implementation of the new system, including key dates for transformation and further clarification on the various roles included in the draft Bill. Respondents were keen to have the opportunity to comment on the details in the next iteration of the ALN Code, including the role of the ALNCo and the DECLO. There were also calls to include an IDP template and other relevant documentation in the Code to help support successful delivery.

Funding for training and workforce development

Funding for the new ALN system was seen as a priority to support implementation. Respondents called for funding to be focused on workforce development activities to upskill all staff involved with ALN, including those working in further education and early years education settings, the health sector and in local authorities. There were also calls for specific training for the new ALNCoS and DECLOs roles to support planning, review meetings and multi-agency partnership working. Some also thought additional resources should be invested to support existing staff to effectively deliver the system, should there be any increase to workloads.

Strategic leadership, planning and monitoring

Throughout the responses, many of the comments related to a need for the implementation of the reforms to be supported by strong strategic leadership, both at a national level from Welsh Government, and in providing direct support and advice to local authorities, further education settings, schools, early years settings and health boards. There were also calls for detailed implementation plans to be put in place and communicated to all delivery partners, and effective monitoring arrangements to be put in place to ensure that the roll-out of the new system remained on track.

Methodology

The consultation asked participants for their views on a number of questions relating to the implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill. In total, the questionnaire consisted of closed questions and opportunities to provide responses to open-ended questions. The final question was an open invitation to raise any related issues.

Responses

A total of 89 consultation responses were received by the Welsh Government. A further 16 responses had been submitted but were incomplete and therefore, could not be included. Some responses received were collaborative responses, representing the views of multiple individuals and organisations.

The following tables provide a breakdown of the number of respondents from the formal consultation, into types based on category and location.

Schools	16
Special educational needs coordinators	1
Further education sector	7
Preschool organisations	2
Education professionals	3
Teaching unions	8
Local government	11
Work-based learning organisations	1
Local health boards	1
Health professionals	2
Other public sector organisations	4
Third sector organisations	10
Individuals	19
Other	4

Wales	71
Outside Wales	3
Not stated	15

Stakeholder consultation workshops

In addition to inviting written responses to the consultation, the Welsh Government ran a series of eight consultation workshops at regional events across Wales between 28 February and 9 March. The workshop facilitators asked participants to work in groups of up to 12 people to discuss the first three consultation questions, and each group's key points were summarised using a standard feedback template. During a plenary session, groups were selected to provide a brief overview of their discussions to the whole audience. The total number of workshop participants was 629.

These responses were then collated and written into a summary report which has been published alongside this consultation report. Where appropriate, references to these workshops are made in this report, highlighting similarities or differences compared to the themes and comments received in the written responses to the consultation.

Percentages

Percentages are shown on the tables relating to each consultation question in order to provide a comparison between the written responses to the consultation and the feedback at the stakeholder workshops. However, given the relatively small number of responses (fewer than a hundred), percentages are not used in this report's narrative.

Demographic patterns

Whilst analysing the responses to these questions, we found no correlation between different demographic groups and preferences for a certain approach to implementation.

Question 1

How should the implementation of individual development plans be done?

Question 1 How should the implementation of individual development plans be done?	Written consultation responses	Workshop responses
1a) Introduce individual development plans with a single date to go live	10 (11%)	99 (16%)
1b) Introduce individual development plans in mandatory phases	73 (82%)	521 (83%)
Not answered	6 (7%)	9 (1%)

The first question of the consultation asked how the implementation of IDPs should be managed: whether local authorities and further education settings should determine their own approach to managing the process of converting existing plans to the new IDPs in whichever way they felt was most appropriate; or whether there should be a national, mandatory phased approach so that the same cohorts of learners across Wales were provided with the new IDPs during the same time frame.

The majority of consultees and workshop attendees chose the latter option. Although respondents agreed there were advantages to allowing local authorities the autonomy to determine their own approach to managing the transition, concerns were expressed about the difficulties that this would lead to in practice. It was felt that this approach could lead to unfairness and inequity during the transition period if there was a 'postcode lottery' across Wales with different areas offering the new IDPs to different cohorts of learners. This could also prove difficult to manage in terms of appeals and disputes, as rights to access the new system might not be clear or consistent.

Overall, most respondents believed the delivery of this significant transformation would be better achieved by introducing IDPs in the same tranches across Wales, with clear direction from Welsh Government. A mandated approach across Wales was generally seen as more equitable and in-keeping with the spirit of the reforms.

One respondent suggested the reforms should be 'owned' by the Welsh Government; therefore direction regarding prioritisation should come centrally. There was also support for a national approach to guide and monitor the transformation; ensuring implementation is rolled out consistently and effectively.

In addition to the responses received in favour of the second option for this question, some common themes emerged to support the delivery of a mandated phased approach.

Option 1b was favoured for its consistency and manageability and will rely on careful preparation and planning. Those who favoured this option called for timescales for implementing the new system, ensuring a balance between being prepared and avoiding unnecessary delays in implementation. Some also called for a final date when the new system will be fully implemented. This would give a deadline for education settings to work towards and ensure the old SEN system is phased out appropriately. Timescales for key milestones, such as the roll out of workforce training or the introduction of IDPs to certain cohorts, should be included within the mandated phased approach.

To ensure a consistent approach is taken, and to give delivery partners adequate time to prepare, respondents thought the mandated phases must be clearly communicated by Welsh Government. Given the complexity of introducing the ALN system, with different aspects of the Bill potentially being introduced at different times, effective communication was seen by delivery partners as crucial for a smooth transition. In particular, multi-agency collaboration will rely on open and consistent communication between the workforce and leadership to ensure a successful transition.

Before the new system can be introduced, stakeholders and delivery partners asked for training to ensure they are familiar with the mechanics of the way of working. Specific training on the new roles, such as the ALNCo and DECLO was raised, but also training for the whole workforce involved with ALN to ensure they understand their roles and responsibilities, including who to escalate problems to and when. Ongoing training was also called for to ensure the sustainability of the new system.

Stakeholder consultation workshops

Option 1a) Introduce individual development plans with a single date to go live

Such an approach would, in theory, mean the new system applying to all learners with additional learning needs from the same point in time. The proportion of people who agreed with this option was 16% (n = 99).

Reasons given for supporting this option focused mainly on the need to provide clarity to all stakeholders, to avoid having two systems operating simultaneously and to have an approach to implementation that is equitable for all learners. Also having a single date to go live would potentially make collaboration and cross-border working between local authorities and health boards more straightforward.

Reasons given for rejecting this option reflected participants' anxieties about workload and the manageability of the implementation process, in particular for the ALNCo. The implications of creating IDPs for all learners with ALN to the same timescale were felt by many to be impracticable, in particular in settings with large numbers of such learners. Other reasons for rejecting this option focused on the potentially damaging impact a hurried implementation would have on the quality of the process and the confidence of practitioners in the new system.

Option 1b) Introduce individual development plans in phases

The proportion of people who agreed with this option was 83% (n = 521).

Many participants concurred that a national phased approach to the implementation of IDPs is required, to ensure consistency across settings and local authorities, and to be fair and equitable for all learners. Such an approach to implementation would provide practitioners with more time to develop statutory IDPs using person-centred practice, for the first time in some cases.

The majority of participants were in favour of a clearly defined transition period i.e. agreeing a period during which existing Statements and plans need to be changed and a specific completion date by which all eligible ALN learners have an IDP in place. The timescale

suggested for implementation varied considerably from 12 months, typically an academic year, to up to five years. Such a phased introduction was perceived to be more manageable and would seem to reflect the current direction of travel regarding the introduction of IDPs in many of the settings represented in the workshops. Feedback indicated that unambiguous guidance regarding which tranche(s) of learners to prioritise will be essential.

Question 2

If individual development plans should be introduced in phases, how should these be grouped into tranches?

Question 2 If individual development plans should be introduced in phases, how should these be grouped into tranches?		Workshop responses (order of preference)
2a) Existing statutory plans	29 (1 st)	2 nd
2b) Education setting	5 (5 th)	4 th
2c) Key stages	9 (4 th)	3 rd
2d) Significant points of transition	21 (2 nd)	1 st
2e) 'Early adopter' local authorities	3 (6 th)	5 th
2f) None of these	11 (3 rd)	7 th

Following on from the first questions, we set out five possible ways to group the introduction of IDPs, with an option to choose “none of these options”. The options reflected the different ways learners could be grouped into cohorts using existing classifications or definitions.

The two most popular options by far were options 2a and 2d. Existing statutory plans received the most support from the written consultation with significant points of transition receiving the second most. These two options were deemed the most fair and practical way of transforming to the new system.

Option 2a was chosen by some for prioritising those learners who already have their needs identified, to minimise the disruption for those with the most complex needs or who are most vulnerable, such as looked after children. This approach would ensure consistency for their support and provision. Additionally, this option could better support those eligible for care and support under the Social Services and Well-being Act. Ensuring the system is working for a smaller group first, including the use of multi-agencies, would support further roll-out and build on best practice and shared learning.

Support for option 2d was based around equity and fairness. Grouping learners based on age rather than need would ensure the scope of the reforms are more swiftly applied, with less complex needs receiving the same legal status as those already with a Statement. Choosing those as significant transition points would provide clear timelines for children, young people and their families. It could also bring a directive for schools to engage with their partners, such as further education settings, to ease the transition route. This option was also supported as it could help transition from childcare settings into mainstream schools, which links in well with the focus on early identification of additional learning needs.

One respondent suggested these two options could be combined so that the first cohort to transition could be learners with exiting statutory plans who are also at a point of transition. Others suggested converting pupils to the new system when reviewing existing Statements, which could also be developed into a combination of the two favoured options.

In addition to the responses received in favour of option 2a and 2d, common themes also emerged in relation to the introduction of IDPs.

As identified in the consultation document, and agreed by many respondents, key transition points can already be very stressful times in the lives of young learners. It was generally thought that more should be done to ensure a smooth transition at these key points with regards to the introduction of the ALN system. Respecting the principle of the person-centred practice approach was recognised as a positive way of helping with transition, with some suggesting the year before transitioning to a new education setting would be particularly beneficial. Some respondents were concerned about transition points into further education, with a few expressing specific concerns about teenagers being treated as adults as they transitioned into adult services.

There was broad agreement that the sooner ALN is identified, the better. Early intervention is known to be more effective and cost-efficient compared to interventions at a later stage. However, early identification will depend on early years settings being prepared for the new ALN system. Some respondents therefore called on a greater focus on this early transition point to enable the system to develop from the bottom up, supporting the child as they move through education settings.

To ensure the effective use of IDPs, particularly when transitioning to new education settings, improvements in multi-agency collaboration was raised by some. Much of the Bill will require robust pathways and strong communication between key players, with some respondents asking for the Welsh Government to lead delivery partners on improved ways of working in partnership. This includes closer working with different education settings, health bodies and social services. Many comments supported the appointment of ALNCoS and DECLO to provide advice, support and challenge during the transition phase and welcomed the shift to improved working arrangements. However, others thought more work was needed, particularly support for post-18s which was perceived by some to be limited and inconsistent.

Stakeholder consultation workshops

As with the consultation, the workshop participants agreed their top two options for implementation were 2a (existing statutory plans) and 2d (significant points of transition).

The most popular choice for a phased introduction was option 2d) '*Significant points of transition*' between settings, key stage or local authority. Reasons given to justify this choice focused on providing sufficient time to build capacity within settings, the manageability of the process and concerns about ALNCoS workloads. Feedback suggested that focusing on converting the existing plans of a limited number of learners at key transition points would allow time and resources to be more targeted, enabling schools to develop expertise with individual cohorts of learners as part of effective transition planning. Participants also felt this approach should be inclusive of 0-3 year olds in early years settings.

The second most popular choice for a phased introduction was 2a) '*Existing statutory plans*', beginning with those learners that already have statutory and non-statutory plans

before extending such rights to a new cohort. The general view was that learners with the highest level of need should be prioritised. This was seen as a practical option as these represent a much smaller number of learners who have already been identified and their needs defined. Multi-agency working should also be well established for these learners. Such an approach was perceived to be fairer as it is not restricted to learners in a particular key stage or setting, would tie into existing review cycles and would potentially ease parental anxieties about the loss of Statements.

Irrespective of the option selected, groups felt that the approach should be learner-centred, and that adequate support and funding for IDP implementation were crucial. A majority of groups agreed that it is necessary to have an end date by which time IDPs are implemented nationally to avoid two systems running concurrently for an extended period.

Question 3

What are your views on the priorities for Welsh Government support for delivery partners as they prepare for transition to the new system?

The main support called for was adequate time, money and resources. Time and money was required to train the workforce and become familiar with the new system, whilst additional resources were called for to meet the potential increase in demand. Recruiting and retaining certain members of the workforce involved with ALN is a challenge, with Welsh language speaking specialists recognised as the most difficult. There is a genuine concern by many that without an increased budget and reasonable lead in time, the new system will become over burdened and many children and young people will lose out on the support they need. However, given the right support, including specific training and improved communication between agencies and settings, respondents were generally confident the new system would be a significant improvement on the current system.

Training was again another key theme in the response to this question. Upskilling early years practitioners was raised, as early identification is a cornerstone of the ALN transformation programme. Others believed training for all working with 16+ with ALN was important.

An E-learning package for certain training (such as the person-centred practice approach) was raised, as was revising the Initial Teacher Training to include these new approaches to supporting children and young people with ALN. Specifically, training for IDP meeting using the person-centred practice approach was raised, as was training for the new ALNCo and DECLO roles.

Closely linked with training was the funding necessary for upskilling the current workforce and training for new staff. There were concerns from some that the £20m transition fund would not go far enough, and that funds for training should be ongoing.

Some called for ALN budgets to be ring-fenced, with others calling for a central pool to resource ALN equitably. Funding was also called for to raise awareness of the new system to children, young people and their families, including the dispute resolution pathways.

A common theme among respondents was a call to develop the capacity of the current workforce or to support their efficiency by ensuring adequate time is spent on the front line, working directly with learners with ALN. Many felt the current system was under pressure, not least because of a concern that certain specialist roles were seen to be under resourced. There was particular concern over the number of education psychologists and speech and language therapists. This concern was increased when it came to the Welsh language, with the current lack of Welsh language diagnostic tools and a shortage of Welsh language staff and specialists in certain areas being cited by some.

Another concern over capacity was the ability of local authorities to manage the new system with regards to administrative and leadership demands. Some respondents expressed concern that multi-agency meetings and the person-centred practice approach could potentially be more challenging to organise to begin with, and this may increase workload for schools, which should be factored into planning.

Finally, some felt that the statutory nature of IDPs could mean an increase in paperwork and bureaucracy due to the potential implications for not meeting provisions. However, respondents generally thought the new system would be less bureaucratic and less adversarial, and were pleased that all IDPs would have the same legal status as Statements for SEN.

An IDP template was called for in this part of the consultation. Similarly, clear guidance about when an IDP becomes the responsibility of the local authority was requested, with a concern that too much delegation of responsibility could cause a potential risk to local authorities in having insufficient resources to deal with complex IDPs. The question was raised of who ALNCoS would contact for additional support if required, and when in the process should this occur. Others have asked for more details on the transition from children to adult health services and clarity on health's role with the drafting of IDPs.

One respondent suggested employing 'Change Champions' as used by local authorities for Social Services and Wellbeing (Wales) Act 2014. Direct funding for ALNCoS and a commitment that the ALNCo should be a non-teaching role was also raised, with a call by some for grant funding to be made available for ALN strategic supporters.

Finally, it was suggested the outcomes of the reforms should be monitored to ensure the system is effective and to enable improvements going forwards.

Stakeholder consultation workshops

During the workshop, the groups were asked to consider their priorities for supporting successful implementation of the Bill.

The chief considerations for workforce development included auditing the existing workforce to identify professional development needs in each sector, tailoring training (including an e-learning training package) to align with the needs of different settings and sectors, and ensuring training facilitates collaboration between agencies with the suggestion to hold joint training with multi-agency participation.

Grant funding was welcomed and suggestions varied as to how best to utilise the funds. Some suggested it could be used to enable local authorities to plan strategically and prioritise training needs. The introduction and dissemination of information about the new Bill and Code should also be a priority. Training was again raised here, with stakeholders asking for specific training on PCP for all involved with ALN. Others wanted to develop specialist provision and provide advocacy and to recruit additional staff to support IDP implementation.

ALN transformation leads and the DECLO role were welcomed although the comments were largely based around the need for more information and clarity on these roles. The groups also suggested that the roles should be piloted as concerns were expressed about the feasibility of one person having the capacity to carry out the role effectively in practice.

Finally, a range of other support needs were also raised during workshop sessions. Awareness raising was a key theme, specifically for parents and carers to reassure them that statutory Statements would not be removed when the new system is introduced. Unambiguous guidance in the Code and clear leadership from the Welsh Government was another theme, with calls for the Code to spell out the legal obligations and parameters for joint-working to ensure a consistent graduated approach is adopted. Another means to

ensure consistency in implementation would be the introduction of standard electronic IDP templates, which should also be included in the Code.

Question 4

We would like to know your views on the effects that implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill would have on the Welsh language, specifically on:

- i) opportunities for people to use Welsh**
- ii) treating the Welsh language no less favourably than the English language.**

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Almost a quarter of respondents did not answer this question; however, the comments received did reflect a spectrum of opinions.

Whilst many respondents did not think there would be any negative effects on the Welsh language, there were concerns from some that the likely increase in demand for Welsh language services (in accordance with *Cymraeg 2050: a million Welsh speakers strategy*), coupled with the current availability of Welsh speaking staff, the new system may negatively affect opportunities for people to use Welsh language within the ALN system. Without addressing these concerns, there was a potential for no improvement regarding Welsh language provision, with Welsh language demand arguably being treated less favourably than English.

The most common concern expressed with regards to the Welsh language was workforce capacity, with a fear that Welsh language specialists were already stretched, with their roles in danger of becoming unsustainable without additional support. Some acknowledged the difficulty in recruiting suitably qualified Welsh speaking specialist staff, and there was a call to employ more Welsh or bilingual practitioners, especially educational psychologists.

Others thought the potential increase in demand would drive capacity and compel local authorities to recruit more Welsh language specialists, or to upskill and train exiting staff to cope with potential increase.

Other limitations were identified with regards to the Welsh language, including the availability of Welsh medium provision for ALN, and the under-availability of Welsh language diagnostic or assessment tools.

Some suggested supporting implementation of the ALN system by including;

- an audit of current Welsh language provision;
- a central bank for Welsh language resources and translation services;
- a Bilingual Champions to support Welsh language policies.

Question 5

Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language**
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**

Around half of the respondents left out this question. Of the responses received, many respondents believed there would be little to no effect on the use of Welsh. Other offered the following views.

Some believed that children with ALN would struggle with two languages in a Welsh language school, believing an inflexible approach to bilingualism might actually prevent some learners with ALN from reaching their potential. However, others countered this by saying the ability to speak Welsh is an asset to all learners and of great importance to many existing Welsh speaking families who have children with ALN.

Bilingual documentation should be available from the very beginning of the new system. Also, clear guidelines on how to determine the language of the provision, perhaps using the *active offer* principle for determining language choice.

Others called for equality training for all staff, or all ALN staff to receive language awareness training. Digital technology and the use of apps was also raised to help with Welsh language provision. There were also calls to extend Welsh Government's *Sgiliaith* initiative in the workforce.

With regards to the Welsh language in the Bill, some commented that "best effort" was not strong enough, and the Welsh Government should demand Welsh language specialism in every local authority.

Question 6

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.

Funding was the most common theme raised in this section. In the context of ongoing financial restrictions to council and school budgets, many people were concerned that existing resources are already stretched, and implementing the new ALN system could further increase pressure on the workforce.

Some specific concerns regarding funding and resources includes how small schools will be able to afford a non-teaching ALNCo, and whether there will be any extra funding available for training or for the perceived increase in administrative duties. Again, some responses called for the ALN budget to be ring-fenced to ensure equitable funding across Wales, while others asked how variation in regional funding for ALN can be tackled.

The question of whether there will be an IDP template was raised again, with one respondent asking about a set criteria for determining 'complex ALN' or the criteria for pupils being placed in a Pupil Referral Units (PRUs).

Support for staff working with ALN was asked for, with suggestions for a team of ALN strategic supporters to provide advice, support and challenge during the transition phase. Another suggestion was to publish all the support available for children and young people with ALN in one convenient place.

The question of qualifications for ALNCoS was raised, with calls for an agreed standard of training. Another concern linked with ALNCoS was the involvement of the Career Service in the post 16 sector, and how this is an ongoing concern for some working in the further education sector.

More information on early years, looked after children and further education settings were called for. One suggestion for early years was to employ an 'ALN designate' with a function to act as a liaison with the local authority's ALNCo. It was noted that links with early years and childcare settings ensures early identification and also a smoother transition for children when they enter full time education.

Finally, a few concerns were raised with regards to the Education Tribunal. There is a potential for an increase in Tribunal cases, given the increase in statutory plans. This may require additional resources, as there will be an increase in cases able to go to the Tribunal. The relationship between health and education and the powers the Tribunal has over health organisations was also raised.

Other comments provided

Throughout the consultation, respondents gave additional comments and views which were not captured within the main themes of this report.

There was a concern by some respondents, including the Special Educational Needs Tribunal for Wales, that the number of cases going to the Education Tribunal would increase in the short term if IDPs were introduced without adequate preparation time and training on the new system. Given the increase in statutory plans (and thus an increase in those who could potentially make an appeal), there was a concern that there could be a longer term rise in the number of appellants; the system must be robust and confident to avoid, where possible, cases going to appeal and to handle any additional workload that arises.

Linked to this point, the Education Tribunal will necessarily be operating two legislative systems in parallel during the transition period. Although this was acknowledged as inevitable, as there must be a time for the two systems to cross over, the transition period should be kept to a minimum to reduce complexity both for those involved with bringing a case to the Tribunal, and for the Tribunal and its staff.

Generally, respondents wanted clear guidance from Welsh Government with many asking for a revised Code. Guidance was asked for on a range of issues, from a call for more details on the new ALNCo and DECLO roles, to detailed timescales for transitioning to IDPs. A number of respondents also wanted to ensure that systems are put in place within schools, further education settings, local authorities and health boards to provide support to the ALNcos and DECLOs to deliver their roles effectively.

More specifically, many respondents asked for IDP templates to be included in the revised ALN Code. Guidance on how to complete IDPs, including how the person centred-practice approach should work, was also requested. This would ensure a consistent approach to completing and maintaining the IDPs, enabling best practice to be shared and developed on a national scale.

Finally, a number of charities contributed to a single response to the consultation to highlight the issue of healthcare needs within education settings. They raised the issue that under the current system, Statements of SEN are sometimes issued to children and young people with healthcare needs as a means of ensuring their support in education settings; even if they do not have an ALN. Further clarity was sought on whether this group of learners will transition to IDPs, as indicated in the ALNET Bill, or whether they will transition to an individual healthcare plan (IHP), under the Supporting Learners with Healthcare Needs statutory guidance. They also asked about the comparative legal status of the two plans, with concern as to whether the IHP has the same status as the IDP, regarding issues such as appealing decisions.

Annex A: List of respondents

No	Name	Organisation
1	Colin Jones	Kitchener Primary School
2	respondent requested anonymity	
3	Denise Inger	SNAP Cymru
4	respondent requested anonymity	
5	Sue Ainsworth	University of Wales Trinity Saint David
6	Phil Higginson	Undeb Cenedlaethol Athrawon Cymru
7	Richard J Cubie	School Effectiveness and Improvement Service for North Wales
8	Sarah McCarty	Social Care Wales
9	respondent requested anonymity	
10	Karen Parry	Wrexham Local Authority
11	respondent requested anonymity	
12	Kelly Robinson	British Academy of Childhood Disability
13	Huw Davies	Estyn
14	Owen Hathway	NUT Cymru
15	Julian Hallett	The Down's Syndrome Association
16	Claire Protheroe	PACEY Cymru
17	Alison Rees Edwards	The School of Early Years, UWTSD
18	Kate Fallon	The Association of Educational Psychologists
19	Gavin Metheringham	Blaenau Gwent Local Authority
20	Sally Holland	Children's Commissioner for Wales
21	Sue Price	Coleg Cambria
22	Sophie Davies	SENCoS working party (collective response)
23	Tim Pratt	Association of School and College Leaders Cymru
24	Hayden Llewellyn	Education Workforce Council
25	Rachel Bowen	Colegau Cymru
26	Rob Williams	National Association of Head Teachers (Cymru)
27	Sian Thompson	Pembrokeshire College
28	Rachel Lane	Treorchy Comprehensive School (HT and ALNCo)
29	Lorraine Young	Ceredigion Local Authority
30	Mary van den Heuvel	ATL Cymru
31	Sarah Capstick	Cardiff Third Sector Council
32	Sarah Ellis	Caerphilly County Borough Council
33	respondent requested anonymity	
34	Nicholas Davies	n/a

35	Sara Moran	Group of organisations (long-term medical conditions) ¹
36	Kirsten Jones	Natspec (Wales)
37	Humie Webbe	National Training Federation for Wales
38	n/a	St John Baptist High School
39	Lee Hitchings	Neath Afan Secondary Headteachers
40	Mark Sheridan	City and County of Swansea
41	R.E. Walker	Special Educational Needs Tribunal for Wales
42	Rosie Raison	Royal College of Nursing Wales
43	Ele Hicks	Diverse Cymru
44	Rex Phillips	NASUWT Cymru
45	Carys Moseley	Dathlu'r Gymraeg
46	Ian Toone	Voice Cymru
47	Ceri Jones	Access and Inclusion, Rhondda Cynon Taf
48	Darrell Clarke	Cwm Taf University Health Board
49	Rhian Nowell-Phillips	RNIB Cymru
50	respondent requested anonymity	
51	respondent requested anonymity	
52	respondent requested anonymity	
53	Clare Jones	Rhondda Cynon Taf NUTk
54	respondent requested anonymity	
55	respondent requested anonymity	
56	Pippa Ford	Consultant
57	respondent requested anonymity	
58	Richard Thomas	n/a
59	respondent requested anonymity	
60	respondent requested anonymity	
61	respondent requested anonymity	
62	respondent requested anonymity	
63	Nicky Wilson	Primary School
64	respondent requested anonymity	
65	respondent requested anonymity	
66	respondent requested anonymity	
67	respondent requested anonymity	
68	respondent requested anonymity	
69	Gabrielle Klefenz	Welsh Government
70	respondent requested anonymity	
71	respondent requested anonymity	

¹ Diabetes UK, Allergy UK, Anaphylaxis Campaign, Arthritis Care, British Dietetic Association Wales, Wales Diabetes Network, Coeliac UK, Crohn's & Colitis UK, Epilepsy Action, Royal College of Paediatrics and Child Health Wales, Young Epilepsy.

72	Sian Lewis	Parent
73	respondent requested anonymity	
74	respondent requested anonymity	
	respondent requested anonymity	
75	respondent requested anonymity	
76	respondent requested anonymity	
77	Mr R W Ebley	n/a
78	respondent requested anonymity	
79	respondent requested anonymity	
80	respondent requested anonymity	
81	Louise Keevil	Derwen College
82	Sarah Hoss	n/a
83	Kerri Thomas	Afon Taf High School
84	Claire Bridges	Cardiff Local Authority (SEN Casework)
85	Dr Caroline Walters	Royal College of Speech and Language Therapists
86	Katrina Reed	Bishop Vaughan Catholic School
87	respondent requested anonymity	
88	respondent requested anonymity	
89	respondent requested anonymity	