

## **Annex B: Responses**

A copy of each consultation response is provided below, with anonymity protected where requested.

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

## Consultation response form

Your name: Colin Jones

Organisation (if applicable): Kitchener Primary School

e-mail/telephone number: Hard Copy /

Your address: Kitchener Road, Cardiff, CF11 6HT

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

e-mail: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Category of respondent	Schools	<input checked="" type="checkbox"/>
	Special schools	<input type="checkbox"/>
	Special educational needs coordinators	<input type="checkbox"/>
	Further education sector	<input type="checkbox"/>
	Preschool organisations	<input type="checkbox"/>
	Education professionals	<input type="checkbox"/>
	Teaching unions	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
	Other	<input type="checkbox"/>

**Question 1** – How should the implementation of individual development plans be done?

<p>Option 1a.</p> <p><b>Introduce individual development plans with a single date to go live</b></p>	<input type="checkbox"/>	<p>Option 1b.</p> <p><b>Introduce individual development plans in mandatory phases</b></p>	<input checked="" type="checkbox"/>
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**Supporting comments**

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<p>Option 2a.</p> <p>Existing statutory plans</p>	<input type="checkbox"/> <b>1</b>	<p>Option 2b.</p> <p>Education setting</p>	<input type="checkbox"/>	<p>Option 2c.</p> <p>Key stages</p>	<input type="checkbox"/> <b>3</b>
<p>Option 2d.</p> <p>Significant points of transition</p>	<input type="checkbox"/> <b>2</b>	<p>Option 2e.</p> <p>'Early adopter' local authorities</p>	<input type="checkbox"/>	<p>Option 2f.</p> <p>None of these (please explain your reasons in the comments section below)</p>	<input type="checkbox"/>

**Supporting comments**

**Gradual implementation, order as above, 2c: Nursery->FPh->KS2**

**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?

**Supporting comments**

**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?

**Supporting comments**

**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.

**Supporting comments**

**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.

IDPs for all SEN pupils will incur significantly extra administrative effort for teachers, SENCOs etc; extra funding should be provided to schools to cater for supply cover and additional SENCO manpower.

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

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	Education professionals	<input type="checkbox"/>
	Teaching unions	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	x <input type="checkbox"/>
	Other	<input type="checkbox"/>

**Question 1** – How should the implementation of individual development plans be done?

<p><b>Option 1a.</b></p> <p><b>Introduce individual development plans with a single date to go live</b></p>	<input type="checkbox"/>	<p><b>Option 1b.</b></p> <p><b>Introduce individual development plans in mandatory phases</b></p>	<p><b>X</b></p> <input type="checkbox"/>
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**Supporting comments**

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<p><b>Option 2a.</b></p> <p><b>Existing statutory plans</b></p>	<input type="checkbox"/> <b>X</b>	<p><b>Option 2b.</b></p> <p><b>Education setting</b></p>	<input type="checkbox"/>	<p><b>Option 2c.</b></p> <p><b>Key stages</b></p>	<input type="checkbox"/>
<p><b>Option 2d.</b></p> <p><b>Significant points of transition</b></p>	<input type="checkbox"/>	<p><b>Option 2e.</b></p> <p><b>'Early adopter' local authorities</b></p>	<input type="checkbox"/>	<p><b>Option 2f.</b></p> <p><b>None of these (please explain your reasons in the comments section below)</b></p>	<input type="checkbox"/>

**Supporting comments**

**This will enable LAs and schools to utilise existing time commitments and learn in the process**

**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?

**Supporting comments**

**I think that, as in England consumer support should be prioritised and that the Welsh Government should fund a consistent service across Wales for both information and advice and disagreement avoidance and resolution from an independent source**

**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:

- iii) opportunities for people to use Welsh
- iv) 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?

**Supporting comments**

**Supporting ALN through the medium of Welsh depends on other sources as well as education – particularly CAMHS and SALT. Given the scarcity of these resources it seems unlikely that they will be sufficient to meet demand in either language and that Welsh will be disadvantaged.**

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- iii) 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
- iv) 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.

**Supporting comments**

**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.

The transition of young people in FEI should be carefully thought through and learners in KS\$ should be given very careful consideration to ensure that their current IEPs are sent on to D+FEI which would then have the responsibility for creating IDPs as necessary.

In looking at scrutinising the process please consider whether a third sector partner with no particular affiliation to any one disability area of 0-25 year olds with ALN should be represented in your scrutiny group

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

x

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

### Consultation response form

Your name: Denise Inger

Organisation: SNAP Cymru

e-mail/telephone number: [denise.inger@snapcymru.org](mailto:denise.inger@snapcymru.org)

Your address: 10 Coopers Yard, Curran Road, Cardiff, CF10 5NB

Responses should be returned by **9 June 2017** to

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Category of respondentX	Schools	<input type="checkbox"/>
	Special schools	<input type="checkbox"/>
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	Further education sector	<input type="checkbox"/>
	Preschool organisations	<input type="checkbox"/>
	Education professionals	<input type="checkbox"/>
	Teaching unions	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations X	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
Other	<input type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<p><b>Option 1a.</b></p> <p><b>Introduce individual development plans with a single date to go live</b></p>	<input type="checkbox"/>	<p><b>Option 1b.</b></p> <p><b>Introduce individual development plans in mandatory phases</b></p>	<p><b>X</b></p> <input type="checkbox"/>
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**Supporting comments**

Go live with a clear statement that from this date the New legislation begins, i.e. the current processes will cease and all educational establishments identified within the legislation will change to using the IDP processes. Statements of SEN will no longer be issued and over time the statements will be transferred to IDP by engaging with young people parents/carers using PCP. .

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<p><b>Option 2a.</b></p> <p><b>Existing statutory plans</b></p>	<input type="checkbox"/> <b>X</b>	<p><b>Option 2b.</b></p> <p><b>Education setting</b></p>	<input type="checkbox"/>	<p><b>Option 2c.</b></p> <p><b>Key stages</b></p>	<input type="checkbox"/>
<p><b>Option 2d.</b></p> <p><b>Significant points of transition</b></p>	<input type="checkbox"/> <b>X</b>	<p><b>Option 2e.</b></p> <p><b>'Early adopter' local authorities</b></p>	<input type="checkbox"/>	<p><b>Option 2f.</b></p> <p><b>None of these (please explain your reasons in the comments section below)</b></p>	<input type="checkbox"/>

### Supporting comments

Following the Go Live date for change over and transfer to new process of IDP through PCP all children and young people identified will become involved in the new process.

Existing statutory plans could be transferred to IDPs through PCP prior to the next existing round of Annual Review dates. This will help schools and LAs in terms of time commitment, parents and young people also will be expecting a Review. Early communication is needed and preparation for PCP for families may assist further.

Transitional phases, transition to secondary, 14+, transition; transition to FE; transition to post 19 provision.

**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?

### Supporting comments

Family support should be prioritised, there should be no post code lottery in Wales in accessing independent advice, support or advocacy for parents, carers and young people. The Welsh Government should fund a consistent quality assured service across Wales for information and advice, early intervention for disagreement avoidance and resolution from an independent source

Ensure the new ALNco role is appropriately placed at Senior level and given appropriate administrative support in order that their valuable knowledge, skills and expertise is available to teaching and support staff. This is a key role with many facets within early years, schools, and FEI and time must not be lost in administration tasks. We must not lose this opportunity of drawing in multi-agency, family and community support to enhance children's learning, development and well being. The ALNco must have appropriate levels of administration and coordination support for this to happen.

**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:

- v) opportunities for people to use Welsh
- vi) 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?

### **Supporting comments**

We do not envisage any negative effects on the Welsh Language from the implementation of the ALNET Wales Bill.

It is positive that we have a commitment to a bilingual Wales and the Bill supports this. The issue of equal capacity in both languages is another matter. We are on a journey that even if the cash resources were available the issues cannot be rectified in the short term. Welsh speaking health, social care and education specialist are in scarce supply with low incidence needs the worst. Achieving language equality to meet ALN for children and young people requires collaborative action (and cash) from the National Assembly, Government Ministers, and Local Authorities, schools, FEIs HEIs and other sector leads. Our language must become everyone's business because presently the most vulnerable children and young people are at a huge disadvantage given the scarcity of these resources, although we recognise that there is insufficient specialist resource in both languages.

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- v) 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
- vi) 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.

## Supporting comments

By promoting Welsh language in early years and dispelling the myth that generally children with ALN will struggle in a Welsh school. Being able to speak Welsh is an asset to all learners and of great importance to many existing Welsh speaking families who have children with ALN.

Make access to learning Welsh more inclusive outside of formal education for all children and young people by building bilingualism from birth to 25 and getting everyone responsible

Schools across Wales have taken bilingualism forward, the primary sector should be applauded for their efforts toward an inclusive bi-lingual Wales.

**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.

The transition of young people in FEI should be carefully thought through and learners in KS2 should be given very careful consideration to ensure that their current IEPs are sent on to D+FEI which would then have the responsibility for creating IDPs as necessary.

In looking at scrutinising the process please consider whether a third sector partner with no particular affiliation to any one disability area of 0-25 year olds with ALN should be represented in your scrutiny group

Responses to consultations are likely to 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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	Education professionals	<input type="checkbox"/>
	Teaching unions	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<p><b>Option 1a.</b></p> <p><b>Introduce individual development plans with a single date to go live</b></p>		<p><b>Option 1b.</b></p> <p><b>Introduce individual development plans in mandatory phases</b></p>	<input checked="" type="checkbox"/>
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**Supporting comments**

**Yes I would agree with option 1b, as long as there is a practical time period – no more than 6-9 months. It is very important for all learners to have IDP's in place as quickly as possible.**

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<p><b>Option 2a.</b></p> <p><b>Existing statutory plans</b></p>	<input type="checkbox"/>	<p><b>Option 2b.</b></p> <p><b>Education setting</b></p>	<input type="checkbox"/>	<p><b>Option 2c.</b></p> <p><b>Key stages</b></p>	<input type="checkbox"/>
<p><b>Option 2d.</b></p> <p><b>Significant points of transition</b></p>	<input type="checkbox"/>	<p><b>Option 2e.</b></p> <p><b>'Early adopter' local authorities</b></p>	<input type="checkbox"/>	<p><b>Option 2f.</b></p> <p><b>None of these (please explain your reasons in the comments section below)</b></p>	<input checked="" type="checkbox"/>

### Supporting comments

Another reason why timing is important and also the need to ensure that funding is ring fenced centrally, to avoid conflict of interest between LA's and/or Schools and pupils. Decisions to assess and write IDP's cannot be done impartially by the same LA/School that is also holding the purse strings.

I would recommend leaving those pupils with Statements to the end as they already have statutory provisions and make up the lowest percentage of pupils on the SEN register. Priority should be given equally and fairly to those in transition first across all settings and key stages, then everyone else and conclude with pupils who have Statements of SEN.

**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?

### Supporting comments

Firstly £20 m package for investment for the period 2017-18 to 2020-21 is not sufficient. Ceredigion County Council cut its SEN budget this year by 216,000, yet you are proposing £227,000 per year for each LA. Although I appreciate that in reality the monies wouldn't be split equally between each LA, due to pupil numbers etc.

In Powys the cuts to the SEN budget in this current year were £888,000 and £844,000 in Carmarthenshire, so before you consider giving any of these LA's access to the 20m investment package to implement and introduce the new ALN code of practice, I'd strongly suggest that an enquiry is set up by the committee to ask how these local authorities can justify these size cuts to SEN provisions given their knowledge of this new legislation.

**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:

- vii) opportunities for people to use Welsh
- viii) 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?

**Supporting comments**

**With regard to the delivery of services I believe the Welsh language should be treated no less favourably than the English Language. When a pupil is in crisis at school then the priority has to be the right resources to meet his need – not necessarily the language. The health boards in Wales recruit staff for their skills, expertise and training as a core essential to their employment. LA's and many other organisations prioritise speaking, writing and being a local as essential and certainly in Mid-Wales which is sparsely rural, and where recruitment of skilled workers is already difficult enough, then the added requirement of Welsh as essential would be a barrier, in my opinion to delivering the ALN provisions in a timely manner.**

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- vii) 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
- viii) 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.

**Supporting comments**

**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.

There is no mention within the questions about delivering the ALN provisions into FE Colleges and/or work based learning?

I am also keen to reiterate my point earlier on ring fencing resources and centralising funds from a National centre. Thereby ensuring that each pupil is measured against a national standard of assessment, need, provision, support and funding.

This would ensure equal opportunities for each pupil, regardless of which LA your school is in and/or what your level of need is. In effect it would alleviate the need for any variations, interpretations or misunderstandings by LA's on ALN Provisions by having a National framework, which is funded through ring fenced resources, held centrally that is accessible by Schools directly.

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

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

## Consultation response form

Your name: Sue Ainsworth

Organisation (if applicable):

UWTSD, Carmarthen SA31 3EP

e-mail/telephone number:

Your address: UWTSD, College Road, Carmarthen SA31 3EP

Responses should be returned by **9 June 2017** to

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	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
	Other Higher Education sector	X <input type="checkbox"/>



### Supporting comments

**This will ensure that the timescale for completion is a maximum of 4 years (the longest time that exists for pupils to remain in a particular phase/stage of education)**

**However, it is vital that IDPs for those aged between 19-25 who are not transitioning from one LA to another are not left in limbo. Specific timeframes should be identified for these young people.**

**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?

### Supporting comments

**It is important that the third sector/voluntary organisations are offered training in the content of the Bill and the changes it will bring, in order that these organisations can be effective in supporting families and individuals affected by the Bill.**

**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:

- ix) opportunities for people to use Welsh
- x) 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?

### Supporting comments

**Vital to ensure that all information and statutory notices are not translated 'word-for-word', and that the meaning is clear in both English and Welsh.**

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- ix) 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
- x) 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.

**Supporting comments**

**All documentation needs to be readily available in both languages from day 1 of the Bill.**

**Welsh medium support (through professionals/ multi-agency workers/ voluntary organisations) needs to be available to families who choose to undertake the process through the medium of Welsh.**

**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.

**Priority needs to be given to training/upskilling the workforce. Appropriate bilingual programmes at relevant levels (e.g. from one-day Level 4 training sessions to Foundation degree to Masters and the Professional Doctorate) may be required to go through a process of validation if they are to meet specific Welsh Government requirements and, therefore, definite decisions on any accreditation process(es) are essential.**

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# Dewisiadau ar gyfer gweithredu Bil Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru)

## Ffurflen ymateb i'r ymgynghoriad

Eich enw: Phil Higginson/Rebecca Williams

Sefydliad (os yw'n berthnasol): UCAC

e-bost/rhif ffôn: [rebecca@ucac.cymru](mailto:rebecca@ucac.cymru) /01970 639950

Eich cyfeiriad:

UCAC, Ffordd Penglais, Aberystwyth SY23 2EU

Dylid dychwelyd ymatebion erbyn **9 Mehefin 2017** i:

Y Gangen Diwygio Anghenion Dysgu Ychwanegol

Yr Is-adran Cymorth i Ddysgwyr

Y Gyfarwyddiaeth Addysg

Llywodraeth Cymru

Parc Cathays

Caerdydd

CF10 3NQ

neu gellir cwblhau'r ffurflen yn electronig a'i hanfon i'r cyfeiriad isod:

e-bost: e-bost: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Ymatebwyr	Ysgolion	
	Ysgolion arbennig	
	Cydlynwyr anghenion addysgol arbennig	
	Y sector addysg bellach	
	Sefydliadau cyn ysgol	
	Gweithwyr proffesiynol ym maes addysg	
	Undebau athrawon	✓
	Llywodraeth leol	
	Sefydliadau dysgu seiliedig ar waith	
	Byrddau iechyd lleol	
	Gweithwyr iechyd proffesiynol	
	Sefydliadau eraill o'r sector cyhoeddus	
	Sefydliadau'r trydydd sector	
	Unigolion	
	Arall	

**Cwestiwn 1** – Sut y dylid mynd ati i roi’r cynlluniau datblygu unigol ar waith?

<b>Dewis 1a.</b>  <b>Cyflwyno cynlluniau datblygu unigol ar un dyddiad penodol</b>	<input type="checkbox"/>	<b>Dewis 1b.</b>  <b>Cyflwyno cynlluniau datblygu unigol mewn cyfnodau gorfodol</b>	<input checked="" type="checkbox"/>
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**Sylwadau ategol**

Mae UCAC yn croesawu ymrwymiad Llywodraeth Cymru “na ddylai unrhyw blentyn neu berson ifanc gollu darpariaeth neu amddiffyniad statudol presennol sy’n angenrheidiol er mwyn diwallu ei anghenion yn ystod neu o ganlyniad i drosglwyddo i’r system newydd”. Mi fydd hynny’n anhepgorol i lwyddiant y system newydd a’r cyfnod pontio.

Er yr atyniad o ran tegwch, mae UCAC yn gryf iawn o’r farn *nad* yw **Dewis 1a** yn ymarferol bosibl.

Cytunwn na fyddai’n ddymunol fod pob Awdurdod yn pennu ei ddull ei hun i gyrraedd y pwynt terfyn, ac wrth wneud hynny, yn anorfod yn creu anghysonderau ar hyd Cymru. Nid oes modd gorbwysleisio pwysigrwydd cysondeb ledled Cymru gan fod llawer o ddysgwyr mewn sefyllfaedd ‘traws-ffiniol’ – rhwng sefydliadau addysgol, rhwng ffiniau Awdurdodau Lleol, a rhwng ffiniau consortia rhanbarthol.

O ran amserlen Dewis 1a, petai’r amserlen yn realistig o safbwynt y cyfnod amser fyddai ei angen i ddarparwyr gyflawni’r holl waith erbyn pwynt terfyn penodol, mi fyddai’n debygol o fod yn amser hir i aros o safbwynt dysgwyr a’u teuluoedd. Ac i’r gwrthwyneb, petai’n amserlen ‘ddymunol’ o safbwynt dysgwyr a’u teuluoedd, mi fyddai’n sicr o olygu llwyth gwaith gorchfygol ac afrealistig i’r darparwyr – y Cydlynwyr Anghenion Dysgu Ychwanegol (CADY) ym mhob ysgol a sefydliad addysg bellach yn benodol.

Cred UCAC fod manteision sylweddol i **Ddewis 1b**, sef cyflwyno mewn cyfnodau gorfodol. Mi fyddai’n debygol o fod yn system llawer cliriach i ddysgwyr a’u teuluoedd, gan osod disgwyliadau pendant – a chyson – o ran yr amserlen. Mewn cyfnod o ofid mawr ymhlith teuluoedd ynghylch newid yn y system, gallai hyn fod yn fantais fawr.

Rydym o’r farn y byddai’n system llawer fwy hwylus i’w rheoli a’i gweithredu o safbwynt darparwyr, a hynny ar bob lefel (Colegau, Awdurdodau Lleol, ysgolion a phartneriaid eraill). Mi allai osgoi ‘ymyrraeth’ a chymhlethdodau (yn ogystal â dyblygu o ran llunio systemau) ar lefel Awdurdodau Lleol a/neu consortia rhanbarthol. Yn bwysig iawn, mi fydd yn rhwyddach, yn ogystal, i fonitro cynnydd o ran gweithredu, ac i weld a oes anawsterau sy’n gofyn am gefnogaeth neu gamau pellach.

**Cwestiwn 2** – Os dylid cyflwyno cynlluniau datblygu unigol gam wrth gam, sut y gellid eu rhannu yn ôl *tranche*?

<b>Dewis 2a.</b> Cynlluniau statudol presennol	✓	<b>Dewis 2b.</b> Lleoliad addysg	<input type="checkbox"/>	<b>Dewis 2c.</b> Cyfnodau allweddol	<input type="checkbox"/>
<b>Dewis 2ch.</b> Cyfnodau pontio arwyddocaol	✓	<b>Dewis 2d.</b> Awdurdodau lleol yn 'mabwysiadu'n gynnar'	<input type="checkbox"/>	<b>Dewis 2dd.</b> Dim un o'r uchod (esboniwch eich rhesymau yn yr adran sylwadau isod)	<input type="checkbox"/>

### Sylwadau ategol

Croesawn yn fawr y pwyslais yn y ddogfen ymgynghorol ar ddod o hyd i gydbwysedd o ran disgwyliadau ac anghenion dysgwyr a theuluoedd ar y naill law, a'r angen, ar y llaw arall i sicrhau digon o amser i'r gweithluoedd a'r ddarparwyr perthnasol i gyflwyno'r system yn effeithiol ac yn llwyddiannus.

Mae dadleuon cryf o blaid **Dewis 2a**, drwy Gymru gyfan. Gan fod y niferoedd yn llai (er bod yr anghenion a'r trefniadau cysylltiedig yn gymhlethach) mae dysgwyr â datganiadau yn lle da iawn i ddechrau ar gyfer **Tranche 1** – mi fyddai'n ffordd dda o ganiatáu i ddarparwyr 'gael eu traed danynt' gyda'r system newydd. Yn ogystal, mi allai dechrau gyda'r garfan hon roi hyder i ddeiliaid cynlluniau statudol presennol fod y system newydd yn cynnig parhad iddynt o ran lefel y ddarpariaeth, a thawelu ofnau a phryderon. Nid oes gennym unrhyw wrthwynebiad i gynnwys plant sy'n derbyn gofal sydd â chynlluniau addysg personol yn y *tranche* hon.

Teimlwn, fodd bynnag, fod **Tranche 2** yn un rhy fawr i'w weithredu mewn un cam. Yn ôl ffigyrau'r ddogfen ymgynghorol, mae hyn yn cynrychioli tua 20% o'r boblogaeth ysgol. Gellid ystyried defnyddio is-dranches, neu tranche 3, ac ati. Er enghraifft:

- **cyfnodau pontio arwyddocaol** (ar batrwm Dewis 2ch); byddai gan hynny'n fantais o alluogi hygludedd y ddarpariaeth o'r cynradd i'r uwchradd, ac o'r uwchradd i'r sefydliad addysg bellach
- addasiad o'r uchod sef **bob yn ail flwyddyn ysgol** e.e. yn yr uwchradd, blynyddoedd 7, 9, 11 a 13 (mewn cyfnod o flwyddyn), gyda blynyddoedd 8, 10, 12 i ddilyn; a phatrwm tebyg yn y cynradd
- **gweithredu gan yr ysgol/blynyddoedd cynnar** yn gyntaf, wedyn tranche bellach o **weithredu gan yr ysgol/blynyddoedd cynnar a mwy**

Gallwn gydymdeimlo i raddau â'r anfantais a nodir ym mharagraff 50, sef bod amrywiadau mewn ymarfer lleol yn golygu bod rhai plant ag anghenion cymharol uchel nad oes datganiad ganddynt. Ond o leiaf gyda'r opsiwn hwn, ni chrëir unrhyw amrywiadau o'r newydd, dim ond parhau â'r amrywiadau presennol am gyfnod penodol nes bod y system newydd yn ei lle. Cymerwn nad oes unrhyw beth i rwystro dysgwyr a'u rhieni rhag parhau i frwydro am ddatganiad dan y drefn bresennol nes bod y system newydd wedi'i gweithredu'n llawn.

Mae UCAC yn gadarn o'r farn fod **Dewis 2b** yn gwbl anymarferol. Mae **Tranche 1** yn amhosib o fawr i'w weithredu mewn un cam. Yn yr un modd ag yng nghwestiwn 1 uchod, petai'r amserlen yn realistig o safbwynt y cyfnod amser fyddai ei angen i ddarparwyr gyflawni'r holl waith erbyn pwynt terfyn penodol, mi fyddai'n debygol o fod yn amser hir i aros o safbwynt dysgwyr a'u teuluoedd. Ac i'r gwrthwyneb, petai'n amserlen 'ddymunol' o safbwynt dysgwyr a'u teuluoedd, mi fyddai'n sicr o olygu llwyth gwaith gorchfygol ac afrealistig i'r darparwyr.

Credwn yn gryf fod **Dewis 2c** yn afrealistig am yr un rhesymau. Mi fyddai'r baich yn cwmpo ar yr un bobl am y tranche gyfan – hynny yw, un CADY ym mhob ysgol/coleg yn gorfod trosglwyddo pob un dysgwr perthnasol o fewn terfyn amser penodol. Ni fyddai'n gwasgaru'r baich o gwbl.

Mae **Dewis 2ch** yn opsiwn rhesymol, gan ei fod yn cychwyn gyda niferoedd llai, ac ar yr un pryd yn targedu grwpiau blaenoriaeth. Byddai gennym bryder fod tranche 2 yn dal i fod yn anhylaw o fawr, ac mi fyddem yn gofyn unwaith eto am roi ystyriaeth i is-dranches, neu tranche 3, ac ati (fel yr amlinellwyd gennym gyda Dewis 2a uchod).

Ni fyddem yn ffafrio **Dewis 2d** am ei fod yn creu anghysondeb dros Gymru, ac y gallai felly greu dryswch o ran dealltwriaeth a disgygliadau ymhlith ystod eang o randdeiliaid. Yn ogystal, byddai cynnwys 'pawb arall' yn tranche 2 yn ddiwahân yn afrealistig o ran llwyth gwaith i weithluoedd yr awdurdodau lleol hynny na fu'n treialu.

**Cwestiwn 3** – Beth yw eich barn am y blaenoriaethau o ran sicrhau cymorth gan Lywodraeth Cymru i bartneriaid darparu wrth iddynt baratoi i drosglwyddo i'r system newydd?

### Sylwadau ategol

Mae UCAC yn croesawu'r pecyn o £20 miliwn i hwyluso gweithredu'r system newydd. Mi fydd yn helpu i fynd rhywfaint o'r ffordd tuag at bontio rhwng systemau yn y tymor byr.

Cytunwn gyda'r pwyslais ar **hyfforddiant ac uwch-sgilio**; mi fydd hyn yn gwbl anhepgorol. Mae rhai aelodau wedi awgrymu ailsefydlu'r Gynhadledd AAA oedd yn arfer digwydd er mwyn i gydlynwyr dderbyn hyfforddiant gyda'i gilydd, rhannu profiadau ac ati.

O ran **y gweithlu** a fydd yn gweithredu'r system newydd, yn enwedig yn ystod y cyfnod pontio:

- mae nifer fawr o ysgolion wedi gorfod colli athrawon a chymorthyddion profiadol sy'n gweithio gyda dysgwyr ag ADY yn ddiweddar, a hynny oherwydd prinder cyllid; o ganlyniad maent yn ei chael hi'n anodd dygymod â'r llwyth gwaith presennol heb sôn am y cynnydd a ddaw yn sgil cyflwyno'r system newydd; rhaid sicrhau y cyllidir

ysgolion yn ddigonol i sicrhau'r lefel o staffio arbenigol angenrheidiol

- mewn nifer sylweddol o ysgolion, bydd disgwyl i'r CADY baratoi ac ysgrifennu CDUau i rhwng 20% a 30% o'r dysgwyr; *nid yw hyn yn gydnaws ag amserlen ddysgu*; dadleuwn yn gryf y dylid ariannu ysgolion (o leiaf am y cyfnod pontio – 3-4 blynedd?) i sicrhau y gall y CADY weithio'n llawn amser ar y broses bontio a llunio cynlluniau datblygu unigol, gan gynnwys cydweithio gydag asiantaethau allanol a delio gydag unrhyw heriau ac anghydfodau; bydd angen ystyriaeth o'r newydd i'r sefyllfa wedi'r cyfnod pontio pan fydd goblygiadau amser o ran adolygu a gweinyddu'r cynlluniau dros y tymor hir yn gliriach

Yn sicr, mi allai tîm o '**gefnogwyr strategol**' fod yn gymorth yn ystod y cyfnod pontio. Bydd angen sicrhau bod yr unigolion a benodir i'r rôl yn athrawon a CADYau profiadol ac arbenigol sydd â hygredded a pharch ymhlith y gweithlu, ac sy'n deall heriau'r rôl. Tra bod UCAC yn croesawu'r pwyslais ar gyngor a chymorth ymarferol ac amserol, gwyddwn y bydd ein haelodau sy'n benaethiaid ac yn CADYau yn poeni am ddefnydd y gair 'her' – nid oes angen rhagor o ymweliadau bygythiol ar ein system addysg.

**Cwestiwn 4** – Hoffem wybod eich barn ar yr effeithiau y byddai gweithredu'r Bil Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) yn eu cael ar yr iaith Gymraeg, yn benodol ar:

- i) gyfleoedd i bobl ddefnyddio'r Gymraeg
- ii) peidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.

Pa effeithiau rydych chi'n credu y byddai? Sut y gellid gynyddu effeithiau positif a lliniaru effeithiau negyddol?

### Sylwadau ategol

Mae ymchwil ar y cyd rhwng Comisiynydd y Gymraeg a Chomisiynydd Plant Cymru wedi amlygu amryw o feysydd ble mae dysgwyr yn dioddef yn sgil gwendidau ac anghysonderau ar hyn o bryd. Mae profiadau aelodau UCAC o ran ceisio sicrhau darpariaeth addas i ddisgyblion a chael mynediad at gefnogaeth yn cyd-fynd yn llwyr â chanfyddiadau'r Comisiynwyr.

Mae gan y Bil, a'r ffordd y caiff ei weithredu, y potensial i wella sefyllfa dysgwyr ag ADY yn fawr iawn o safbwynt mynediad at ddarpariaeth yn y Gymraeg.

Fodd bynnag, ar hyn o bryd (er bod gwelliannau o safbwynt sicrhau darpariaeth Gymraeg yn y Bil a'r Cod drafft diweddaraf), mae UCAC yn pryderu y gellid colli'r cyfle am welliant sylweddol iawn, ac yn wir, mi allai'r Bil fel ag y mae gorseddu arferion a fyddai'n golygu fod dysgwyr a'u teuluoedd yn parhau i orfod brwydro yn erbyn y drefn am ddarpariaeth sy'n greiddiol i'w datblygiad a'u llwyddiant addysgol.

Byddai hynny'n golygu y gallai fod:

- i. effaith negyddol ar gyfleoedd pobl i ddefnyddio'r Gymraeg
- ii. enghreifftiau niferus o'r Gymraeg yn cael ei thrin yn llai ffafriol na'r Saesneg

Credwn y gallai'r Bil a'r Cod, o'u geirio'n ofalus ac yn gadarn, osgoi sefyllfa o'r fath, a chynyddu effeithiau positif, gan gynnwys drwy'r canlynol:

- darparu arweiniad ar **sut i benderfynu ar iaith y CDU a'r ddarpariaeth** (e.e. iaith/ieithoedd y cartref; cyfrwng iaith addysg; dymuniadau'r dysgwyr a/neu'r rhieni/gofalwyr) sy'n sicrhau yr osgoir unrhyw ragdybiaeth awtomatig o blaid y naill iaith na'r llall
- sicrhau bod **llwybr clir ac effeithiol i ddysgwyr a'u teuluoedd herio darparwyr** (pob darparwr perthnasol) nad yw'n sicrhau'r ddarpariaeth a nodir yn y CDU o safbwynt darpariaeth a chefnogaeth Gymraeg, a'u dwyn yn atebol; mae [tystiolaeth Comisiynydd y Gymraeg i'r Pwyllgor Plant Pobl Ifanc ac Addysg](#) yn glir iawn nad yw o'r farn fod y Bil ei hun na Mesur y Gymraeg (Cymru) 2011 yn cynnig y llwybr hwn
- gosod dyletswydd ar Awdurdodau Lleol i sicrhau fod y **gwasanaeth eirioli annibynnol** sy'n ofynnol dan y Bil, ar gael yn y Gymraeg
- sicrhau bod dysgwyr a'u teuluoedd yn gallu defnyddio'r Gymraeg wrth ymwneud â **Thribiwnlys Addysg Cymru**

Mae materion eraill y bydd angen mynd i'r afael â nhw i sicrhau nad yw'r Gymraeg yn cael ei thrin yn llai ffafriol na'r Saesneg. Rydym yn cydnabod mai, o bosib, prosesau cyfochrog â'r Bil fydd y rhain yn hytrach nag elfennau sy'n effeithio'n uniongyrchol ar eiriad y Bil a'r Cod. Fodd bynnag, bydd angen mynd i'r afael â nhw ar fyrder, neu mi fydd peryg na chaiff darpariaethau'r Bil a'r Cod eu gweithredu, a hynny ar draul anghenion plant a phobl ifanc ag ADY.

- **Asesiadau diagnostig:** mae gallu Awdurdodau Lleol i ddarparu asesiadau priodol yn Gymraeg, gan gynnwys staff â'r sgiliau ieithyddol i'w gweinyddu yn amrywio a gall fod yn gyfyng iawn
- **Ymarferwyr arbenigol:** mae problemau o ran niferoedd yn y gweithlu sy'n gallu darparu addysg ADY a darparu gwasanaethau cefnogi trwy gyfrwng y Gymraeg; mae hyn yn wir am bob rhan o'r gweithlu gan gynnwys athrawon llawr dosbarth a chynorthwywyr dosbarth lefel uwch sydd wedi arbenigo mewn gweithio gyda phlant ag ADY, cydlynwyr ADY, seicolegwyr addysg, therapyddion iaith a lleferydd, gweithwyr yn y sectorau iechyd ac ati

**Cwestiwn 5** – Eglurwch hefyd os gwelwch yn dda sut rydych chi'n credu y gall y cynigion arfaethedig ar gyfer gweithredu'r Bil cael eu llunio neu eu haddasu er mwyn:

- i) cael effeithiau positif ar gyfleoedd i ddefnyddio'r Gymraeg ac ar beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg
- ii) peidio â chael effeithiau andwyol ar gyfleoedd i ddefnyddio'r Gymraeg ac ar beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.

### Sylwadau ategol

O ran cynigion penodol yr ymgynghoriad hwn yr un mwyaf perthnasol i'r defnydd o'r Gymraeg yw'r cwestiwn ynghylch sicrhau cymorth gan Lywodraeth Cymru i bartneriaid darparu wrth iddynt baratoi i drosglwyddo i'r system newydd.

Wrth benderfynu sut i fuddsoddi'r £20miliwn ar weithredu'r system newydd, bydd angen i Lywodraeth Cymru sicrhau bod gweithgareddau datblygu'r gweithlu a'r cefnogwyr strategol ADY yn medru cynnig darpariaeth lawn yn y Gymraeg ym mhob cwr o Gymru.

Mae'r sylwadau yng nghwestiwn 4 uchod ynghylch asesiadau diagnostig ac ymarferwyr arbenigol yn berthnasol iawn yn y cyd-destun hwn yn ogystal.

At y tymor hirach, mi fydd yn allweddol sicrhau ymroddiad cadarn o ran arian ac adnoddau er mwyn i ysgolion a sefydliadau addysg bellach allu ateb gofynion dysgwyr ag ADY yn eu dewis iaith.

**Cwestiwn 6** – Rydym wedi gofyn nifer o gwestiynau penodol. Os oes gennych chi faterion perthnasol nad ydym wedi rhoi sylw penodol iddynt, defnyddiwch y blwch isod i roi gwybod i ni amdanynt.

Mae dau bwynt pellach i'w gwneud.

Yn anorfod, yn enwedig gyda system cam wrth gam, mi fydd y system gyfredol a'r system newydd yn gorfod cydfyw am gyfnod. Mi fydd angen bod yn gwbl glir ynghylch ystyr hyn o ran cyfrifoldebau darparwyr, o ran disgwyliadau dysgwyr a'u teuluoedd, ac o ran unrhyw systemau monitro (e.e. Estyn, consortia rhanbarthol) – e.e. pa Gôd sy'n weithredol ar gyfer pa ddysgwyr ar unrhyw adeg, a pha gyfundrefn Tribiwnlys? Bydd angen i'r cyfathrebu fod yn gyson, yn glir ac wedi'i gynllunio'n eithriadol o ofalus - yn enwedig gan y bydd natur a rhaniad y cydfyw yn newid dros gyfnod.

Mae'r ddogfen ymgynghorol yn gofyn barn ynghylch y rhagdybiaeth ym mharagraff 35 'y byddai pob newydd-ddyfodiad i'r system...yn cael cynllun datblygu unigol o'r amser y bydd y system newydd yn dod i rym.' Ar yr wyneb, mae hynny'n ymddangos yn rhesymol, ac yn rhesymegol – mi fyddai creu cynllun dan yr hen drefn, dim ond i orfod ei drosglwyddo i'r drefn newydd nes ymlaen yn ymddangos fel creu gwaith ychwanegol diangen. Fodd bynnag, mae aelodau UCAC wedi mynegi pryder am y

rhagdybiaeth hon. Mae'r ddogfen ymgynghorol yn cydnabod 'efallai y bydd defnyddio ymarfer sy'n canolbwyntio ar y person i greu cynlluniau datblygu unigol am y tro cyntaf yn cymryd mwy o amser na'r broses adolygu blynyddol bresennol'. Awgrymw'n fod angen i Lywodraeth Cymru wneud gwaith i amcangyfrifo faint o amser *ychwanegol* fyddai'n ei gymryd i ddarparwyr ddelio gyda'r 'newydd-ddyfodiaid' hyn – a hynny ar ben y gwaith o drosglwyddo *tranches* penodol mewn cyfnodau gorfodol. Byddai'n rhaid cymryd yr amser ychwanegol hynny i ystyriaeth wrth bennu amserlen ar gyfer y cyfnodau gorfodol. Rhaid ystyried, yn ogystal, y gallai gweithredu yn y fath fodd greu anghysonderau – gan olygu bod rhai dysgwyr yn trosglwyddo i'r system newydd cyn bod eu *tranche* gyfan yn trosglwyddo. Pwyswn ar Lywodraeth Cymru, a'r Grŵp Gweithredu Strategol ADY i bwysu a mesur y materion hyn yn ofalus.

Mae ymatebion i ymgynghoriadau yn debygol o gael eu gwneud yn gyhoeddus, ar y rhyngwyd neu mewn adroddiad. Os byddai'n well gennych i'ch ymateb aros yn ddiennw, ticiwch yma:



**Options for Implementing the Additional Learning Needs and Education Tribunal (Wales) Bill 2016. Consultation Response May 2017.**

Respondent: <b>Richard J Cubie</b>	Organisation: <b>Gwasanaeth Effeithiolrwydd a Gwella Ysgolion Rhanbarthol Gogledd Cymru</b>	Position: <b>Challenge and Support Advisor (Additional Learning Needs)</b>	Date: <b>15/05/17</b>
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**Assumptions:**

1. That within current practice, resourcing and provision, quality indicators would reveal a wide range of responses to the current legislative framework around the Code of Practice (2002).
2. Current service level agreements represent a range of effective joint-working practices through to completely dysfunctional and ineffective services at the level of delivery.
3. Cultural and systematic change across a number of diverse educational and health operational environments would be most effectively and sustainably achieved if implemented in a process that recognises and supports that diversity.
4. Fundamental to our reading and understanding of the Additional Learning Needs and Education Tribunal (Wales) Bill 2016 (the Bill), and Draft Code of Practice (February 2017), is that any child, or young person with additional learning needs has the same quality of rights to additional learning provision, and the timing of its implementation, regardless of the interpretation or comparison of those needs with any other child or young person.

For example, the proposed legislation has identified the creation of a single statutory plan (IDP) to replace the “existing variety of statutory and non-statutory SEN and LDD plans for (all) learners in early years, schools and FE”. This is a legislative action that recognises diversity and underpins equality.

5. A significant time burden will accrue on mainstream primary, secondary and FE provision, LA inclusion services and school improvement and support consortia to implement the new “Person Centred Planning” meetings, Individual Development Plans (IDP) and IDP action plans following annual or periodic review.

**Question 1: How should the implementation of individual development plans be done?**

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

Given that the Bill is not likely to become law before December 2017, there is potentially an interim period of 18 months (if a single date was set for implementation on 01/01/19 for example), before the new Code of Practice and the associated statutory requirements are embedded within local administration and operational protocols and during which revised, or new, service-level agreements are established. If so, this would indicate that a single implementation date for all learners would be achievable.

A single date for implementation would also create the opportunity for ALNco training to be delivered; resource re-allocation from current local authority control to be re-allocated to schools, governing bodies and management bodies.

The interim period would allow those responsible for Annual Reviews, Assessment and production of Statements of Special Educational Need and LDD plans etc. to use “Best practice” exemplars, established by the pilots established in Carmarthenshire, to transition their practice to the model proscribed in the Draft Code of Practice (February 2017), that is “Person Centred Planning.”

**Option 1b. Introduce individual development plans in mandatory phases.**

There is a significant volume of new initiatives (The All-Wales Curriculum, the new Estyn inspection framework, September 2017, “Reforming Local Government” white paper, 2017, and the Bill), that are already in place, being introduced or are in preparation, that would suggest that the clarity of expectation and the consequences of change on practitioners and administrators would not be well served by a phased approach.

**Question 2: If individual development plans should be introduced in phases, how should these be grouped into tranches?**

The responses contained within “Assumptions, 4” above and in Option 1 indicate that phased introduction in tranches would not be a preferred option.

**Option 2a. Existing statutory plans.**

By prioritising those perceived to have the greatest need may prove to be divisive and encourage, or endorse, the continuation of administrative bad-practice that currently exists in some areas.

**Option 2b. Education setting.**

This option would provide a workable and understandable framework, but would, as suggested, put a disproportionate burden on the schools and early years settings.

### **Option 2c. Key stages.**

This option would be workable, but would introduce a lack of clarity as learners moved chronologically across the Key stages.

### **Option 2d. Significant points of transition.**

This option would not be workable and would lead to dis-clarification of role, sector responsibility and preparedness for admission of those making a transition.

### **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 aspiration and vision for inclusion, ambition and high standards across Wales, is consistent with the vision iterated by GwE.
- To develop consistency across the four consortia would suggest that priorities and resources should be concentrated at a regional level where mechanisms and structures already exist that support training, evaluation and the maintenance of quality standards and self-improving organisations.
- Regional co-ordination of the delivery partners would suggest that the understanding of local needs and structures allied to the efficient use and review of resource allocation would lead to a sustainable implementation of the provisions set out in the Bill.
- Regional consortia are already structured, in collaboration with their LA joint-service agreements, to take an inclusive strategic view and therefore monitor compliance, provide advice and support and challenge to the delivery partners.
- The highest priority should be invested in the development of skills and qualifications in the delivery practitioners in all sectors. In the introduction of assumptions above a rough audit of the capacity for some of the delivery partners currently engaged in the delivery of the current ALN , Welsh Government priorities and provisions would suggest a significant variance in the skills and expertise that are available. The Bill represents a significant opportunity for the Higher Education Institutions, regional Consortia, Local Authorities and Health services to collaborate in resolving those skills and qualification anomalies.

*Richard J Cubie 15/05/17*

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

## Consultation response form

Your name: Sarah McCarty, Director of Improvement and Development

Organisation (if applicable): Social Care Wales

e-mail/telephone number: 029 2078 0543

Your address: South Gate House, Wood Street, Cardiff, CF10 1EW

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

e-mail: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Category of respondent	Schools	<input type="checkbox"/>
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	Individuals	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<b>Option 1a.</b>  <b>Introduce individual development plans with a single date to go live</b>	<input type="checkbox"/>	<b>Option 1b.</b>  <b>Introduce individual development plans in mandatory phases</b>	<input checked="" type="checkbox"/>
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**Supporting comments**

Social Care Wales is a Welsh government sponsored body with responsibility for supporting the training and development of the early years and childcare workforce. We are responsible for producing a list of recognised qualifications for the workforce. We manage an early years and childcare network which provides us with a range of views from the sector. We are collaborating with Qualifications Wales on the development of new children’s care learning, development and play qualifications. We are also responsible for the regulation, development and improvement of the social care workforce, which includes those who provide care and support for children who are looked after. We are responding to this consultation from the perspective of our expertise and knowledge in these areas.

In our view, due to the potential number of individual development plans (IDPs) that would need to be implemented it would be sensible to take a phased approach to allow all concerned to adapt and move to new person and child centred ways of working. Having attended consultation events on the Bill, we are aware of concerns regarding the parity of provision in the interim between those on the current special educational needs (SEN) plans and those on the new IDP.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<b>Option 2a.</b> Existing statutory plans	<input checked="" type="checkbox"/>	<b>Option 2b.</b> Education setting	<input type="checkbox"/>	<b>Option 2c.</b> Key stages	<input type="checkbox"/>
<b>Option 2d.</b> Significant points of transition	<input type="checkbox"/>	<b>Option 2e.</b> 'Early adopter' local authorities	<input type="checkbox"/>	<b>Option 2f.</b> None of these (please explain your reasons in the comments section below)	<input type="checkbox"/>

**Supporting comments**

Priority should be given to those individuals with already identified needs. This approach would minimise disruption to those already on a plan and ensure some consistency for them. This option also ensures that children, who are looked after, will maintain their current plan, which ensures that a vulnerable group has minimum disruption to their current arrangements.

In addition, it is also important that children with eligible needs for care and support under the Social Services and Well-being Act are prioritised for assessment.

**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?

#### **Supporting comments**

We welcome Welsh Government's commitment to invest £20million to support delivery partners in successfully managing the transition to the proposed new system. We would support an investment to upskill the existing workforce, particularly those working with vulnerable groups such as children who are looked after. The need to have good quality, well trained staff at operational level is of fundamental importance. Suitable introductory training for those who closely with children to help them recognise, identify and report additional learning needs will facilitate early identification.

We support the use of grants to implement and support collaborative working arrangements between partners. It is important that early years and childcare providers are considered and recognised as key partners, and receive equal opportunities to access training grants.

**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:

- xi) opportunities for people to use Welsh
- xii) 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?

#### **Supporting comments**

The Bill is stronger than previous drafts in terms of Welsh medium provision. Consideration of language choice should be a fundamental part of person centred approaches. The principles of *More than Just Words* and the active offer of Welsh language services places a duty of public services within health and social care to support individuals accessing services in their language of choice<sup>1</sup>. This bill places opportunities for those to use Welsh more in the forefront. However, the effectiveness of ALN provision can be undermined unless it is available in the language of choice.

There are issues in terms of the number of Welsh speakers in the current workforce. We would welcome increased training for the current and future workforce to ensure they can fully meet the

<sup>1</sup> [More than Just Words: Follow-on strategic framework for Welsh language services in health, social services and social care](#), Welsh Government, April 2017

needs of Welsh speaking learners. A clear commitment of resources is needed in order that early years and childcare settings, schools and further education institutions are able to meet the needs of learners with ALN in their preferred formats and language.

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- xi) 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
- xii) 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.

### **Supporting comments**

There should be some clear guidelines about how to determine the language of the provision and the language abilities of staff to better meet the needs of the child.

**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.

There are some key considerations in terms of the early years, childcare and social care sectors in Wales.

#### *Early years*

The bill would benefit from greater clarity in its definition of ‘early years’. Although the bill refers to children aged 0-25 years, there is little or no reference to early years and childcare settings which do not provide foundation phase education. The terminology and language used in the bill refers to “mandatory school age children” namely those aged 5 and above. Therefore this matter needs clarification, as there is a requirement under the bill to provide IDP for children from birth. This lack of clarity could lead to confusion and lack of consistency within local authorities.

There are growing speech and language problems in early years settings and schools. Early years and childcare settings can identify potential problems promptly and can offer support. Following a review of health and social qualifications by Qualification Wales a new suite of qualifications is in the process of being developed within specific pathways. The speech and language pathway in the new suite of qualifications is important in this context as it will help practitioners identify speech and

language issues earlier. The bill makes it easier for practitioners to seek help where they suspect a child has an ALN, which includes speech and language difficulties.

The funding from the bill only addresses ALN in foundation phase-funded settings and will not cover the wider universal early years at this stage. There is an opportunity with the roll out of the 30 hour free childcare offer for more children to benefit from an early intervention. The Flying Start programme will support the identification of children with ALN sooner. However not all children will be attending a Flying Start setting. Therefore there is a concern that these children might not benefit from the provision of this bill.

Currently, under the Care and Social Services Inspectorate Wales' national minimum standards for registered childcare<sup>2</sup>, every childcare setting must have a special educational needs co-ordinator. Therefore, one suggestion is that an ALN designate with a similar function could act as a liaison with the local authority's additional learning needs co-ordinator. Links with early years and childcare settings ensures early identification and also smoother transitions for children when they enter full time education.

#### *Looked after children*

The bill makes reference to the fact looked after children are a mobile and vulnerable group, a large proportion of which have ALNs. The bill will support the use of one IDP which will support collaborative working between social services, health and education (including further education). Within the ALN code there is a stipulation that the section for looked after children will need to be included in further additions of the code and will be developed alongside "new guidance for potential inclusion in the relevant Code made under the Social Services and Well-being Act (Wales) 2014." There are concerns that an expert group has not been set up to address this. As a vulnerable group it is important that IDPs for this group support smooth transitions and strengthen collaborative working with the child at the centre of practice.

The Social Services and Wellbeing Act 2014 ensures the social care sector focuses on person centred care and therefore the reference to looked after children in this bill is in line with broader policy. It is encouraging that should the IDPs be rolled out to those with existing plans first that looked after children with personal education plans will be part of the first tranche to receive them. This recognises the importance of improving the coordination of planning for the educational needs of this vulnerable group.

Responses to consultations are likely to 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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<sup>2</sup> [National Minimum Standards for Regulated Childcare for children up to the age of 12 years \(PDF\)](#), Care and Social Services Inspectorate Wales / Welsh Government

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

## Consultation response form

Responses should be returned by **9 June 2017** to

Additional Learning Needs  
Reform Branch Support for  
Learners Division

The Education  
Directorate  
Welsh  
Government  
Cathays Park

or completed electronically

and sent to: e-mail:

[SENReforms@wales.gsi.gov.u](mailto:SENReforms@wales.gsi.gov.u)

[k](#)



Category of respondent	Schools	<input checked="" type="checkbox"/>
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	Other	<input type="checkbox"/>

**Question 1 – How should the implementation of individual development plans be done?**

<p><b>Option 1a.</b></p> <p><b>Introduce individual development plans with a single date to go live</b></p>	<input type="checkbox"/>	<p><b>Option 1b.</b></p> <p><b>Introduce individual development plans in mandatory phases</b></p>	<input checked="" type="checkbox"/>
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**Supporting comments**

Workforce capacity, knowledge and understanding would not allow for effective transition of current SEN statements and Learning Skills Plans (LSPs) at a single 'go live' date.

The Bill and Code of Practice talks extensively about person centred approaches – a single go live date would jeopardise the quality of processes which would allow for effective engagement with young people, their parents/carers and other partners to ensure that an IDP is holistic, demonstrates partnership working / collaboration and most importantly, captures the voice and aspirations of the young person.

A single go live date could suggest a process whereby documents are simply transferred from one template to another, without ceasing the opportunity to fundamentally change the narrative for young people with ALN and bring about the complete system change desired as a result of the wider ALN transformation programme.

**Question 2 – If individual development plans should be introduced in phases, how should these be grouped into tranches?**

<p><b>Option 2a.</b></p> <p><b>Existing statutory plans</b></p>	<input type="checkbox"/>	<p><b>Option 2b.</b></p> <p><b>Education setting</b></p>	<input type="checkbox"/>	<p><b>Option 2c.</b></p> <p><b>Key stages</b></p>	<input type="checkbox"/>
<p><b>Option 2d.</b></p> <p><b>Significant points of transition</b></p>	<input checked="" type="checkbox"/>	<p><b>Option 2e.</b></p> <p><b>'Early adopter' local authorities</b></p>	<input type="checkbox"/>	<p><b>Option 2f.</b></p> <p><b>None of these (please explain your reasons in the comments section below)</b></p>	<input type="checkbox"/>

**Supporting comments**

Taking options such as 2e (by local authority) or 2b (Education settings) will have an adverse impact on FEIs – there will be young people transitioning to an FE college and depending on which local authority or secondary school they have attended, would depending on whether they had an IDP. Some would then transition still requiring a Learning Skills Plan (non-statutory), whilst peers, possibly within the same group would require an annual review and be within a statutory framework.

Significant transition points (2d) would provide a clear timeline for young people, their families, schools/colleges and services. It would enable schools and colleges to plan capacity and provide an opportunity particularly for FE colleges to build up to full capacity across a phased number of years (i.e. the trajectory of young people with an IDP in an FE college would increase over a number of years, based on the number enrolled with an IDP in year one then progressing with a new cohort enrolling with IDPs the following year etc).

Using significant transition points would also bring a directive for schools to engage with their local college where this is identified as their transition route, to ensure that effective planning, relationships building and transition opportunities can be built. This approach would also ensure that plans are robustly updated, with outcomes that reflect preparation for adulthood and would ensure that Year 10/11 outcomes can be effectively translated and supported within an FE college environment.

**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?

### Supporting comments

Transfer review meetings for those in Year 9 upwards (depending on decisions made around when to introduce IDPs) need to be facilitated by someone independent of the young person's school. This is essential if impartiality of choice and robust careers information, advice and guidance is to be truly realised, providing young people and their families with pathways and options for post-16 progression.

Appropriate resource needs to be afforded to FE colleges to enable new statutory duties and responsibilities to be fulfilled. The proposed role of the ALNCo in a large FE college will be substantially different to that of an ALNCo within another setting. The timeline associated with Year 11 IDP reviews in schools will also mean that all annual reviews cyclically fall at the same time within the academic year when transitioned to an FE College – likely to be the first academic term, when young people have just completed an induction period and will still be familiarising themselves with a very different environment and set of expectations.

The number of IDP reviews within an FE college are likely to be substantially greater than those for other providers, with other complex considerations to consider, such as the ceasing of an IDP where evidence demonstrates that outcomes have been achieved or that a young person is ready to transition beyond college. Ensuring that evidence, progress monitoring and recording against IDP outcomes will be essential, however, more often than not this is likely to fall to curriculum areas that are not ALN specialists.

Wider workforce development within FE will also be essential for the purpose of an IDP to be effective. Most lecturers within an FE college have previously worked professionally within industry, ALN training is not a routine element of initial teacher training and the expectation of a lecturer who may only see a young person for a timetabled session once or twice a week (e.g. Essential Skills) would need to have an understanding of a range of outcomes within the IDP is ambitious. How this is effectively communicated across FE colleges, most of whom have several geographical campus locations will be highly challenging.

**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?

**Supporting comments**

There is a lack of specialist bilingual workforce to access which could make provision mapping and providing interventions associated with IDP outcomes difficult (e.g. Speech and Language Therapy).

To ensure parity of choice around language, this could mean that the ALNCo would need to be bilingual or have access to appropriate skilled support to ensure that ALN specialist knowledge can be appropriately applied to any learner with an IDP and that the voice of the young person and their family can be fully and effectively elicited.

**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.

**Supporting comments**

Provide equality of opportunity and access via information, printed and online materials and by ensuring that Welsh medium services are catalogued so that education providers and local authorities to access these in a timely way if this is the preferred language of communication for the young person or their family.

Consider and explore how assistive technology might be used to support bilingualism and choice of first language.

**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.

It is important to acknowledge the vastly different education landscape across Wales in terms of post-16 options and how these currently influence relationships, access to options and choices.

Relationships between local authorities and FE colleges need to be strengthened to ensure that there is partnership working, with mutual respect fostered around the limitations of what can be achieved, whilst innovatively collaborating to provide bespoke pathways which enable the needs of young people with ALN to be met locally.

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



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

## Consultation response form

Your name: Karen Parry

Organisation (if applicable): Wrexham LA

e-mail/telephone number: 01978 295492

Your address:

Inclusion Service

Education Department

Lambpit Street

Wrexham

LL11 1AR

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

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Other	<input type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<p><b>Option 1a.</b></p> <p><b>Introduce individual development plans with a single date to go live</b></p>	<input type="checkbox"/>	<p><b>Option 1b.</b></p> <p><b>Introduce individual development plans in mandatory phases</b></p>	<input checked="" type="checkbox"/>
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**Supporting comments**

Whilst ideally 1a would be the preferred option as it would avoid 2 systems operating simultaneously, however, capacity to manage the implementation is too challenging. Therefore, 1b is the preferred option. It would be more manageable and consistent across Wales allowing more time for both schools and LAs to develop the IDPs using PCP.

All new ones as well.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<p><b>Option 2a.</b></p> <p><b>Existing statutory plans</b></p>	<input type="checkbox"/>	<p><b>Option 2b.</b></p> <p><b>Education setting</b></p>	<input type="checkbox"/>	<p><b>Option 2c.</b></p> <p><b>Key stages</b></p>	<input type="checkbox"/>
<p><b>Option 2d.</b></p> <p><b>Significant points of transition</b></p>	<input checked="" type="checkbox"/>	<p><b>Option 2e.</b></p> <p><b>‘Early adopter’ local authorities</b></p>	<input type="checkbox"/>	<p><b>Option 2f.</b></p> <p><b>None of these (please explain your reasons in the comments section below)</b></p>	<input type="checkbox"/>

**Supporting comments**

As above plus new pupils needing an IDP.

**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?

**Supporting comments**

- Before a decision is made on the preferred option data on all models will need to be analysed to ensure LA capacity
- Clarity on allocation/criteria of £20m funding
- Clarity needed on ALNCO qualifications
- Clarity of long term funding
- Clarity of role of ALN Strategic Advisors
- Clarity of workforce development/training
- Regulations/Code of Practice/training/standard IDP (if agreed)/Post 16 specialist funding arrangements are all need to be finalised well before date of implementation
- Implications of recent White Paper (suggested regionalisation of some elements of ALN delivery) on Bill and transformation programme

**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:

- xiii) opportunities for people to use Welsh
- xiv) 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?

**Supporting comments**

Gaps in service delivery through the medium of Welsh due to the extended age range and the aim for 1 million Welsh speakers by 2050 will have a negative impact. Recruitment of Welsh speakers could be an ongoing issue.

This could be mitigated by access to the Welsh Language Immersion scheme, currently funded by Welsh Government. Also it is possible that continued Cross LA arrangements to deliver specific pieces of work (such as EP involvement to assess) could help.

The extended age range could see a need for an increase in specialist provision through the medium of Welsh.

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- xiii) 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
- xiv) 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.

**Supporting comments**

Clarity on continued funding after the £20m has been utilised as part of the implementation of the Bill is needed.

**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.

The demise of the involvement of the Career Service in the post 16 sector is an ongoing concern. Their knowledge and expertise cannot be replicated in existing LA capacity.

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

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

## Consultation response form

Responses should be returned by **9 June 2017** to

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**Supporting comments**

**A phased approach would allow more time to develop IDPs, given the scale of the changes, the number of learners affected and the practicalities of the person-centred approach. However, if option 1b is accepted, it should be with the proviso that the funding model should not disadvantage those settings that join in tranche 2. It is assumed rather than explicitly stated, that Health Boards are, or will be working well with schools, early years settings, LAs and FEIs.**

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<p><b>Option 2a.</b></p> <p><b>Existing statutory plans</b></p>	<input type="checkbox"/>	<p><b>Option 2b.</b></p> <p><b>Education setting</b></p>	<input type="checkbox"/>	<p><b>Option 2c.</b></p> <p><b>Key stages</b></p>	<input type="checkbox"/>
<p><b>Option 2d.</b></p> <p><b>Significant points of transition</b></p>	<input checked="" type="checkbox"/>	<p><b>Option 2e.</b></p> <p><b>'Early adopter' local authorities</b></p>	<input type="checkbox"/>	<p><b>Option 2f.</b></p> <p><b>None of these (please explain your reasons in the comments section below)</b></p>	<input type="checkbox"/>

### Supporting comments

LA, schools and FEIs work in partnership to complete 'age appropriate' IDPs. It is not the role of schools, with potentially limited understanding of the complexities facing FEIs, to draft documents for the sector. College inclusion in KS 4/ transition reviews (year 13 reviews for special schools) should be mandatory therefore. This will ensure an appropriate working document, to meet the needs of a learner transitioning between education providers.

The phased approach would also allow for a clear timeline, to plan to meet capacity and would build year-on-year.

Clarity on whether the post-16 setting would be included in tranche 1 is essential, as this is not explicitly stated.

**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?

### Supporting comments

Funding to support the delivery of the transformation proposal, beyond funded implementation projects and which grants equity and parity between FEIs and LAs is critical. The FE sector is committed to working to ensure successful implementation, but a new funding model is imperative. Arguably, FEIs have the greatest distance to travel to meet the requirements of the new legislation - this area of work is completely new and is not currently funded in the sector.

Collaborative working between partners is crucial to ensure that the workforce has the knowledge, expertise and confidence to support learners with ALN in all education settings. The FE sector is committed to joint working, but funding may be more effective if it were both consortia based and school & FE focused. Involvement at the planning stage to access WG funded PCP/IDP training which is sector appropriate would be beneficial. Currently, training is being driven by LAs and is not always FEI appropriate.

FEIs routinely work with a number of LAs, it would be worth exploring the potential for developing a regional FE sector approach wherever suitable. One example - an FE sector SLA for the provision and maintenance of equipment and specialist seating with a company that operates across all boroughs.

In the lead up to the introduction of the new Bill, FEIs would value the support, advice and guidance of a specialist FE strategic adviser. The secondment of a specialist adviser would ensure that the complexities and context of the sector are fully taken into account when monitoring compliance post ratification, as well as evaluating the impact of the changes.

**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:

- xv) opportunities for people to use Welsh
- xvi) 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?

#### **Supporting comments**

- i) In this area, the Bill would have little or no effect on opportunities to use the Welsh language. Within the pastoral teams there are a small number of staff with ‘conversational’ Welsh language skills, but who would not feel confident to draft formal reports and other communications. The new Welsh standards legislation will encourage FEIs to address areas for improvement.**
- ii) To date, there have been no requests to be supported through the medium of Welsh in reviews or progress meetings.**

**In mitigation, specialist multi-agency regional teams could provide support in Welsh. Sabbaticals to up-skill Welsh language skills of current non-teaching specialists in colleges would also prove beneficial.**

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- xv) 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
- xvi) 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.

#### **Supporting comments**

**The Sgiliaith initiative funded by WG to respond to the increased demand for Welsh language skills, could be extended to business support staff rather than having a continued focus on practitioners. This would allow support staff with a working knowledge of Welsh to up-skill via the sabbatical route, and would have a positive impact on the opportunities for people to use the Welsh language in the implementation of the ALN Bill.**

**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.

Increased staff costs - more staff; specialist staff paid at appropriate grades (eg transition officers, ALNCo)

Funding and time to allow for physical adaptations to existing estate, eg bespoke accommodation for reviews & therapies where required

Sufficient lead-in time to implementation of Bill – key questions remain unanswered, eg there is no indication from WG regarding funding plans to meet the requirements of the Bill

Secure transfer of information and compatible recording systems between settings. National ISPs? FEIs to explore use of Egress system for encrypted exchange of sensitive data? Impact of the new data protection legislation?

Clarity on the position regarding WBL & part-time learners is required.

Standard disclaimer if ALN support is refused to reduce the likelihood of dispute resolution.

FE strategic advisers NOW!

Compiling evidence for IDPs across agencies, different protocols (eg Health Boards)

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

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

## Consultation response form

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

e-mail: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Category of respondent	Schools	<input type="checkbox"/>
	Special schools	<input type="checkbox"/>
	Special educational needs coordinators	<input type="checkbox"/>
	Further education sector	<input type="checkbox"/>
	Preschool organisations	<input type="checkbox"/>
	Education professionals	<input type="checkbox"/>
	Teaching unions	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
Other – see description above	x <input type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<p><b>Option 1a.</b></p> <p><b>Introduce individual development plans with a single date to go live</b></p>	<input type="checkbox"/>	<p><b>Option 1b.</b></p> <p><b>Introduce individual development plans in mandatory phases</b></p>	<p><b>X</b></p> <input type="checkbox"/>
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**Supporting comments**

Learning from the English experience - it is clear that local authorities, health and social care professionals did not, and still do not, have the capacity to carry out new assessments and also transfer all current statements to the new system even with a 4 year transition window (2014 – 2018). It is highly likely that Welsh organisations will face the same challenge.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<p><b>Option 2a.</b></p> <p><b>Existing statutory plans</b></p>	<input type="checkbox"/>	<p><b>Option 2b.</b></p> <p><b>Education setting</b></p>	<input type="checkbox"/>	<p><b>Option 2c.</b></p> <p><b>Key stages</b></p>	<input type="checkbox"/>
<p><b>Option 2d.</b></p> <p><b>Significant points of transition</b></p>	<p><b>X</b></p> <input type="checkbox"/>	<p><b>Option 2e.</b></p> <p><b>'Early adopter' local authorities</b></p>	<input type="checkbox"/>	<p><b>Option 2f.</b></p> <p><b>None of these (please explain your reasons in the comments section below)</b></p>	<input type="checkbox"/>

### Supporting comments

If transfer to the new system occurred at significant transition points – early years to reception, possibly year 2 to year 3 (especially if that is a different school), primary to secondary, at 16 when many students will move to FE.

Although clearly the new system with individual development plans in place for all students could take up to 7 years to be totally in place. But as – when students move institutions - there is currently the necessity to amend the statement everyone is already used to updating at that point and may therefore have sufficient capacity anyway if they comply with current law.

Obviously all new assessments **must** be performed under the new legislation with individual development plans produced.

Although in England both the old and new system have been running concurrently there has not been, once the first few months had passed, much confusion. All sector organisations seem to understand.

**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?

### Supporting comments

Local authorities **must** have sufficient training and support in order to understand the major changes. But until and unless local authority staff have appropriate structures and knowledgeable staff in place to effect the changes it is unnecessary to prioritise the other delivery partners.

Early years, schools, health and social care professionals will also need to have appropriate information and training so as they can fulfil their roles appropriately, but only when the LAs are ready.

**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:

- xvii) opportunities for people to use Welsh
- xviii) 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?

**Supporting comments**

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- xvii) 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
- xviii) 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.

**Supporting comments**

**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.

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

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

## Consultation response form

Your name: Huw Davies, HMI

Organisation (if applicable): Estyn

e-mail/telephone number: 02920 446 446

Your address: Anchor Court. Keen Road. CARDIFF

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

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CF10 3NQ

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	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<p><b>Option 1a.</b></p> <p><b>Introduce individual development plans with a single date to go live</b></p>	<input type="checkbox"/>	<p><b>Option 1b.</b></p> <p><b>Introduce individual development plans in mandatory phases</b></p>	<input checked="" type="checkbox"/>
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**Supporting comments**

It would seem sensible that IDPs be implemented over an agreed timescale.

The person centred planning model will be the main vehicle for generating the IDPs. Currently the use of PCP across Wales is variable but developing. It will be necessary for providers that are recognised as leaders in the field in using the PCP process to facilitate and assist others in developing this practice. However, the ability of providers to support others will be compromised as there are examples where different PCP practices are being developed within regional consortia areas.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<p><b>Option 2a.</b></p> <p><b>Existing statutory plans</b></p>	<input checked="" type="checkbox"/>	<p><b>Option 2b.</b></p> <p><b>Education setting</b></p>	<input type="checkbox"/>	<p><b>Option 2c.</b></p> <p><b>Key stages</b></p>	<input type="checkbox"/>
<p><b>Option 2d.</b></p> <p><b>Significant points of transition</b></p>	<input type="checkbox"/>	<p><b>Option 2e.</b></p> <p><b>'Early adopter' local authorities</b></p>	<input type="checkbox"/>	<p><b>Option 2f.</b></p> <p><b>None of these (please explain your reasons in the comments section below)</b></p>	<input type="checkbox"/>

### Supporting comments

Option 2a will allow local authorities and schools to move to the new system for those pupils with the greatest need of ALN first. Generally there are mature relationships between agencies in identifying the needs of pupils with ALN. An advantage of this model is that the DECLO will very quickly, gain detailed knowledge of service strengths and gaps in provision. This knowledge can be put to good use to ensure that there is sufficient capacity in the system as non-statutory plans become IDPs.

Including children who are looked after with ALN within this option is appropriately congruous with the national priorities for this group of learners.

Option 2a does not give consideration to those pupils with existing statements who move into further education settings, whether they be maintained or independent. In order to ensure that the rights of this group of pupils are maintained, it would be equitable that they too are included in option 2a.

There are clear advantages to be gained from option 2e also. A stated disadvantage of this model is around a “mixed provision” in Wales. Arguably a mixed provision exists currently in Wales. Where local authorities and schools are ready to move on to the next stage of development, they should be encouraged to do so. A key feature of this approach should include the support offered to other local authorities, either within or across regional consortia. The proposed regional consortia strategic lead for ALN will need to consider the emerging differences in practice and address these at a very early stage.

**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?

### Supporting comments

In principle, the range of measures identified and being taken by the Welsh Government to support the implementation of the Bill appear appropriate. Early support is crucial to reassure providers about the changes.

It is not possible to comment on the specifics or the appropriateness of the use of the innovation grant by regional consortia and local authorities as the grant evaluations are not in the public domain. However, Estyn recognises that staff with local authorities and regional consortia have a key role in implementation and it is important that support for these staff is part of the implementation programme to ensure consistency across the regions.

It is encouraging to note the importance being attached to workforce development. The three tier model broadly captures practitioners who currently work with learners with ALN. In view of the

shortcomings in provision in ILS learning areas in FEIs identified in recent inspection reports, it is important that there is a focus on the training needs of staff working in FEIs with this group of learners. In addition, this aspect would be strengthened considerably if it also captured those staff who for example, are at the initial teacher training stage of their development, and the training requirements of support staff in relation to ALN and non-specialists in FEIs. This observation is set in the context that around 23% of pupils in schools are on the SEN register.

The Welsh Government recently published revised policy guidance on “Post-16 funding for learners with learning difficulties at specialist colleges”. This guidance very usefully reiterates the procedures that are still in place and to be followed by local authorities and Careers Wales. However, there is too much inconsistency in how this guidance is being interpreted which causes anxiety for parents and providers and uncertainty about what placement options may be available to them post-18.

Three hundred learners with complex needs are currently supported by Welsh Government funding. The process of transferring responsibility for these learners to the local authorities is unclear. It is not yet clear how this will work in practice, particularly given the lack of local authority awareness of post-16 provision, the limited track record of local authorities in working with independent specialist providers and the fact that funding will not be ring-fenced. The fact that there is not equity of information provided about the relative quality of provision at FEIs and ISCs contributes to this lack of understanding of specialist provision and may make it more difficult for parents and local authorities to secure the right provision for learners post-16.

It would be helpful to give consideration as to how independent schools and independent specialist colleges are made aware of the changes. Where local authorities place pupils into independent schools and independent specialist colleges, many of these pupils will have IDPs.

There needs to be a recognition and commitment from Welsh Government that as the Bill is turned into practice there is likely to be a need for on-going support that is likely to extend beyond the proposed five-year implementation time-frame.

**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:

- xix) opportunities for people to use Welsh
- xx) 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?

**Supporting comments**

The CYPE Committee's stage one report makes a number of recommendations in relation to the Welsh language. We agree that these recommendations will help to further strengthen provision.

In order that the Welsh language is treated no less favourably than English, consideration must be given to ensuring that all training, support and materials are provided in Welsh.

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- xix) 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
- xx) 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.

**Supporting comments**

As per response to question 4.

**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.

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

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

## Consultation response form

Your name: Owen Hathway

Organisation (if applicable): NUT Cymru

e-mail/telephone number: [o.hathway@nut.org.uk](mailto:o.hathway@nut.org.uk) / 02920  
491818

Your address: Ty Sinnott

18 Neptune Court

Vanguard Way

Cardiff

CF245PJ

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

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or completed electronically and sent to:

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Category of respondent	Schools	<input type="checkbox"/>
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	Special educational needs coordinators	<input type="checkbox"/>
	Further education sector	<input type="checkbox"/>
	Preschool organisations	<input type="checkbox"/>
	Education professionals	<input type="checkbox"/>
	Teaching unions	X
	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
Other	<input type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<p><b>Option 1a.</b></p> <p><b>Introduce individual development plans with a single date to go live</b></p>	<input type="checkbox"/>	<p><b>Option 1b.</b></p> <p><b>Introduce individual development plans in mandatory phases</b></p>	<b>X</b>
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**Supporting comments**

**While neither of these options can be implemented without creating difficult challenges for schools and local authorities, option 1b appears, in principle, to offer the best lead in time for the changes to be implemented. This option also offers the option of evaluating if aspects of the Bill have any unintended consequences as the phases are worked through. The Welsh Government would be wise to set in place evaluation methods and feedback options so that if there are any unforeseen problems they can be resolved before any further mandatory phases are undertaken.**

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<p><b>Option 2a.</b></p> <p><b>Existing statutory plans</b></p>	<input type="checkbox"/>	<p><b>Option 2b.</b></p> <p><b>Education setting</b></p>	<input type="checkbox"/>	<p><b>Option 2c.</b></p> <p><b>Key stages</b></p>	<input type="checkbox"/>
<p><b>Option 2d.</b></p> <p><b>Significant points of transition</b></p>	<input type="checkbox"/>	<p><b>Option 2e.</b></p> <p><b>'Early adopter' local authorities</b></p>	<input type="checkbox"/>	<p><b>Option 2f.</b></p> <p><b>None of these (please explain your reasons in the comments section below)</b></p>	<input type="checkbox"/>

**Supporting comments**

**I think they should be revised when the existing IEPs are up for review and that they should concentrate on those on statements first, and for those on school action plus focus first on the significant points of transition.**

**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?

**Supporting comments**

**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:

- xxi) opportunities for people to use Welsh
- xxii) 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?

**Supporting comments**

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- xxi) 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
- xxii) 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.

**Supporting comments**

**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.

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

## Consultation response form

Your name: Julian Hallett

Organisation (if applicable):

The Down's Syndrome Association

e-mail/telephone number:

[wales@downs-syndrome.org.uk](mailto:wales@downs-syndrome.org.uk) 0333 12 12 300

Your address:

The Down's Syndrome Association 2A Langdon Park Teddington  
TW11 9PS

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

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	Third sector organisations	<input checked="" type="checkbox"/>
	Individuals	<input type="checkbox"/>
Other	<input type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<p><b>Option 1a.</b></p> <p><b>Introduce individual development plans with a single date to go live</b></p>	<input type="checkbox"/>	<p><b>Option 1b.</b></p> <p><b>Introduce individual development plans in mandatory phases</b></p>	<input checked="" type="checkbox"/>
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**Supporting comments**

We very reluctantly concede that a phased introduction, on balance, provides an option with the greatest probability of success. A single date for introduction (the Big Bang approach) poses too many risks that authorities and settings will be insufficiently prepared for the changes and the reputation of the whole programme would be damaged as a result.

We would make the following observations, clarifying our reservations :

1. This process of statutory reform has been painfully slow. Wales is now significantly behind England in terms of improvements made to the statementing process. It is unclear whether Wales has incorporated learning points from the introduction of EHCPs in England. There have been numerous key dates in the process where the hopes of a step forward have been dashed, most notably in the summer of 2015 when a proposed launch of the Bill was pulled by the (then) Education Minister just before the summer recess. The result is that a generation of young people with additional needs will have completed their schooling during the period that these changes have been considered (initial scoping work began as long ago as 2008). These young people and their families have experienced a system of flux and uncertainty.
2. Families of children with ALN are currently experiencing a system where misinformation prevails. Despite numerous reminders from the Minister (including a letter to all Heads of Service in 2015) that until a new legislative system is introduced the current statementing process continues, many local authorities have told families that the system has already changed or been deliberately opaque when outlining what rights a particular child has “this authorities no longer issues statements”. This is unacceptable and we fear that a staggered implementation will mean this situation continues.
3. We acknowledge that a phased introduction will, by its very nature, introduce inequalities to the system. Depending on which framework for phased introduction is chosen, certain groups will be given preference over others. Children move through the system at a given pace (starting education at Early Years and concluding their education by their transition to employment post 18+). They only get one chance at this and some young people will therefore miss out entirely on any improvements to the system, if a phased introduction is adopted.
4. Many partners (including TSANA, of which we are a member) have been frustrated

by the slow progress of producing a Code of Practice and improving this following analysis of feedback given to a draft Code following a period of consultation. In the absence of this it is unclear how the Bill will be implemented in practice and what standards settings will be measured against. When being asked to feedback it is so often the case that we are being asked to comment on elements of the system in isolation. It is as though we are examining pieces of a jigsaw without a picture of what the puzzle looks like.

5. We acknowledge, with some concern, that one of the confounding factors which has frustrated the implementation of the proposed legislation to date is still to be resolved, namely, local government reorganisation. Whilst some movement forward has been achieved with consortia working for education services across Wales, the wider reorganisation of Welsh councils has yet to be decided and looks a long way off being achieved. Until this significant reorganisation has been implemented, it is hard to see how current agencies can develop an infrastructure to support the new legislative framework which will not necessitate further changes, once this reorganisation takes place.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<b>Option 2a.</b> Existing statutory plans	<input checked="" type="checkbox"/>	<b>Option 2b.</b> Education setting	<input type="checkbox"/>	<b>Option 2c.</b> Key stages	<input type="checkbox"/>
<b>Option 2d.</b> Significant points of transition	<input type="checkbox"/>	<b>Option 2e.</b> 'Early adopter' local authorities	<input type="checkbox"/>	<b>Option 2f.</b> None of these (please explain your reasons in the comments section below)	<input type="checkbox"/>

**Supporting comments**

We feel that if a staggered approach is to be adopted then basing the staged transition over to new IDPs on the established review process for those currently with statements and then extending this to those with School Action / School Action Plus would give some clarity to the system and enable a public information strategy to target those coming over to the new way of working with some clarity of when they would be affected i.e. from your next review onwards we will be using the new IDP framework. This would enable a phased introduction that would ensure everyone currently

stated benefits within a relatively short period of time i.e. a year.

The above option is the best of a series of options, none of which are ideal, all present significant challenges and introduce an element of unfairness, depending on whether a child is in the new group prioritised or remains outside this group and will have to wait.

**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?

### **Supporting comments**

The communication strategy surrounding engagement with potential partners seems somewhat confused. Whilst we fully recognise the need for competitive tendering processes that ensure that Welsh Government achieves best value, it seems that there hasn't been targeted engagement with partners who have been contributing to the process over the last decade and are well placed to be commissioned to provide support. Often few organisations have been in a position to bid for work, since the terms of engagement require pan disability work that covers a large proportion of the ALN population. When contracts have been awarded it is frequently to a provider that has little profile across Wales and engagement with partners (especially within the Third Sector) is low. This was the case with some of the work relating to engagement events for young people with ALN during the consultation period. Few members of TSANA (for example) were approached by the contractor to be involved and events occurred without much awareness of them happening, meaning that engagement was far lower than could have been the case.

TSANA have produced position statements and consultation responses outlining, in some detail, what the partner organisations feel are important and how respective organisations could contribute to the process e.g. formulation of information resources, development and delivery of training (both general awareness and condition-specific training and work on condition-specific pathways). At various during the period 2008-2017, we have been approached to devise resources that would help in the delivery of the new system only to find that these commissioned pieces of work stall when key personnel change or resources developed as part of the pilots sites seems to be forgotten when the next stage of the implementation is reached and it seems we return to a position of starting all over again. In 2010 The Down's Syndrome (and other Third Sector partners) were commissioned to produce condition –specific resources and training materials (including filmed case studies) as part of the pilot site work, however, these were never launched properly – their status is not now known.

My understanding is that it was not possible to identify a partner to produce materials across all relevant conditions, as no partner bid for that piece of work. This seems like a missed opportunity, given the combined expertise of TSANA, who have been engaged with Welsh Government for many years and collectively could have been a useful partner.

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:

- xxiii) opportunities for people to use Welsh
- xxiv) 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?

### Supporting comments

Our experiences in working with a number of families who are bilingual Welsh / English have suggested that professionals working in the field of assessing their child with Down's syndrome and guiding families through the current statementing process have been less than enthusiastic about encouraging families to choose a bilingual or Welsh medium education setting for their child.

A number of families have been led to believe that a Welsh medium provision would be an additional hurdle for the child to negotiate and that it might be simpler to opt for an English medium setting.

In some areas, authorities struggle to recruit Welsh speaking staff to carry out assessments for Welsh speaking or bilingual children (especially speech and language therapists).

In some areas of Wales families struggle to access any form of Welsh medium special school placement and typically there might only one such provision commissioned across a whole county, meaning that some children who would want this provision have to travel significant distances in order to attend. This, in itself, is enough to deter some families from exploring this as a feasible option.

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- xxiii) 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
- xxiv) 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.

## Supporting comments

We feel any inequalities could be mitigated by :

Equality training for all staff working in the assessment of children with additional needs.

Recruitment of additional Welsh speaking professionals to support families.

Publicity of good news case studies of children with ALN who have accessed Welsh medium provision.

Explicit written information for families reiterating their rights to education for their children through the medium of Welsh and how this is unaffected if their child has an additional learning need

Scoping exercise pan Wales to look at the distance necessary for a child to travel if they wished to access a special school which provided education through the medium of Welsh.

**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.

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

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

## Consultation response form

Your name: Claire Protheroe

Organisation (if applicable): PACEY Cymru

e-mail/telephone number: [claire.protheroe@pacey.org.uk](mailto:claire.protheroe@pacey.org.uk)

Your address: The Maltings, East Tyndall Street, Cardiff, CF24 5EZ

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

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CF10 3NQ

or completed electronically and sent to:

e-mail: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Category of respondent	Schools	<input type="checkbox"/>
	Special schools	<input type="checkbox"/>
	Special educational needs coordinators	<input type="checkbox"/>
	Further education sector	<input type="checkbox"/>
	Preschool organisations	<input type="checkbox"/>
	Education professionals	<input type="checkbox"/>
	Teaching unions	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input checked="" type="checkbox"/>
	Individuals	<input type="checkbox"/>
Other	<input type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<p><b>Option 1a.</b></p> <p><b>Introduce individual development plans with a single date to go live</b></p>	<input type="checkbox"/>	<p><b>Option 1b.</b></p> <p><b>Introduce individual development plans in mandatory phases</b></p>	<input checked="" type="checkbox"/>
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**Supporting comments**

In line with the consultation document PACEY Cymru believe that individual development plans should be phased in over a set period of time to allow local authorities and education settings to review plans and policies currently in place to support learners with SEN or LDD as full implementation at the same time is likely to have significant workload implication. We agree that it appears more realistic to set a period between which individual development plans could begin being issued and a final date by which all eligible learners had an individual development plan in place.

We strongly believe that there needs to be a defined, clear and achievable full implementation date shared and agreed before the phased approach begins to ensure understanding and to support transition and workloads. By mandating the phases at a national level, there would be a consistent approach across Wales.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<p><b>Option 2a.</b></p> <p><b>Existing statutory plans</b></p>	<input type="checkbox"/>	<p><b>Option 2b.</b></p> <p><b>Education setting</b></p>	<input type="checkbox"/>	<p><b>Option 2c.</b></p> <p><b>Key stages</b></p>	<input type="checkbox"/>
<p><b>Option 2d.</b></p> <p><b>Significant points of transition</b></p>	<input type="checkbox"/>	<p><b>Option 2e.</b></p> <p><b>'Early adopter' local authorities</b></p>	<input type="checkbox"/>	<p><b>Option 2f.</b></p> <p><b>None of these (please explain your reasons in the comments section below)</b></p>	<input checked="" type="checkbox"/>

### Supporting comments

If there is a phased approach PACEY Cymru strongly believe that this needs to support transitions and start with the youngest of children upwards, including those in childcare/education settings that are non-school based rather than focusing on educational provision only. This would include those who currently have statutory plans and those without an existing plan. Some of these children may be pre- Foundation Phase and so not assigned a key stage in which to allocate implementation.

We would be in favour of option 2b if this was clearly inclusive (in title and model) of childcare settings who may not be education providers. PACEY Cymru still feel there is work to be done to address the balance in the bill and implementation between education and non-education settings where children are accessing services to ensure that non – education services, including childcare, are given the focus and consideration needed to ensure that children’s needs are met. This does not seem to have been taken fully into account and recognised in the options outlined.

As previously stated we strongly believe that there needs to be a defined, clear and achievable full implementation date shared and agreed before the phased approach begins to ensure understanding and to support transition and workloads. By mandating the phases at a national level, there would be a consistent approach across Wales.

**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?

### Supporting comments

PACEY Cymru welcomes the inclusion of children under the age of 3 within the ALN Bill, this brings in a range of childcare and early years providers that are not funded or supported by the local authority early education team. For these settings, it is important that they are able to access information, training and guidance on local reporting processes, clarity of their responsibilities, and on identifying children who may have ALN. It would also be beneficial for professionals working with children outside of funded provision to be made aware of and have access to local processes which could support the transition into funded provision, for example the transition from childcare into school.

PACEY Cymru believes that consistent assessment tools are required across Wales such as the Foundation Phase Profile which has been the first release under the Early Years Development and Assessment Framework (EYDAF). The development of further tools which would provide similar consistency in the assessment of babies and young children would support the identification of children with ALN within this younger age group.

PACEY Cymru still feel there is work to be done to address the balance in the bill between education

and non-education settings where children are accessing services to ensure that non- education services, including childcare, are given the focus and consideration needed to ensure that children's needs are met.

**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:

xxv) opportunities for people to use Welsh

xxvi) 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?

#### **Supporting comments**

PACEY Cymru believe that other organisations have the expertise and direct knowledge to provide a response to this question.

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

xxv) 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

xxvi) 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.

#### **Supporting comments**

PACEY Cymru believe that other organisations have the expertise and direct knowledge to provide a response to this question.

**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.

N/a

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

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

## Consultation response form

Your name: Ann-Marie Gealy and Alison Rees Edwards

Organisation (if applicable): The School of Early Years, UWTSO

e-mail/telephone number: [a.gealy@uwtsd.ac.uk](mailto:a.gealy@uwtsd.ac.uk); [a.rees-edwards@uwtsd.ac.uk](mailto:a.rees-edwards@uwtsd.ac.uk)

Your address: The School of Early Years, UWTSO, College Road,  
Carmarthen, SA31 3EP

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

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Category of respondent	Schools	<input type="checkbox"/>
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	Education professionals	<input checked="" type="checkbox"/> <input type="checkbox"/>
	Teaching unions	<input type="checkbox"/>
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	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
Other	<input type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<p><b>Option 1a.</b></p> <p><b>Introduce individual development plans with a single date to go live</b></p>	<input type="checkbox"/>	<p><b>Option 1b.</b></p> <p><b>Introduce individual development plans in mandatory phases</b></p>	<input checked="" type="checkbox"/>
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**Supporting comments**

- |  |
|--|
| <ul style="list-style-type: none"> <li>• <b>It allows a new system to run in parallel with a new system in the short to medium term</b></li> <li>• <b>Need to allow time for all involved with IDPs to ensure that they receive training; need to consider how information on IDPs will be cascaded</b></li> <li>• <b>Sub-phases should have definite dates</b></li> </ul> |
|--|

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<p><b>Option 2a.</b></p> <p><b>Existing statutory plans</b></p>	<input checked="" type="checkbox"/>	<p><b>Option 2b.</b></p> <p><b>Education setting</b></p>	<input checked="" type="checkbox"/>	<p><b>Option 2c.</b></p> <p><b>Key stages</b></p>	<input type="checkbox"/>
<p><b>Option 2d.</b></p> <p><b>Significant points of transition</b></p>	<input type="checkbox"/>	<p><b>Option 2e.</b></p> <p><b>‘Early adopter’ local authorities</b></p>	<input type="checkbox"/>	<p><b>Option 2f.</b></p> <p><b>None of these (please explain your reasons in the comments section below)</b></p>	<input type="checkbox"/>

### Supporting comments

**2a – Children already with Statement of SEN have been diagnosed and recognised so may be easier for practitioners to change to a new system**

**2b – Extra care needed here as the new system should start with early years’ settings. Need to ensure that all understand that there are maintained AND non-maintained settings in the early years.**

**It is vital that early years’ settings are given sufficient attention and priority to allow for early identification.**

**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?**

### Supporting comments

- **Sufficient care and priority is needed to upskill early years practitioners as this is more challenging than upskilling teachers in schools.**
- **The consultation document refers to ‘strategic supporters’ (page 12); it is vital that these have a thorough understanding of early years.**
- **Need to recognise the role of support staff and their need to acquire qualifications; they need knowledge, expertise and confidence to support children with ALN.**

**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:**

xxvii) opportunities for people to use Welsh

xxviii) 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?

### Supporting comments

- **A commitment to the Welsh language from the onset**
- **Recognition of a child, and families’ right to communicate in Welsh**
- **We have a duty to ensure that there are no negative effects; every Welsh speaker has an entitlement to speak Welsh**
- **Need to recognise that children with ALN also have a right to communicate through the medium of Welsh**

- **Prioritise training through the medium of Welsh in order to eliminate the often used excuse ‘there are not enough Welsh speakers’**
- **Employ more Welsh/bilingual practitioners**
- **From the first time of introducing new systems/practice, ensure all training is available through the medium of Welsh**

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

xxvii) 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

xxviii) 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.

**Supporting comments**

**As above**

**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.

- Not enough focus on early years. There is significant research which demonstrates that early intervention prevents bigger costs and bigger issues later on (i.e. when in school).
- The obvious place to focus initially is the early years.
- Ensuring that early years has equal, if not more, attention than schools.

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

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

## Consultation response form

Your name:

Steve Barwick on behalf of Kate Fallon, General Secretary

Organisation (if applicable):

The Association of Educational Psychologists

e-mail/telephone number:

07826 872375

Your address:

s.barwick@connectpa.co.uk

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

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Category of respondent	Schools	<input type="checkbox"/>
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	Special educational needs coordinators	<input type="checkbox"/>
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	Preschool organisations	<input type="checkbox"/>
	Education professionals	<input type="checkbox"/> X
	Teaching unions	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
Other	<input type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<p><b>Option 1a.</b></p> <p><b>Introduce individual development plans with a single date to go live</b></p>	<input type="checkbox"/>	<p><b>Option 1b.</b></p> <p><b>Introduce individual development plans in mandatory phases</b></p>	<input type="checkbox"/>
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**Supporting comments**

The AEP convened a special workshop on the 17<sup>th</sup> of May in Llandrindod Wells to discuss the consultation document and members’ responses to its questions. Eighteen AEP reps and/or PEPs from thirteen different local authorities attended. The meeting also benefitted from the input of Welsh Government officials Charlie Thomas and Ruth Conway.

There were a number of recommendations that emerged from the workshop.

First, consultation question 1 is somewhat misleading in that the choice is NOT between a big bang approach with one day on which everyone has an IDP and phased implementation. Rather it is between phased implementation starting on a set date – 1/9/19 was mentioned – after which each local authority determines its own priority groups for phasing OR where the Welsh Government provides direction on whom to prioritise.

In this case, whilst there should be some element of local discretion, the consensus view is that implementation must be ‘owned’ by the Welsh Government and therefore there should be some central direction regards prioritisation. This would also have the benefit of ensuring consistency for those children and young people transferring from one authority to another.

The point was also made that the Bill aims to assist inclusion but inevitably its introduction has to be phased meaning some CYP will be excluded initially as other groups are prioritised. Is there therefore a case for having an agreed and early date by which the phasing – in whatever order agreed - has been completed, for example before the next set of elections to the Welsh Assembly in May 2021? To do this would require preparation (see next paragraph) and investment (see Q3 below).

The second major message from the workshop is that if the go-live date is the 1<sup>st</sup> September 2019 – as indicated at the workshop – then there is a considerable amount of time before that in which to prepare IEPs in line with the requirements of IDPs.

In other words, a considerable amount of IDPs could be prepared in advance and be ready to go live on 1/9/19. This would however mean agreed pro-formas being circulated to all EP Services and agreement from officials on when lead in period starts (which it is recognised would have to be after the Bill has Royal Assent).

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<b>Option 2a.</b> Existing statutory plans	<input type="checkbox"/>	<b>Option 2b.</b> Education setting	<input type="checkbox"/>	<b>Option 2c.</b> Key stages	<input type="checkbox"/>
<b>Option 2d.</b> Significant points of transition	<input type="checkbox"/>	<b>Option 2e.</b> 'Early adopter' local authorities	<input type="checkbox"/>	<b>Option 2f.</b> None of these (please explain your reasons in the comments section below)	<input type="checkbox"/>

**Supporting comments**

A number of points were made and no definitive or unanimous answer to the question above emerged although there was a majority view that option 2e was the least preferred. Two other main points emerged:

1. From a logistical point of view option 2d – significant points of transition – offers natural opportunities to prioritise phasing. However there would need to be sufficient flexibility so that those who are identified with ALN for the first time can also be assessed.
2. However, if the point of the legislation is to widen inclusion then it would make more sense to start with those who do not have existing statutory plans rather than those with existing statements. This would imply adopting option 2a, but starting with tranche 2 first.

**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?

### Supporting comments

#### WORKFORCE DEVELOPMENT

It is clear that to meet raised public expectations and deliver statutory IDPs for more than 20% of the CYP population it will be necessary to substantially expand the key specialist workforce.

Educational Psychologists are key in terms of capacity building, including training and mentoring ALNCOs, and in terms of delivery, through collaboration with schools and DECLOs.

Early indications suggest that up to 50% more EPs may be required by each local authority (in part because there have been cut backs over recent years in too many places).

Other key points made were:

- E-learning resources will be important in assisting the roll out of Person Centred Planning.
- There will need to be a programme of training for all 16+ ALP across Wales
- There will need to be ongoing additional funding for teachers to be released from the classroom in order to write or review the IDPs
- The proposed requirement for all ALNCO's to have a relevant Masters degree will need to be phased in although it may be better to consider a range of alternative equivalent qualification options.
- The new approach will need to be embedded in Initial Teacher Training and also in the NPQH
- Every future Estyn inspection team should include an EP on it to boost expertise and to properly assess delivery of the ALNET vision and approach
- Some ALN strategic advisers should also be qualified EPs.

**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:

- xxix) opportunities for people to use Welsh
- xxx) 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?

**Supporting comments**

As outlined in AEP’s evidence to the CYPE Committee there is an insufficient supply of Welsh speaking EPs in some areas particularly in North Wales. This could have negative implications particularly when the new legislation is enacted.

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- xxix) 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
- xxx) 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.

**Supporting comments**

No comment

**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.

It is recognised that some EP Services are further advanced with preparation for ALN approach and it will be important to learn from best practice. Those EP Services that have already actively promoted the use of Person Centred Planning will be better placed to implement the use of IDPs.

There is therefore support for greater collaboration between local authorities on ALNET provision but the idea of organising ALN services at a super-regional level – four regions – would present practical problems due to the distances between places. This would significantly reduce the effectiveness of the four strategic advisers. There should therefore be consideration of more strategic advisers eg 8 – two per region.

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

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

## Consultation response form

Your name: Gavin Metheringham

Organisation (if applicable): Blaenau Gwent LA

e-mail/telephone number: [gavin.metheringham@blaenau-gwent.gov.uk](mailto:gavin.metheringham@blaenau-gwent.gov.uk)

Your address:

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

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	Further education sector	<input type="checkbox"/>
	Preschool organisations	<input type="checkbox"/>
	Education professionals	<input type="checkbox"/>
	Teaching unions	<input type="checkbox"/>
	Local government	x
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
Other	<input type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<p><b>Option 1a.</b></p> <p><b>Introduce individual development plans with a single date to go live</b></p>	<input type="checkbox"/>	<p><b>Option 1b.</b></p> <p><b>Introduce individual development plans in mandatory phases</b></p>	<input checked="" type="checkbox"/>
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**Supporting comments**

- **In whatever way the introduction of IDPs is implemented it is essential that the same approach is taken across Wales, prescribed at a national level.**
- **Inconsistency across Wales must be avoided.**
- **A single go live date is unrealistic in terms of workload implications.**
- **Phases will allow time to develop IDPs.**

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<p><b>Option 2a.</b></p> <p><b>Existing statutory plans</b></p>	<input type="checkbox"/>	<p><b>Option 2b.</b></p> <p><b>Education setting</b></p>	<input type="checkbox"/>	<p><b>Option 2c.</b></p> <p><b>Key stages</b></p>	<input checked="" type="checkbox"/>
<p><b>Option 2d.</b></p> <p><b>Significant points of transition</b></p>	<input type="checkbox"/>	<p><b>Option 2e.</b></p> <p><b>'Early adopter' local authorities</b></p>	<input type="checkbox"/>	<p><b>Option 2f.</b></p> <p><b>None of these (please explain your reasons in the comments section below)</b></p>	<input type="checkbox"/>

### Supporting comments

- This would ensure that emphasis is placed on early identification and intervention.
- It would also ensure that the focus is not seen on merely replacing one way of writing Statements with another.
- It is inevitable that in phasing in a new system there will be an impact on the work of Tribunal. This would be the case for any approach.

**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?

### Supporting comments

- Please pay close attention to the work of the SIG Expert Groups and the LA ALN Innovation fund work.
- Please be coordinated and avoid duplication.
- Please take a national approach.
- Do not underestimate the training needs of the wider workforce

**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:

xxxi) opportunities for people to use Welsh

xxxii) 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?

### Supporting comments

**The distribution of Welsh speakers throughout Wales is uneven meaning that many local authorities will not be able to provide the same breadth of service in both languages.**

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

xxxi) 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

xxxii) 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.

**Supporting comments**

**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.

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# Comisiynydd Plant Cymru Children's Commissioner for Wales

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Ymateb i Ymgynghoriad / Consultation Response

7th June 2017

**Subject / Pwnc:** Options for implementing the Additional Learning Needs and Education Tribunal (Wales) Bill

### **Background information about the Children's Commissioner for Wales**

The Children's Commissioner for Wales is an independent children's rights institution established in 2001. The Commissioner's principal aim is to safeguard and promote the rights and welfare of children. In exercising their functions, the Commissioner must have regard to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner's remit covers all areas of the devolved powers of the National Assembly for Wales insofar as they affect children's rights and welfare.

The UNCRC is an international human rights treaty that applies to all children and young people up to the age of 18. It is the most widely ratified international human rights instrument and gives children and young people a wide range of civil, political, economic, social and cultural rights which State Parties to the Convention are expected to implement. In 2004, the Welsh Government adopted the UNCRC as the basis of all policy making for children and young people and in 2011, the National Assembly for Wales passed the Rights of Children and Young Persons (Wales) Measure, which places a duty on Welsh Ministers, in exercising their functions, to have 'due regard' to the UNCRC.

This response is not confidential.

My responses to specific consultation questions are below. I have not responded to every consultation question but only to those of direct relevance to my remit.

## Introduction

I have previously welcomed the general principles of the Bill and support Welsh Government's ambition to introduce a new legislative framework for SEN/ALN in Wales. However, it is disappointing that a duty for persons exercising functions under the new legal framework to pay due regard to the United Nations Convention on the Rights of the Child (UNCRC) has not been placed on the face of the Bill. Despite legal precedent already contained in the Social Services and Wellbeing (Wales) Act 2014, the Bill's associated CRIA provides no impact analysis that the introduction of such a duty would have on children and young people.

It is my view that a due regard duty would have a substantial positive impact on Article 4 (General Measures of Implementation) of the UNCRC and would ensure that the rights and guarantees contained in Convention flow through primary legislation to frontline practice. It would provide assurances that implementation of the Bill would give primary consideration to the best interests of every child (Articles 1 and 3) involved in an ALN system and that every child is treated with the fairness, respect and dignity they deserve, regardless of where they are in the system (Article 2).

In addition, the introduction of such a duty would go some way to supporting Welsh Government to demonstrate their commitment to the Concluding Observations<sup>1</sup> in which the UN Committee on the Rights of the Child recommended:

*"7(a) Expedite bringing in line with the Convention its domestic legislation, at the national and devolved levels and in the overseas territories and the Crown dependencies, in order to ensure that the principles and provisions of the Convention are directly applicable and justiciable under domestic law;"* (2016,p.2).

Welsh Government remains responsible for requiring full compliance with the Convention and is under obligation to ensure that all those involved in the implementation process (government officials, parliamentarians, members of the judiciary and all those working with and for children) consistently respect and apply the principles and standards of the Convention. Effective implementation requires visible cross-sectoral coordination of children's rights across Government, between different levels of government and between Government and civil society. With no introduction of a due regard duty, there is a risk that children's rights are applied inconsistently throughout the ALN system and that the guarantees contained in the Convention do not filter down to the lived experiences of children and young people. In addition, with a duty of due regard on those exercising functions under the Social Services and Well-being (Wales) Act 2014, there may be children for whom due regard is exercised in respect of everyday social care decisions but not in decisions about their education.

I do not propose that the requirement to pay due regard to children's rights should be a separate process for practitioners, schools and local authorities, which may be seen as an additional burden or layer of bureaucracy. Instead there is a welcome opportunity in implementing the ALN Bill to integrate the principles and articles of the UNCRC throughout the guidance and the structure of the IDPs. This will mean that practitioners and decision-makers will pay attention to and consider the implications for children's human rights throughout assessment, provision and review. This will bring the advantages of embedding a shared rights language that is easily understood by learners, their families and practitioners and ensuring that the wide range of children's rights are fully considered at the assessments and review points thus reducing the

<sup>1</sup>UN Committee on the Rights of the Child (2016) *Concluding Observations on the fifth periodic review of the United*

*Kingdom and Northern Ireland* [.pdf] Available online at:

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhskHOj6VpDS%2f%2fJgg2Jxb9gncnUyUgbnuttBweOlylfyYPkBbwffitW2JurgBRuMMxZqnGgerUdpjij3uZ0bjQBPOP1vdh%2bzjU8EmP5PnGXSC>. Accessed on: 22/05/2017

incidence of misunderstandings and disputed outcomes. My recent guide to implementing a child rights approach in education sets out the advantages that schools in Wales have experienced when they have embedded children's rights into their policies and practices.<sup>2</sup>

The CRIA that is available has not been updated in relation to the proposed options for implementation. This piece of work would ideally benefit from the analysis of a CRIA in order to consider the positive and negative impacts of the various implementation proposals. The consultation document clearly outlines intentions to seek the views of a wide range of stakeholders including children and young people, however, it remains unclear what arrangements have been put in place to meaningfully include and take account of their views in the consultation process (Article 12). Furthermore, the lack of a child-friendly consultation document does not sit in line with Article 13 (Right to Information) of the UNCRC. I remind Welsh Government that in addition to the Rights of Children and Young Persons (Wales) Measure, the Minister is under obligation to take account of *"the importance of involving persons with an interest in achieving the well-being goals and of ensuring those persons reflect the diversity of the population"* via Section 5(c) of the Well-being of Future Generations (Wales) Act 2015.

Therefore, this consultation response will concentrate on:

- Addressing a potential inequity of rights and entitlements;
- Protecting financial resource, promoting advocacy and the justiciability of rights;
- Improving the focus on supporting Welsh-medium additional learning needs provision.

#### **Question 1 – How should the implementation of individual development plans be done?**

##### **Option 1a: Introduce individual development plans with a single date to go live**

##### **Option 1b: Introduce individual development plans in mandatory phases**

#### **Supporting Comments**

**None of the above.**

A single introduction of the new ALN system would ensure that all learners (Article 1) with additional learning needs are afforded the same access to legal rights and protections regardless of circumstance (Article 2); applying to the child whether or not they are looked after (Articles 20, 21 and 25), disabled (Article 23) or detained by the State (Article 37).

A single introduction of the new legislative framework would require governing bodies and local authorities to implement IDPs and work towards a new ALN Code of Practice. Therefore, all learners with additional learning needs should expect to receive a greater access to their participation, advocacy (Article 12) and information (Article 13) rights as well as seeing improved collaboration (Article 4) between service providers for health (Articles 6 and 24) and education (Articles 28 and 29).

Whilst a single introduction of the IDPs may seem to be the more equitable approach, the consultation document has identified that significant workload implications might make this unrealistic. In practice, the consultation document has suggested that it may be more realistic to set a period between which IDPs could begin being issued and a final date by which all eligible learners have an IDP in place. However, proposals under this option in the consultation document do not set parameters for implementation and would allow each local area to determine its approach. Without reasonable parameters for implementation, this approach may result in inconsistencies of learners' rights and entitlements (Articles 1) and in the practical take-up of

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<sup>2</sup> <https://www.childcomwales.org.uk/wp-content/uploads/2017/05/The-Right-Way-Education.pdf>

IDPs depending on location and complexity (Articles 2 and 4) thus negatively impacting on their rights to access high quality education (Article 28) and healthcare (Article 24).

Recognition should be given to the significant practical challenges that a single, 'big-bang' approach would have on the implementation of the IDPs. It is still possible to have a single date for introduction of the legislative framework and its principles, however it may require a slightly slower approach to implementation. Welsh Government (WG) could ensure that legal entitlements are afforded to all children and young people on one date but prescribe a 12-month transitional period for conversion of existing plans to IDPs. This is how the conversion of care plans under the Children Act 1989 into care and support plans under the Social Services and Well-being (Wales) Act 2014 was managed so there may be significant learning opportunities from this process which has been taking place over the last 12 months since commencement of the Act.

Dependant on the timings of the commencement order on the ALN Code of Practice, a single implementation date may also present significant challenges in ensuring that all staff are appropriately qualified and trained in the requirements of the legislative approach (Article 4). Any commencement order made in relation to when the ALN Code of Practice should allow an appropriate amount of time, financial, technical and human resource to be allocated to each local area to establish transition arrangements. This would include securing a sufficiently skilled and appropriately qualified workforce.

In summary, I favour a practical approach that ensures that all children with ALN are universally granted rights under the new legislative framework, on one date. This could be followed by a rolling programme of conversion of existing plans to IDPs at the point of their review date.

**Question 2 – If individual development plans should be introduced in phases, how should these be grouped into tranches?**

**Option 2a: Existing statutory plans**

**Option 2b: Education settings**

**Option 2c: Key stages**

**Option 2d: Significant points of transition**

**Option 2e: 'Early adopter' local authorities**

**Option 2f: None of these (please explain your reasons in the comments section below)**

**Supporting Comments**

Whilst each of the options 2a – 2e may offer positive impact in improving access to additional learning provision (Article 28 and 29), in the first instance, this will only be for particular groups (depending on option and timing of each tranche). Regardless of which, each option presents an inequity of rights – discriminating against children and young people on the basis of their age, location and/or education provision (Article 2). Whilst this may be time limited (timescale unknown), each of the options have the potential to result in inconsistencies across Wales and complexities of transferability between areas.

In terms of the justiciability of rights (Article 4), each of the options would require the two SEN Tribunal and Education Tribunal appeal systems to run concurrently. Regulations are still to be drafted on the new appeals procedure and processes but where powers and rights may differ under the two pieces of legislation, it could result in confusion and competition rather than providing clarification. Therefore, I would advocate for a national transition period where all existing SEN appeals can be heard by the new Education Tribunal with the view of informing or dismissing future IDPs. Children, young people and their families will need to receive clear information (Articles 5 and 13) about how the system is intended to change and how these might impact them on an individual level.

**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?**

**Supporting Comments**

- **Financial Resources**

In line with Article 4 of the UNCRC, ALN must be properly funded, and Welsh Government must allocate the maximum extent of available resources for the full implementation of children's rights with prevention of cuts by local authorities to ALN budgets. Through the UN Committee's concluding observations in June 2016 it was recommended that government should define budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgets are protected in situations of economic recessions.

I am concerned about the delegation of budgets and of what information would be used to determine the proportion of allocation. Currently ALN funding is un-hypothecated and it remains unclear how the proportion of delegated budgets would effectively balance the requirements of governing bodies and local authorities to meet the additional learning needs of children and young people in their area. The Explanatory Memorandum (EM) also remains unclear as to how spending arrangements will be effectively monitored to ensure that actual spend meets the additional learning needs of individual children and young people. My office has previously called upon Welsh Government to ring-fence budgets for additional learning needs by way of regulation and prescribe for regional education consortia to monitor governing bodies' spending arrangements. I believe this approach would provide parity with existing arrangements set out with the looked after child element of the Pupil Deprivation Grant, and would be easier to achieve if local authorities maintain overall provision for coordinating ALP. As is highlighted within section 8.607 of the EM, the ALN reforms complement the Pupil Deprivation Grant as investments in effective approaches for tackling the impact of deprivation on educational attainment. Section 1.21 of the draft Code identifies the role of Education Consortia within the ALN system as support for local authorities to provide strategic oversight in light of school improvement therefore there is clear scope for Consortia to take a leading role in the implementation of the transformation programme that the Bill is predicating.

- **Advocacy**

Under section 61(3), local authorities will be required to establish arrangements for independent support to be provided to children, young people and their families should there be any disagreement or dispute concerning a decision or content of an IDP, consistent with the role of Government to provide services to support parents under Article 18 of the UNCRC. I wholly welcome these provisions and those on independent advocacy services as set out in section 62 and it seems wise for Welsh Government to consider how these arrangements will dovetail with the principles of advocacy under Part 10 of the Social Services and Wellbeing (Wales) Act 2014. However, in a recent consultation response on the National Standards for Community Health Councils (CHCs), I expressed concern about children's lack of entitlement to access health-related advocacy services. In extending the right to independent advocacy to children and young people with additional learning needs under this Bill, Welsh Government will need to ensure a consistent approach is established to avoid a disparity of rights and provision between the different groups of children and young people that the Bill intends to cater for. The Bill and draft Code could be clearer in making the distinction

between the role and function of rights-based independent advocacy provision and that of advice and assistance, which is intrinsically linked in the Bill. There would be some merit in considering how services could be commissioned at a local or regional level that will make best use of expertise and resources.

There is also some confusion in this section in relation to references toward children and young people for whom the local authority is responsible. The reason for this uncertainty is due to the previous distinctions made between children and young people who school governing bodies are responsible for maintaining an

IDP, and that local authorities are responsible for. Local authorities are also “responsible for” children in their care so this provides a further layer of confusion in relation to any children who are in care. My interpretation of the wording would be that this applies to all of the children resident in the local authority area but this should be clarified on the face of the Bill as it could be misinterpreted to only mean children and young people with a local authority maintained IDP and looked after children. If, as has previously been suggested, the Bill bestows overall responsibility for ALP upon local authorities then this uncertainty would no longer remain.

- **Accountability**

My Office has consistently raised concerns about the lack of mechanisms available to the Education Tribunal for Wales to promote accountability and implement sanctions upon parties who do not comply with orders by them, and advocate for amendments to be brought forward which confers enforcement powers upon the Tribunal. The current position undermines children and young people’s appellant rights and results in a failure to secure their best interests at the highest levels. I am pleased that section 69 prescribes a way for the Tribunal to set a time limit on orders they make toward governing bodies and local authorities but this alone will not ensure orders are fulfilled by duty bearers.

Children and young people’s health related additional learning needs can often be a major barrier to educational engagement and failures of the NHS to meet these needs may have a ‘knock on’, adverse impact upon the success of wider additional learning provision described within an IDP. It is my view that the Bill must capitalize upon the proposed statutory duties placed upon LHBs and NHS Trusts to meet the health-related additional learning needs of children and young people. Health bodies must, therefore, be included within the scope of appeal and be subject to the powers conferred upon the Education Tribunal for Wales. It would be counter-intuitive for the Bill not to provide further powers for the Education Tribunal for Wales to hold LHBs or NHS trusts to account, and contrary to NHS Core Principles and Values, in particular ‘Principle 7: The NHS is accountable to the public, communities and patients that it serves’. I am therefore calling for an amendment which sufficiently strengthens powers of the Education Tribunal for Wales within the Bill in relation to the provision of health services and treatment.

Welsh Government have previously offered a position that, as a result of existing appeals processes already in place for health services, it was deemed unnecessary to bring health services into the educational tribunal processes under the Bill.

This potentially does not represent the best interests of the child or young person and in many cases the duty may still fall to educational settings to seek to provide the appropriate health-related provision – not the health board or NHS trust. This is also anomalous with regards to the principles of seeking a unified legislative framework to support all children and young people with ALN. Through the appeal process in the English Tribunal for Special Educational Needs and Disability, the Tribunal cannot deal with the information about non-education health and social care needs or how the local authority plans to meet those needs; yet it is able to look into health provision in an educational context and the Education Tribunal for Wales should have the same level of power in order to secure the level of accountability children and young people need to protect their rights and entitlements.

**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?**

**Supporting Comments**

Section 10(5) of the Bill states that if it is decided an individual development plan should be provided to the child or young person in the Welsh language, then it should be specified so. However this is not as strong as other areas of the Bill, such as health provision for example, where it states in section 18(5)(c) that all reasonable steps should be taken to secure service provision through the medium of Welsh. Consistent with Articles 12 and 13 of the UNCRC, children and young people’s rights can be advanced when they are able to communicate in their language of choice and the Bill should be strengthened to give further effect to those rights and achieve the ambition to increase the provision of Welsh-medium activities for children and young people and to increase their awareness of the value of the language.

During 2016, the Welsh Language Commissioner and I responded to concerns from parents about the availability of Welsh medium provision for ALN, by undertaking an information gathering exercise exploring the extent to which local authorities in Wales have succeeded in meeting demand for Welsh medium education. We circulated a short questionnaire to Directors of Education in all 22 Welsh local authorities and our analysis of the survey results found that support for pupils with ALN in Welsh medium schools was inconsistent and generally unsatisfactory. There was under-availability of assessment tools available through the medium of Welsh, and in several areas of Wales a lack of Welsh speaking specialist staff such as Education Psychologists resulting in children and young people with Additional Learning Needs being assessed and provided with services through the medium of English.

The survey results clearly indicate that the majority of local authorities were unable to fully respond in Welsh to the range of additional learning needs that they were dealing with. In particular there were gaps in provision in relation to autism, those with particularly serious conditions, speech and language services, and a shortage of staff within the various services and teams that support schools, including behaviour support. A number of authorities mentioned the difficulty of recruiting suitably qualified Welsh speaking specialist staff, whilst other authorities appear to have a larger range of Welsh speaking specialist and support staff. Unsurprisingly the local authority areas where Welsh was more widely spoken were less likely to raise this as an issues but that did depend to a certain extent upon the nature of the specialist support required. Some authorities reported that they do not undertake speech and language assessments in Welsh because teachers do not feel that they have the skills or qualifications to do this.

It is a concern that there do not appear to be an agreed suite of Welsh medium standardised assessment tools for additional learning needs. This has led to some schools developing their own materials or translating English language assessment tools, which whilst laudable in meeting the needs of the child or young person, may be a concern because it was unclear as to whether such materials had been properly accredited and validated. This could affect the accuracy of the assessment being undertaken and it was unclear whether they would have any portability should the child or young person move to a different local authority area. A number of authorities confirmed they include information about the language requirements of the child or young person as part of their SEN Statement, with only one local authority stating this was not current practice.

The survey results help highlight the enormity of the challenge facing Welsh Government's ALN transformation programme as although the Bill bestows duties with regards to the provision of Welsh language education, it is clear that the infrastructure required to meet these duties is far from being in place and significant investment and resource is required to support professionals to meet children's linguistic needs so that they can reach their full potential.

**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.**

**Supporting comments**

Please see my response to Question 4

**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.**

None.

[END]

Submitted by:



**Professor Sally Holland**

**Children's Commissioner for Wales**

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

Your name: **Sue Price**

Organisation (if applicable): **Coleg Cambria**

Email/telephone number: **01978 267200**

Your address: **Grove Park Road, Wrexham LI12 7AB**

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

e-mail: [SEN\\_Reforms@wales.gsi.gov.uk](mailto:SEN_Reforms@wales.gsi.gov.uk)

Category of respondent	Schools	<input type="checkbox"/>
	Special schools	<input type="checkbox"/>
	Special educational needs coordinators	<input type="checkbox"/>
	Further education sector	<input checked="" type="checkbox"/>
	Preschool organisations	<input type="checkbox"/>
	Education professionals	<input type="checkbox"/>
	Teaching unions	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
	Other	<input type="checkbox"/>

**Question 1** – How should the implementation of individual development plans be done?

<p><b>Option 1a.</b></p> <p><b>Introduce individual development plans with a single date to go live</b></p>	<input type="checkbox"/>	<p><b>Option 1b.</b></p> <p><b>Introduce individual development plans in mandatory phases</b></p>	<p>√</p>
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**Supporting comments**

The workload involved in creating Individual Development Plans will be significant and a single launch date would put an untenable workload on both providers and local authorities.

A phased introduction would allow for monitoring, evaluation and where required adaption of the IDP template and/or processes.

A phased introduction could allow Further Education providers greater time to develop statutory processes and procedures.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<p><b>Option 2a.</b></p> <p><b>Existing statutory plans</b></p>	<input type="checkbox"/>	<p><b>Option 2b.</b></p> <p><b>Education setting</b></p>	<p>√</p>	<p><b>Option 2c.</b></p> <p><b>Key stages</b></p>	<input type="checkbox"/>
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<b>Option 2d.</b>  <b>Significant points of transition</b>	<input type="checkbox"/>	<b>Option 2e.</b>  <b>‘Early adopter’ local authorities</b>	<input type="checkbox"/>	<b>Option 2f.</b>  <b>None of these (please explain your reasons in the comments section below)</b>	<input type="checkbox"/>
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**Supporting comments**

A two tranche system would allow FEIs more time to prepare for Person Centred approaches to be embedded within the review processes.

Schools currently comply with statutory duties in ALN through the statementing process and are established in review procedures. This will be a new and unfamiliar process for FEIs and would prompt a significant increase in workload. With Option 2b (educational setting); as learners transfer to IDPs in school, colleges will meet the statutory

expectations during transition from school to college. This can begin prior to being fully implemented in Post 16 and will enable a staggered approach to managing and maintaining IDPs.

When considering the impact of transition, IDPs should not be written by a single provider immediately prior to transition to another. For example, if a young person is at the point of transition to college, it is essential that the college is involved in outcome setting within the IDP process. Schools, colleges, educational, and health and social care professionals will need greater understanding of differing working methods and terminology within the new settings to produce effective IDPs.

**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?

### Supporting comments

In preparation for the Bill and draft Code of Practice, a comprehensive and holistic support approach is required for FEIs. Schools are conversant with statutory processes, statements and annual reviews, however, the effect of transformational procedures within FEIs will be substantial. It is therefore essential the Welsh Government continue to liaise with FEIs to ensure that there is full understanding of the challenges faced by the sector. To date, support from the Welsh Government has been both timely and effective.

A programme of training to upskill the workforce to meet both learner needs and the statutory requirements of the Bill will be both costly and time consuming. FEIs are well placed to provide and quality assure ALN training, however, grant funding directly to FEIs would be essential to facilitate this. Welsh FEIs have an established network and are well placed to co-develop and deliver shared training, procedures and resources which would prove cost effective.

**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:

- opportunities for people to use Welsh
- 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?

### **Supporting comments**

The introduction of a single, unified approach to ALN will enable greater personalisation of support for learners within FEI's. Currently, information from schools is provided through Learning and Skills Plans that are produced by a third party (Careers Wales). The introduction of a single IDP will ensure that information about a Young Person's language and culture is both transparent and person centred. Furthermore, the YP's views will be recorded as part of the Person Centred Review process and recorded in the IDP, enabling

a preference for Welsh language to be identified and adhered to throughout their educational journey.

The Draft Code of Practice makes reference to the preparation of IDPs through the medium of Welsh (10.9 C.O.P) which will provide the legal framework for Welsh language obligations. This will be adhered to in Welsh FEI's who will deliver the services required in the English or Welsh languages as necessary thus ensuring that all young people who require services in the medium of Welsh will receive them.

Confirmation of the reciprocal relationship with England, in reference to IDPs/EHCP's will be required to establish welsh language opportunities for Welsh learners with ALN in (English) border colleges.

**Question 5** – Please also explain how you believe the proposals for implementation of the

Bill could be formulated or changed so as to have:

- 2 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
- 2 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.

### **Supporting comments**

A staggered approach to implementation would ensure that the transfer to IDP process is planned and resourced to meet the language and cultural requirements of all learners.

Confirmation of the reciprocal relationship with England, in reference to IDP's / EHCP's will be required to establish welsh language opportunities for Welsh learners with ALN in (English) border colleges during the implementation.

**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

Transfer of confidential data - are there plans for a cross-Wales system for IDP transfer prior to the implementation?

Consideration of the impact of implementation on Work Based Learners is required.

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

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

## Consultation response form

Your name: Sophie Davies \*This response was collated by a working party, which consisted of primary and secondary SENCos from across Neath Port Talbot. I am sending it on their behalf.

Organisation (if applicable): NPT Support for Learning service

e-mail/telephone number: s.davies3@ npt.gov.uk

Your address:

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

e-mail: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Category of respondent	Schools	<input checked="" type="checkbox"/>
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	Further education sector	<input type="checkbox"/>
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Other	<input type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<b>Option 1a.</b>	<input type="checkbox"/>	<b>Option 1b.</b>	<input checked="" type="checkbox"/>
<b>Introduce individual development plans with a single date to go live</b>		<b>Introduce individual development plans in mandatory phases</b>	

**Supporting comments**

Phased approach will allow schools to plan, particularly secondary schools where timetables etc will already have been set for the next academic year.

Allow time for staff training from the L.A., schools etc.

Will allow schools to prioritise Statemented, S.A.+ and S.A.

Allows schools to prioritise children with the greatest need.

Reviews will then be completed at different points in the school year.

Will give the ALNCo time to work with different members of staff.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<b>Option 2a.</b> Existing statutory plans	<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>Option 2b.</b> Education setting	<input type="checkbox"/>	<b>Option 2c.</b> Key stages	<input type="checkbox"/>
<b>Option 2d.</b> Significant points of transition	<input type="checkbox"/>	<b>Option 2e.</b> 'Early adopter' local authorities	<input type="checkbox"/>	<b>Option 2f.</b> None of these (please explain your reasons in the comments section below)	<input type="checkbox"/>

**Supporting comments**

Easiest way.

More natural way of introducing it.

Prioritising children with the greatest need including LAC.

More familiar with this style of working with statemented children.

**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?

**Supporting comments**

Important for LA to be still available to support schools and assess children.

Important for LA to continue to offer training for schools in the different areas of ALN.

NPT are very fortunate to have multiagency approach already.

Concerns that LA will not have the opportunity to work with the children in schools as they will be tied up with maintaining IDPs etc.

Training for LA staff in the first instance.

Training for ALNCoS.

Training for whole school staff including governors.

All ALNCoS very keen to implement the SEN self-evaluation tool, concerns that LA won't be able to continue with this with additional workload.

**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:

xxxiii) opportunities for people to use Welsh

xxxiv) 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?

**Supporting comments**

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- xxxiii) 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
- xxxiv) 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.

**Supporting comments**

**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.

Please find below an overview of what the group feel are strengths relating to the proposed ALN reform, as well as the challenges it will entail.

Strengths	Challenges
The age range 0-25 will show progression for FE and training	Multi agency meetings – who will be responsible for chairing the meeting, setting the agenda and dates?
Adult services will be responsible for setting targets and showing progression	Masters qualification – is it funded? Days out of class? Supply cover? Will it need to be specifically in ALN. Will need to be very practical

	and help the ALNCo to have the opportunity to trial new programmes, techniques etc. What about experience?
Portability between schools, key stages and LA	Some of the time scales are very short and this could be particularly problematic when waiting reports from OA.
Transition in to adulthood	Time – IDP paperwork- all ALN children to have PCP paperwork, very time consuming to complete for all children on the ALN register.
Importance of early intervention and early identification	Time- how much time will be provided to complete the paperwork?
Role of the ALNCo highlighted as more important and valued, part of the SLT, provides status, input in to whole school development and budget decisions.	Secondary schools – role will be slightly easier as most IDPs will have been implemented in primary school and it will be a matter of reviewing the paperwork that is already in place.
PCP – pupil voice, needs of the child etc	Time – ALNCo to attend all IDP meetings and safeguarding meetings? What about those with a teaching commitment?
ALNCo to be provided with time.	School Action children – concerns that staff will not have the time to implement IDPs for all children they have concerns about, therefore they will prioritise the S.A.+ children and Statemented children.
Importance of multi-agency working including health – more accountability and joint working, easier for schools to liaise with health and have access to information	Reviews – 12 monthly, staff feel that this is a long time in between reviewing targets as they need to be SMART.
Importance of having 1 meeting where possible	Increased chance of tribunals and parents are very well informed.
Exemplar letters	Increased workload for LA – LA maintained IDPs and multiagency meetings
Use of flow charts – easy to follow and answer questions	Parent – pupil decision making – what if neither are capable of making an informed decision?
Inclusion of LAC	Role of governors in agreeing children to go on the ALN register.
Emphasis on ALP – specifically state the ALP on the IDP	Where there still be a graduated response?
Qualification could be beneficial – particularly if there was lots of precision teaching and practical elements	Training implications for LA, school staff, parents, governors?

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

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

## Consultation response form

Your name: Tim Pratt

Organisation (if applicable): ASCL Cymru

e-mail/telephone number: 07834 175284

Your address: 130 Regent Road, Leicester LE1 7PG

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

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	Special schools	<input type="checkbox"/>
	Special educational needs coordinators	<input type="checkbox"/>
	Further education sector	<input type="checkbox"/>
	Preschool organisations	<input type="checkbox"/>
	Education professionals	<input type="checkbox"/>
	Teaching unions	X
	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
Other	<input type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<b>Option 1a.</b>	<input type="checkbox"/>	<b>Option 1b.</b>	<input checked="" type="checkbox"/>
<b>Introduce individual development plans with a single date to go live</b>		<b>Introduce individual development plans in mandatory phases</b>	

**Supporting comments**

**This option would help avoid over-stretching schools' resources, and ensure that the quality of**

**IDPs is kept at the highest level.**

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<b>Option 2a.</b> Existing statutory plans	<input checked="" type="checkbox"/>	<b>Option 2b.</b> Education setting	<input type="checkbox"/>	<b>Option 2c.</b> Key stages	<input type="checkbox"/>
<b>Option 2d.</b> Significant points of transition	<input type="checkbox"/>	<b>Option 2e.</b> 'Early adopter' local authorities	<input type="checkbox"/>	<b>Option 2f.</b> None of these (please explain your reasons in the comments section below)	<input type="checkbox"/>

**Supporting comments**

**We agree that this would ensure the prioritisation of those with greatest need first.**

**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?

**Supporting comments**

**It is critical that school-based staff have the financial resource, time and support to be able to implement the changes effectively and without undue addition to their workload. We would encourage the use of ALN support partners in order to ensure consistency of understanding and**

delivery across all schools.

**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:

xxxv) opportunities for people to use Welsh

xxxvi) 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?

**Supporting comments**

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

xxxv) 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

xxxvi) 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.

**Supporting comments**

**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.

We are concerned that a major implications of implementing the Bill will be a significant increase in the workload of school-based staff. This may well result in the need to employ additional administrative staff in order to keep pace with demands, and whilst this may not be a long-term need, in the short-term this will create additional financial pressures that schools may not be able to absorb. It may also result in schools using their most effective ALN teachers to do administrative work, which appears counter-productive. We would therefore ask that consideration be given to providing some of financial short-term resource for this purpose, in addition to the investment package announced.

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

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

**Consultation  
response form**

Your name: Hayden Llewellyn

Organisation (if applicable): Education Workforce  
Council

e-mail/telephone number:

[Hayden.Llewellyn@ewc.wales](mailto:Hayden.Llewellyn@ewc.wales)

029 2046 0099

Your address: Education Workforce Council, 9<sup>th</sup> Floor  
Eastgate House, 35-43 Newport Road, Cardiff, CF24

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

e-mail: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Category of respondent	Schools	<input type="checkbox"/>
	Special schools	<input type="checkbox"/>
	Special educational needs coordinators	<input type="checkbox"/>
	Further education sector	<input type="checkbox"/>
	Preschool organisations	<input type="checkbox"/>
	Education professionals	<input type="checkbox"/>
	Teaching unions	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input checked="" type="checkbox"/>
	Other	<input type="checkbox"/>

**Question 1** – How should the implementation of individual development plans be done?

<p><b>Option 1a.</b></p> <p><b>Introduce individual development plans with a single date to go live</b></p>	<input type="checkbox"/>	<p><b>Option 1b.</b></p> <p><b>Introduce individual development plans in mandatory phases</b></p>	<input checked="" type="checkbox"/>
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**Supporting comments**

The education sector in Wales is currently under a period of extensive reform which is putting a great deal of pressure on the education workforce and it is therefore imperative that any plans to implement the IDPs are sensitive to this. Staff within the workforce will already need a significant amount of support and training in relation to the new curriculum and the implications of the Welsh Language strategy in addition to the requirements to upskill in their own subject area / phases. Whilst there is merit in a single ‘go live’ date in terms of everyone working with the same system at the same time to avoid confusion, a more phased approach may be more pertinent in the current climate. This way, any anomalies can be addressed and remedial action taken prior to full implementation. It is important to ensure that there is sufficient communication with the workforce and leadership to ensure as smooth a transition as possible.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<p><b>Option 2a.</b></p> <p><b>Existing statutory plans</b></p>		<p><b>Option 2b.</b></p> <p><b>Education setting</b></p>		<p><b>Option 2c.</b></p> <p><b>Key stages</b></p>	
<p><b>Option 2d.</b></p>		<p><b>Option 2e.</b></p>		<p><b>Option 2f.</b></p>	



<b>Significant points of transition</b>	<input type="checkbox"/>	<b>'Early adopter' local authorities</b>	<input type="checkbox"/>	<b>None of these (please explain your reasons in the comments section below)</b>	<input checked="" type="checkbox"/>
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**Supporting comments**

**As above**

**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?

### Supporting comments

Effective communication with appropriate stakeholders is key to ensuring full understanding of the implications of the Bill, the timeframes involved and roles and responsibilities. This will mitigate against any adverse effect on learners.

The consultation document rightly identifies that developing the workforce will be key to the success of these reforms (para 58), and we are pleased to see a commitment to training for all staff who support learners with ALN, not only those designated SEN / ALN Co.

We would urge Welsh Government to keep in mind that development activities should be quality assured, and accessible to all appropriate members of the workforce regardless of their setting or job title.

**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:

- opportunities for people to use Welsh
- 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?

### Supporting comments

Consideration should be given to the implications of the draft strategy 'A Million Welsh Speakers by 2050'. The education sector is seen to be a key driver in relation to this strategy, however more needs to be done to increase the number of staff with Welsh language skills that are confident in using them within the workplace. Data held by the Education Workforce Council from the Register of Practitioners indicates that 33.3% of school teachers consider themselves to be Welsh speakers, however in terms of ability

to teach through the medium of Welsh, this figure stands at 27.4%. More detailed information about the Welsh language ability within the other registrant groups will become available as the Register matures. A scheduled programme of data quality initiatives is in place to ensure that the quality of data held on the Register is up to date and accurate in order that it can support policy decisions.

Information which was obtained via the National Education Workforce Survey<sup>1</sup> provides further information about Welsh Language ability within the various sectors. From the responses received it is possible to discern that:

- 2 66.1% of FE teachers who responded to the survey teach and assess solely through the medium of English.

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· <http://www.ewc.wales/site/index.php/en/research-statistics/national-education-workforce-survey>

- 61.9% of FE Learning Support Workers work solely through the medium of English
- 44.0% of school teachers who responded to the survey teach solely through the medium of English
- 39.2% of school supply teachers who responded to the survey work solely through the medium of English
- 33.3% of school learning support workers who responded to the survey work solely through the medium of English
- 42.5% of school supply learning support workers who responded to the survey work solely through the medium of English.

In order to ensure that there is sufficient capability and capacity within the workforce in terms of ability to offer ALN provision via the Welsh language, there needs to be consideration for the current skills and abilities and how these could to be developed to create sustainability.

Work-Based Learning staff and Youth Workers were required to register with the EWC from April 2017 and work is underway to ensure that meaningful data is collated in relation to the Welsh language ability of these groups who have a pivotal role in supporting learners within the education system.

**Question 5** – Please also explain how you believe the proposals for implementation of the

Bill could be formulated or changed so as to have:

- 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
- 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.

**Supporting comments**

As above

**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.

### **Workforce Planning**

Little is known at present in relation to the existing skills and qualifications across the whole spectrum of the education workforce and this renders it difficult to plan effectively to support any changes in the system. An audit of the existing skills-base which identifies skills gaps is required. The Welsh Government can commission the EWC to undertake work on their behalf and would be in a position to do this.

There are some areas which require consideration in relation to the ALNCo role:

iii) Arrangements in place for succession planning should an ALNCo move/retire/leave their post. If there is only one coordinator, there needs to be reassurance that there will not be a

negative impact upon learners by loss of expertise and that it does not result in continuity issues.

iii) The skills and qualification requirements in order to undertake the role. In order to ensure consistency of approach, will there be a national qualification, and if so, will this be funded, or will the onus be upon the individual / organisation? Given that funding is an issue that is raised often, placing responsibility on the organisation could be problematic. Equally, altruism aside, unless there is some sort of incentive involved (financial or otherwise) it would be a big ask for individuals to fund the training themselves, particularly if they are already undertaking the same / similar role. There would need to be quality assurance mechanisms in place to ensure that that training is consistent across the board.

## **Professional Development**

It is important to recognise that an holistic approach is needed to ensure that learners with additional needs are supported effectively. The Education Workforce Council was recently commissioned by Welsh Government to undertake a survey<sup>2</sup> of the education workforce in Wales and this highlighted that across all registrant groups, it was felt that more training would be welcomed in relation ALN. The information below highlights the percentage of respondents who felt that they would benefit from additional training in ALN.

28.0% of FE teachers and 55.6% of FE learning support workers who responded to the survey felt they would like more training in differentiated learning (Including ALN / able and talented learners)

25.6% of school teachers and 34.9% of school supply teachers felt they would like more training about teaching learners with additional needs.

36.1% of school learning support workers and 50.2% of school supply learning support workers who responded to the survey felt that they would like more training about working with learners with additional needs.

There is a willingness to learn amongst the education workforce and it is important that where individuals have identified particular areas of development where they feel they need more support, that this is considered to more effectively support learners. The survey did highlight some barriers relating to accessing the professional development that they need, including time, cost and lack of awareness of training opportunities. It also should be considered that typically supply workers do not get paid to attend development events, therefore there needs to be consideration re how this barrier can be overcome. This is further compounded by the fact that many respondents to the survey indicated that they do not have a regular performance review where development needs might be discussed. A sustained programme of continuous professional development opportunities in the area of ALN is required since this is a specialist area, and those working in this environment need

ongoing support and training to ensure that their skills and knowledge are kept up to date. It is also important to ensure that any good practice is identified and shared.

Responses to consultations are likely to 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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[2http://www.ewc.wales/site/index.php/en/research-statistics/national-education-workforce-survey](http://www.ewc.wales/site/index.php/en/research-statistics/national-education-workforce-survey)

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

## Consultation response form

Your name: Rachel Bowen

Organisation (if applicable): ColegauCymru

e-mail/telephone number:

[Rachel.bowen@colegaucymru.ac.uk](mailto:Rachel.bowen@colegaucymru.ac.uk)

029 2052 2500

Your address: Unit 7, Cae Gwyrdd, Cardiff CF15 7AB

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

e-mail: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Category of respondent	Schools	<input type="checkbox"/>
	Special schools	<input type="checkbox"/>
	Special educational needs coordinators	<input type="checkbox"/>
	Further education sector	<input type="checkbox"/>
	Preschool organisations	<input type="checkbox"/>
	Education professionals	<input type="checkbox"/>
	Teaching unions	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input checked="" type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
	Other	<input type="checkbox"/>

**Question 1** – How should the implementation of individual development plans be done?

<p><b>Option 1a.</b></p> <p><b>Introduce individual development plans with a single date to go live</b></p>	<input type="checkbox"/>	<p><b>Option 1b.</b></p> <p><b>Introduce individual development plans in mandatory phases</b></p>	<input checked="" type="checkbox"/>
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**Supporting comments**

This is a new process, introduced in a time of legislative change. A phased introduction will make the changes and the new IDP process more manageable, with the opportunity for adjustments to be made following evaluation of the first phase. Work force capacity in organisations in Wales, particularly in FEIs, is likely be compromised if the decision was made for a single date to go live.

However, a phased introduction would need to include safeguards to ensure that those in the second phase were not left behind or disadvantaged in funding allocations.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<p><b>Option 2a.</b></p> <p><b>Existing statutory plans</b></p>		<p><b>Option 2b.</b></p> <p><b>Education setting</b></p>		<p><b>Option 2c.</b></p> <p><b>Key stages</b></p>	
<p><b>Option 2d.</b></p> <p><b>Significant points of transition</b></p>		<p><b>Option 2e.</b></p> <p><b>‘Early adopter’ local authorities</b></p>		<p><b>Option 2f.</b></p> <p><b>None of these (please explain your reasons in the comments)</b></p>	

				<b>section below)</b>	
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### Supporting comments

2d – but to include transition to FEIs in the first tranche.

Option 2d enables FE to be partly included in the first round. We interpret transition as those coming to FE from schools, with the remaining learners already at FE being included in the second tranche.

The significant points of transition option would ensure that FEIs were involved at the start of the process. This option would assist in checking at an early stage that processes were compatible with FE settings and would ensure that schools and local authorities engaged with their local college, thus supporting the development of

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relationship/transition opportunities and encouraging effective practice. It would also provide a clear timeline for young people, their families, schools/colleges and services.

The inclusion of Post 16 learners is one of the biggest changes in the ALNET Bill and will require the most work. Robust plans with outcomes that reflect preparation for adulthood and transition to an FE college environment should be a key priority. We would suggest that a long lead in time is included; at least an academic year of intense work, to allow time for converting plans and developing an effective transition process.

Other options would not include FEIs in the first tranche; it is our view that the sector needs to be included from the start, but in a manageable way that allows staggered development and includes evaluation and opportunities to amend practices where needed. Option 2e is likely to have an adverse impact on the sector, learners come to an FE institution from many different local authorities and schools, some who may have been included in the first tranche and some who might not.

**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?

### Supporting comments

The FE sector will have the furthest distance to travel in adopting the new legislation and will require the most support to ensure that FEIs are sufficiently resourced, have robust processes in place, and are appropriately staffed and ready.

ColegauCymru welcomes the decision to use a substantial amount of the investment to deliver workforce development activities to all those involved in supporting learners. FEIs will need to have access to this investment to reflect the substantial changes for the sector. Consideration needs to be given to the differing needs of the FE workforce:

- the ALNCo role in FE is significantly different from that in other settings
- training staff from FE who will need to attend large numbers of IDP review meetings in schools
- Expertise for staff in FEIs to conduct IDP review meetings for those attending college; the number of reviews is likely to be substantially greater than those for other providers, and will include areas that schools are unlikely to deal

with, for example the ceasing of an IDP where evidence demonstrates that outcomes have been achieved or that a young person is ready to transition beyond college.

- Expertise for other staff in the college; it is likely that progress monitoring and recording against IDP outcomes may be conducted by academic or vocational staff who are not IDP specialists.

ColegauCymru recognises the potential benefits of appointing a designated FE ALN strategic supporter to work primarily with the sector, but also to work with other regional ALN strategic supporters appointed to the regions. This suggested role could play a key part in ensuring that the sector is included and prepared for change. However, recognition should also be given to the need of individual FEIs with funding also directed at colleges. The needs of colleges will be on-going; in addition to innovation funding there is a need for consideration of increased

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funding for the sector to reflect the additional work that the new statutory duties and responsibilities will incur.

For young people in the 16-25 age range, more detail is required in terms of the transition between children's and adult's health services, for example, speech and language therapy and mental health services. There needs to be improved collaboration between health, social care, and education.

**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:

- 2 opportunities for people to use Welsh
- 2 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?

### **Supporting comments**

We envisage that the implementation of the ALN Bill will have a positive impact on the use of Welsh and provide opportunities for people to use Welsh when accessing services. Ideally, all services would need to be provided in Welsh and English and the ALNCo and specialist staff would need to work bilingually. However, staffing capacity of people with the right linguistic and professional skills will be a challenge in the short term and colleges have reported difficulty in accessing specialist services and interventions bilingually. This includes the ability to conduct technical and complex conversations bilingually; for example, in conducting IDP reviews or specialist assessments through the medium of Welsh. Colleges in predominantly

Welsh-speaking areas have policies that actively recruit Welsh speakers. However even in these areas there is an insufficient number of suitably qualified people with bilingual skills. With the increase in the number of Welsh speakers across the whole of Wales as a result of the growth in Welsh medium education, we predict Welsh language services demand will increase.

In terms of creating a sound legal framework, there is no reference in the Bill to the principles of the Welsh Language Measure (2011) which states that the Welsh language should not be treated less favorably than the English language. The planning process, along with every other step in the process, should be available in Welsh or English according to the preference of the child / young person and / or parents. That principle should be clearly noted in the Bill as a statutory requirement. If the planning process cannot take place in the preferred language of the child / young person and / or parents, there is a danger of alienating the learner and a high risk of discrimination.

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A skills gap analysis of Welsh language services is essential to benchmark the existing situation in FEIs and across the wider education sector, including rural areas. Sharing of resources will be crucial in the first instance. Setting specific targets and providing support to achieve the right skills set for responding to this skills gap is necessary. Future workforce planning and linguistic immersion and training to support specialist staff to upskill or learn Welsh will be a key part of delivering the ALN Bill objectives.

Welsh Government's vision of reaching a million Welsh speakers by 2050 is fuelling the growth of a truly bilingual Wales, this will see an increase in the need for ALN services in Welsh.

Translation of resources and the ability to take specialist ALN qualifications through the medium of Welsh remains a challenge that needs to be addressed to ensure that there is no delay in the availability of resources and services in Welsh and English. The draft code references 'Suitable format' and 'plain language', but no reference is given to the language of processes – this needs to state Welsh and English.

ColegauCymru suggest the following to increase positive effects and decrease negative impacts:

- Create regional teams of ALN specialists who are bilingual and use them to work with learners who wish to access Welsh language services in the region.
- Carry out an audit of the bilingual skills of the current workforce; identify those specialists by region who also have high level Welsh Language skills; upskill them with knowledge of sectors with which they are unfamiliar (Early years, FE, School). This should be undertaken by working with Canolfan Dysgu Cymraeg on flexible Welsh language learning opportunities.
- Open Welsh language sabbatical opportunities to all ALN staff. Prioritise the development of adequate Welsh Language skills for ALN specialists.
- Pool resources and have a central bank for resources and translation services. This includes sharing translation services regionally.

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**Question 5** – Please also explain how you believe the proposals for implementation of the

Bill could be formulated or changed so as to have:

- 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
- 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.

### **Supporting comments**

In order to ensure the Welsh language is treated no less favourably than the English the following need to be considered or undertaken:

- Recruitment processes will need to state Welsh language skills are essential for some roles or that there must be a commitment to learning Welsh as part of the role to ensure a supply of readily qualified staff.

- 10) State that all services are available in Welsh and English – with all ALN staff to receive language awareness training and ensure they make the active language choice offer to all their learners from the start of the support service.
- 11) Open Welsh language sabbatical to all ALN staff. Prioritise ALN specialists before and during the implementation phase. Identify staff who already have some Welsh ability.
- 12) Ensure that the reciprocal agreement for learners who live on the Welsh Borders and enrol at English colleges is discussed and agreed at an early stage.
- 13) Catalogue resources and services available regionally and allow access to all.
- 14) Use digital technology to support bilingualism for ALN – bilingual resources and advice online. This includes blended learning and apps / webinars.
- 15) Work with other education, training and skills providers to ensure sharing of staffing resources, from schools to universities. No learner should feel that the system is letting them down due to insufficient supply of people who can offer the service in Welsh.

**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.

- 16) Implementation of new ALN legislation for colleges will be costly, these costs will include adaptation to the physical environment as well as the cost of human resources. The work needs an adequate lead in time before implementation with clear guidance and information about funding.
- 17) The secure transfer of documents and recording system needs to be considered, especially with regard to data protection. This is particularly important in information sharing between schools/local authorities and colleges.
- 18) Further discussion/clarity is needed with regard to learners who access work-based provision whilst enrolled at FEIs
- 19) Transfer and sharing of specialist equipment on a regional basis should be considered to ensure economy efficiencies.

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

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

## Consultation response form

Your name: **Rob Williams**

Organisation (if applicable): **NAHT (Cymru)**

e-mail/telephone number: **029 2048 4546**

Your address: **9, Columbus Walk, Brigantine Place,**

**Cardiff CF10 4BY**

**NAHT is an independent trade union and professional association with 29,000 members in England, Wales and Northern Ireland. Members include principals, vice principals, assistant head teachers, bursars and school business managers. They hold leadership positions in early years, primary, special, secondary and independent schools, sixth form colleges, outdoor education centres, pupil referral units, social service establishments and other education settings. The membership represents 40 per cent of secondary and 85 per cent of primary schools in England, Wales and Northern Ireland. Since September 2014, we also represent middle leaders in schools through NAHT Edge. This places the NAHT in an excellent position to provide an informed practitioner position which covers the viewpoint of leaders across all phases of education.**

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

e-mail: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Category of respondent	Schools	<input type="checkbox"/>
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	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
Other	<input type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<b>Option 1a.</b>	<input type="checkbox"/>	<b>Option 1b.</b>	<input checked="" type="checkbox"/>
<b>Introduce individual development plans with a single date to</b>		<b>Introduce individual development plans in</b>	

go live		mandatory phases	
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**Supporting comments**

A single date to go live may initially appear be a ‘neater’ solution as the statutory duties that lie behind the ALNET system will also need to come into play simultaneously.

However, whilst the complications of effectively running two systems for a significant transition period cannot be underemphasised or underestimated, the reality for children and young people is that a two-date system may provide the best solution, potentially.

It might be more straightforward to establish one date by which IDPs must be introduced for all children and young people who are subsequently new onto the system and a second date (calculated by the period of time when all review periods should have been completed for those children and young people with pre-IDP plans) by which all children and young people already within the system must have transferred over to the new IDP.

Interim arrangements will need to be fully established and clearly explained to all stakeholders during this transition period, particularly for elements such as the tribunal processes and in terms of statutory duties.

There is also a clear need for training to have had a wide reaching impact within every Local Authority, preferably within joint groups (Regional Consortia) in order to establish the consistency and common approach laid out within the legislation and code prior to the launch dates.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

Option 2a. Existing statutory plans	<input checked="" type="checkbox"/>	Option 2b. Education setting	<input type="checkbox"/>	Option 2c. Key stages	<input type="checkbox"/>
Option 2d.	<input checked="" type="checkbox"/>	Option 2e.	<input type="checkbox"/>	Option 2f.	<input type="checkbox"/>

Significant points of transition		'Early adopter' local authorities		None of these (please explain your reasons in the comments section below)	
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**Supporting comments**

It might be more straightforward to establish one date by which IDPs must be introduced for all children and young people who are subsequently new onto the system and a second date (calculated by the period of time when all review periods should have been completed for those children and young people with pre-IDP plans) by which all children and young people already within the system must have transferred over to the new IDP.

Interim arrangements will need to be fully established and clearly explained to all stakeholders during this transition period, particularly for elements such as the tribunal processes and in terms of statutory duties.

There is also a clear need for training to have had a wide reaching impact within every Local Authority, preferably within joint groups (Regional Consortia) in order to establish the consistency and common approach laid out within the legislation and code prior to the launch dates. Allowing a few Local Authorities to be 'early adopters' immediately creates a sense of a piece-meal approach to roll out.

**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?

**Supporting comments**

- **National training programme for all schools, LAs and other key stakeholder groups such as Health Boards etc to clarify statutory roles and responsibilities within the new Bill and training specifically on the ALN Code. This is required prior to introduction.**
- **Establishing a clear IDP template that develops clear consistency whilst allowing the flexibility that a learner-centred approach requires. Widely**

**communicate the findings from the pilot settings and use this to identify best practice and potential shortcomings prior to wider introduction.**

- **Related training for IDPs, their completion, which organisations have a role within it (e.g. if transport is included this cannot be the responsibility of the school / setting), use of the IDP and avoidance of unnecessary bureaucracy (avoidance of unnecessary box filling) – setting clear examples of best practice. This is required prior to introduction.**
- **ALNCo training – ensuring that practitioners understand the role particularly in relation to managing IDPs and provision for learners, how it will need to vary according to setting (small rural schools, welsh-medium settings, large urban secondary schools etc). This is required prior to introduction**
- **Working with delivery partners from all sectors, particularly education and health (and social services?) to develop a clear understanding of respective roles - who becomes involved and when, sharing relevant points of contact across Wales e.g. – what would an ALNCo, LA ALN lead, DECLO need to know in terms of who to contact and when? (For the joint agency working required to ensure the ALN Transformation Programme achieves key objectives for children and young people, this may be the most significant challenge). This is required prior to introduction**
- **Establishing clear directory of contacts for all settings across Wales – who do ALNCoS contact and when in the process**
- **Wide stakeholder communication / training to establish the intended avoidance of disputes approach and the expected process that leads up to and includes the tribunal process – must include some consideration of how this would be managed during the transition to IDPs where differing plans will be in existence**

**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:

xxxvii) opportunities for people to use Welsh

xxxviii) 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?

### Supporting comments

The effectiveness of ALN provision can be undermined unless it is available in the language of choice. Local Authorities' access to Welsh medium ALN resources is varied and limited. According to evidence gathered jointly by the Welsh Language Commissioner and the Children's Commissioner for Wales, Local Authorities' ability to provide Welsh Medium ALN support is inconsistent and though some LAs claim to be able to provide for ALN through the medium of Welsh the majority of LAs admitted to failing to provide in at least some fields, especially Autism, Speech and Language Difficulties and Behavioural Difficulties. We are also aware of problems concerning the availability of Welsh medium diagnostic tests and staff to carry out assessments in Welsh. There should be some clear guidelines about how to determine the language medium of the provision.

There are clearly issues concerning insufficient numbers of Welsh speakers in the workforce (including Educational Psychologists; teachers; other providers of specialist support, such as speech and language therapists) and lack of workforce planning. We would welcome increased funded training for the current and future workforce to ensure they can fully meet the needs of Welsh speaking learners.

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

xxxvii) 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

xxxviii) 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.

### Supporting comments

See comments above.

**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.

**There is general concern in schools related to basic school funding and particularly the cuts being made to many Local Authority ALN budgets.**

**It will be critical, therefore, to fully explain how the funding set aside to implement and sustain the ALN Transformation Programme and, more specifically, the Additional Learning Needs and Education Tribunal (Wales) Bill related changes, will be made available to schools and other settings.**

**Investment will be needed in order to deliver the greater role at school level that will be required to deliver the changed system. Pressures upon schools are growing and many schools have reduced staffing, including those who would have undertaken delivery of ALN provision for learners.**

**Funding for training is clearly critical but additional funding will also be required to ensure that ALNCo role is able to operate as it should at a senior leadership level.**

**Schools are not able to fund this critical senior leadership level role and ALNCoS will not be as effective for learners if they have to operate at a level below senior leadership.**

**Until some clarity is provided to governing bodies, school leaders and wider school stakeholders as to the resources they will be able to access, the success of the ALN Transformation Programme remains uncertain.**

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

**Consultation response form**

Your name: Sian Thompson

Organisation (if applicable): Pembrokeshire College

e-mail/telephone number: 01437753100

Your address: Haverfordwest, Pembrokeshire, SA61 1SZ

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

e-mail: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Category of respondent	Schools	<input type="checkbox"/>
	Special schools	<input type="checkbox"/>
	Special educational needs coordinators	<input type="checkbox"/>
	Further education sector	<input checked="" type="checkbox"/>
	Preschool organisations	<input type="checkbox"/>
	Education professionals	<input type="checkbox"/>
	Teaching unions	<input type="checkbox"/>

	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
	Other	<input type="checkbox"/>

**Question 1** – How should the implementation of individual development plans be done?

<b>Option 1a.</b>	<input type="checkbox"/>	<b>Option 1b.</b>	<input checked="" type="checkbox"/>
<b>Introduce individual development plans with a single date to go live</b>		<b>Introduce individual development plans in mandatory phases</b>	

**Supporting comments**

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<b>Option 2a.</b>	<input type="checkbox"/>	<b>Option 2b.</b>	<input type="checkbox"/>	<b>Option 2c.</b>	<input type="checkbox"/>
<b>Existing statutory plans</b>		<b>Education setting</b>		<b>Key stages</b>	
<b>Option 2d.</b>	<input checked="" type="checkbox"/>	<b>Option 2e.</b>	<input type="checkbox"/>	<b>Option 2f.</b>	<input type="checkbox"/>
<b>Significant points of transition</b>		<b>'Early adopter' local authorities</b>		<b>None of these (please explain your reasons in the comments section below)</b>	

### Supporting comments

**We believe that the learners would require this at their significant points of transition**

**Question 3** – What are your views on the priorities for Welsh Government support for

### Supporting comments

It is felt that any funding that is available should be focussed on learners and development of staff skills rather than funding the appointment of ALN supporters and go direct to the provider. FE needs specific training in order to meet its learners' requirements.

There is a need to review the support that was previously provided by Careers Wales and provide development for LAs and institutions that will now be taking on some of these responsibilities.

The proposals to ensure all ALENCoS undertake a Masters programme may not be the most practical approach. A more vocational and practically relevant qualification may better suit and possibly smaller units rather such a lengthy programme. A review of what already in existence may be helpful e.g. The Learner Coach L4 programme contained specialist ALN units.

**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:

xxxix) opportunities for people to use Welsh

xl) 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?

### Supporting comments

The ALN Bill would need to embrace the principles of the Welsh Language Measure 2011 to ensure Welsh language provision is equally as accessible.

In order to reflect language choice and equity, all systems, documentation including IDPs and promotional materials would need to be bilingual at the point of implementation.

Proactive marketing of the availability of Welsh-medium/bilingual service provision in order to ensure: (i) service-users are fully aware of this provision; (ii) take-up of Welsh provision.

Early identification of the learner’s language profile would be essential in order to offer/ provide effective Welsh-medium transition opportunities.  
Specific staff development would need to be in place to ensure sufficient capacity to provide bilingual provision. Also, include partnership opportunities, allowing providers to share resources to facilitate effective ALN provision

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- xxxix) 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
- xl) 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.

**Supporting comments**

As Q4, ensuring that the Bill includes the principles of the Welsh Language Measure 2011 and associated Welsh Language Standards. This would secure positive effects and negate any adverse effects on the use of the Welsh language.  
Also, ensuring that providers demonstrate commitment to offering Welsh language/ bilingual provision and outline development plans in documentation such as action plans prior to implementation.

**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.

We find it difficult to understand why WBL is excluded from the Bill as there is an integrated curriculum offer especially between Traineeships and Level 1/2 FE courses.

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

The consultation document is located at:

[https://consultations.gov.wales/sites/default/files/consultation\\_doc\\_files/170224-consultation-doc-aln-en.pdf](https://consultations.gov.wales/sites/default/files/consultation_doc_files/170224-consultation-doc-aln-en.pdf)

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

## Consultation response form

Your name: R Lane (ALNCO) &  
R Angell-Jones (Headteacher)

Organisation (if applicable): Treorchy Comprehensive School

e-mail/telephone number: 01443 773128

Your address: Pengelli, Treorchy, CF42 6UL

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

e-mail: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Category of respondent	Schools	X
	Special schools	<input type="checkbox"/>
	Special educational needs coordinators	x
	Further education sector	<input type="checkbox"/>
	Preschool organisations	<input type="checkbox"/>
	Education professionals	<input type="checkbox"/>
	Teaching unions	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
Other	<input type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<b>Option 1a.</b>	<input type="checkbox"/>	<b>Option 1b.</b>	<b>X</b>
<b>Introduce individual development plans with a single date to go live</b>		<b>Introduce individual development plans in mandatory phases</b>	

**Supporting comments**

**At this stage it is still unclear as to what an IDP will look like and the time needed to complete one. It is not realistic to expect large secondary settings to adhere to a single date to go live.**

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<b>Option 2a.</b> Existing statutory plans	<input type="checkbox"/>	<b>Option 2b.</b> Education setting	<input type="checkbox"/>	<b>Option 2c.</b> Key stages	<input type="checkbox"/>
<b>Option 2d.</b> Significant points of transition	<input checked="" type="checkbox"/>	<b>Option 2e.</b> 'Early adopter' local authorities	<input type="checkbox"/>	<b>Option 2f.</b> None of these (please explain your reasons in the comments section below)	<input type="checkbox"/>

**Supporting comments**

**There are some learners in mainstream settings who, despite having significant needs, have not been awarded a Statement. Therefore, option 2a would not necessarily mean that learners with the most significant difficulties are getting their needs met in the same way as those with less significant difficulties.**

**If option 2c were chosen this would then mean that secondary schools with a 6<sup>th</sup> Form, would in fact not be given the opportunity for a phased implementation, like-wise with option 2b.**

**Option 2e would take away the choice from schools, as it would be in the hands of the LA.**

**Option 2d appears to be the most sensible option, however it would rely on excellent working relationships with colleagues in Primary and Secondary settings to ensure that the information is passed on in a timely manner and that collaborative working is enabled.**

**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?

**Supporting comments**

**Grant funding is certainly welcomed. However, it is only in place for the first 4 years and we believe that this would need to be extended to ensure that the transformation programme is able to be sustained effectively. Also, it is vital that a big chunk of this funding is given directly to schools to facilitate the changes outlined in the transformation programme effectively.**

**Workforce development is crucial to the success of the transformation programme. However, it is concerning that much of the emphasis here appears to be placed on training ALNCOs to become the vehicle to deliver training to all other teaching and support staff. Chapter 5 of the draft Code – The role of the ALNCO would suggest that the workload will become unsustainable.**

**Based on the school's previous experience of 'strategic advisors' to lead on implementation of new initiatives, it would be more beneficial to invest the money into schools to allow for further staff development in the area of ALN.**

**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:

- xli) opportunities for people to use Welsh
- xlii) 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?

### Supporting comments

**Emphasis on equal opportunities for those wishing to communicate through the medium of Welsh, will inevitably have a positive impact upon the Welsh language.**

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- xli) 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
- xlii) 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.

### Supporting comments

**Emphasis on equal opportunities for those wishing to communicate through the medium of Welsh, will inevitably have a positive impact upon the Welsh language.**

**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.

**Welsh Government really need to consider in detail the logistics of the new plan and also pay careful consideration to the role of the ALNCO under the new system. The concern is that the ALNCO role will potentially become unmanageable in light of the additions to the role. Schools will need to receive appropriate funding to support and develop the role of the ALNCO.**

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

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

## Consultation response form

Your name: Lorraine Young

(on behalf of Ceredigion LA's SEN/ALN team)

Organisation (if applicable): Ceredigion LA

e-mail/telephone number: [lorraine.young@ceredigion.gov.uk](mailto:lorraine.young@ceredigion.gov.uk)

01970 633997

Your address: Canolfan Rheidol, Rhodfa Padarn, Llanbadarn

Fawr, Aberystwyth, Ceredigion, SY23 3UE

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

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Category of respondent	Schools	<input type="checkbox"/>
	Special schools	<input type="checkbox"/>
	Special educational needs coordinators	<input type="checkbox"/>
	Further education sector	<input type="checkbox"/>
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	Education professionals	<input type="checkbox"/>
	Teaching unions	<input type="checkbox"/>
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	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
Other	<input type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<b>Option 1a.</b>	<input type="checkbox"/>	<b>Option 1b.</b>	<input checked="" type="checkbox"/>
<b>Introduce individual development plans with a single date to</b>		<b>Introduce individual development plans in</b>	

go live		mandatory phases	
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**Supporting comments**

We feel that a phased approach to implementation of individual development plans would be of benefit to staff in our schools, early years settings, central LA team and further education college in changing to developing statutory individual development plans and using person-centred practice. The fact that this would mean different rights, duties and powers in respect of learners in different settings, areas or with different levels of need is not different to the existing situation under the current statutory system. By mandating the phases at a national level, there would be a consistent approach across Wales to the switching on of rights.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

Option 2a. Existing statutory plans	<input checked="" type="checkbox"/>	Option 2b. Education setting	<input type="checkbox"/>	Option 2c. Key stages	<input type="checkbox"/>
Option 2d. Significant points of transition	<input type="checkbox"/>	Option 2e. 'Early adopter' local authorities	<input type="checkbox"/>	Option 2f. None of these (please explain your reasons in the comments section below)	<input type="checkbox"/>

**Supporting comments**

We feel that being able to concentrate on getting it right for the smaller number of learners pupils whose needs involve a greater level of complexity and the involvement of more agencies – to include pupils with SAPRAs in Ceredigion's case - is likely to ensure that there is less recourse to Tribunal appeals. Once we have honed our skills with this group of learners it should be relatively easy to extend this method of working to include learners with non-statutory plans as well. We

would be concerned about the stress and workload implications for our school/college based staff as well as our central staff in trying to change for everyone at the same time and fear that this situation may lead to an increase in Tribunal appeals.

**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?

#### Supporting comments

- We feel that £20 million funding is required annually in order to ensure a successful transition and implementation rather than the entire period 2017 – 2021. We feel that the impact of this amount over five years is likely to be minimal.
- Our priority is upskilling the teaching workforce – in particular newly qualified teachers - in order to be able to meet the needs of pupils with ALN more successfully within classrooms.
- Allocating funding for preschool settings in order to ensure early identification of needs will also need to be a priority. We are concerned about whose responsibility writing IDPs and facilitating person centred review meetings will be. The staff in preschool settings will know their pupils best and the capacity of LA staff to manage this if the responsibility falls to us will be a real concern.
- Funding will need to be allocated to Health boards in order to train staff for the role of the DECLO.
- WG also needs to ensure that all delivery partners receive PCP training in the same way as education staff have.
- Local authorities and WG will need to spend money on raising the awareness of parents and partner agency staff. There have been different messages passed on to parents by various agency staff who have partial information. This misinformation will need to be addressed.
- Local authorities will need to employ careers specialists to be able to advise parents and young people post-16 and post-19.
- Local authorities will also need to increase the capacity of central staff to be able to meet the needs of the increased range of ages at 0 - 3 and 16/19 - 25.
- FE colleges will require additional funding in order to be able to increase their capacity to meet the needs of a wider range of learners so that the need for out of county placements is reduced.

**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:

- xliii) opportunities for people to use Welsh
- xliv) 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?

**Supporting comments**

**We already operate a robust Welsh language policy in Ceredigion schools and LA. We do not anticipate any noticeable changes as a result of the effects that implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill would have on the Welsh language.**

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- xliii) 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
- xliv) 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.

**Supporting comments**

**Ensure that the ability to speak Welsh is prioritised in appointments for key roles with a requirement that all documentation is produced bilingually.**

**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.

- **We agree with the appointment of a team of ALN strategic supporters to provide advice, support and challenge during the transition phase.**

- We are concerned to hear that the expectations are now for class teachers to be writing the IDPs and holding person centred review meetings as this was not the message that was received when we were provided with the PCP training funding. We do not agree that this will result in the most effective practice and is likely, therefore, to result in an increase in Tribunal appeals. If this remains the case we feel that the PCP training funding was wasted on training the wrong school staff (SENCOs and head teachers) because we were not provided with the correct information at the time the grant was available. Therefore, the requirement to train classroom teachers to carry out this role will remain as a need.
- We feel that it would be more effective to identify a range of key staff to be trained to write the IDPs and facilitate person centred review meetings rather than classroom teachers generally.

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

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

### Consultation response form

Your name: Mary van den Heuvel

Organisation (if applicable): ATL Cymru

e-mail/telephone number:

[mvandenheuvel@atl.org.uk](mailto:mvandenheuvel@atl.org.uk); 02920 465 000

Your address: 9 Columbus Walk, Brigantine Place,  
Cardiff, CF10 4BY

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

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Category of respondent	Schools	<input type="checkbox"/>
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	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>

	Individuals	<input type="checkbox"/>
	Other	<input type="checkbox"/>

### About ATL Cymru

ATL Cymru, the education union, is an independent, registered trade union and professional association, representing teachers, head teachers, lecturers and support staff in maintained and independent nurseries, schools, sixth form, tertiary and further education colleges in Wales. AMiE is the trade union and professional association for leaders and managers in colleges and schools, and is a distinct section of ATL. We recognise the link between education policy and members' conditions of service.

**Question 1** – How should the implementation of individual development plans be done?

<b>Option 1a.</b>	<input type="checkbox"/>	<b>Option 1b.</b>	<input checked="" type="checkbox"/>
<b>Introduce individual development plans with a single date to go live</b>		<b>Introduce individual development plans in mandatory phases</b>	

### Supporting comments

ATL Cymru remain concerned that the IDPs are being rolled out too soon. Whilst it is clear that there should be mandatory phases in future to ensure that the implementation is working before full implementation of the Bill, we know that this is happening already. Now is not the time to move children and young people onto IDPs. They are not yet statutory and do not have the legal

backing which Statements currently have.

We would have concerns that the two systems are being run concurrently, and this will lead to confusion, not only for the education workforce, but for children and young people and their families too.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<p><b>Option 2a.</b> Existing statutory plans</p>	<input checked="" type="checkbox"/>	<p><b>Option 2b.</b> Education setting</p>	<input type="checkbox"/>	<p><b>Option 2c.</b> Key stages</p>	<input type="checkbox"/>
<p><b>Option 2d.</b> Significant points of transition</p>	<input type="checkbox"/>	<p><b>Option 2e.</b> 'Early adopter' local authorities</p>	<input type="checkbox"/>	<p><b>Option 2f.</b> None of these (please explain your reasons in the comments section below)</p>	<input type="checkbox"/>

**Supporting comments**

As with the question above, our concern is that local authorities have already started to move children from Statements to IDPs. Whilst we can see this would feed into a phased view of implementation, this cannot be justified

before the legal framework is in place.

We would expect every child who is currently Statemented to be on a IDP which is looked after by a local authority.

**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?

### **Supporting comments**

Funding and training are critical to the implementation of the ALNET Bill.

The ALNET Bill places greater expectations on schools and colleges, their governing bodies and educational professionals.

Without proper funding and training the Bill is opening to repeating the problems with the current system.

Proper training, clear expectations management for all involved and clarity between the duties for schools / FEIs and local authorities is key.

Training needs to be available not only for those who are currently within the education workforce, but built fully into the Initial teacher education and courses for learning support assistants. If the ALNET Bill is to work then the whole system must be ready.

For our education professionals to be ready for these changes we need to ensure proper training and funding is in place. The ALN Bill expects a lot of the education profession (on top of the great volume of change within the education reform programme).

Health services must also be a priority. How can the health services support the IDP process and the ALNCo role? The expectations of the Wellbeing of the Future Generations Act include expectations that there will be fewer young people who are NEET. We know a high proportion of NEETs are disabled young people. Without collaboration between different parts of the system children and young people risk being left out by the changes to ALN.

**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:

- xlv) opportunities for people to use Welsh
- xlvi) 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?

### **Supporting comments**

We would like to see better workforce planning to ensure that children and young people can access the most appropriate provision for them in their

preferred language. There should not be any situations where children and young people are forced into a situation where they either have the best ALN provision for them OR it is available in Welsh.

We are broadly supportive of the opportunities which the Bill includes for children, young people and their parents to access the ALN process through the medium of Welsh. However, we do have some concerns.

Whilst it is of course right that the home language is taken in to account during the process, the Bill needs to ensure that the right to access the process in Welsh is available through Welsh medium education provision. We would not expect English medium schools to provide ALN provision (and not other provision) through Welsh.

There must be better training and funding available to ensure the workforce can access courses to upgrade their Welsh language skills.

There must also be services, such as speech and language therapy, available through the medium of Welsh. Without this kind of local authority level support, schools and FEIs will be unable to offer the kind of ALN provision which will meet the needs of children and young people.

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

xlv) 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  
xlvi) 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.

**Supporting comments**

Please see comments above – funding and planning are to ensuring that  
children and young people are able to access the ALN provision through the  
medium of Welsh.

**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.

[Empty response box for Question 6]

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

## Response from Cardiff Third Sector Council to the Welsh Government Consultation on Options for implementing the Additional Learning Needs and Education Tribunal (Wales) Bill

### Introduction

- Cardiff Third Sector Council (C3SC) is a registered charity and umbrella body working to support, develop and represent Cardiff's third sector at local, regional and national level. We have over 1,000 members, and are in touch with many more organisations through a wide range of national and local networks. We are a part of Third Sector Support Wales (TSSW) – a body of membership organisations constituting WCVA and Wales' CVC's; our mission is to provide excellent support, leadership and an influential voice for the third sector and volunteering in Cardiff.
- C3SC is committed to a strong and active third sector building resilient, cohesive, active and inclusive communities, giving people a voice, creating a strong, healthy and fair society and demonstrating the value of volunteering and community action.
- We welcome the opportunity to respond to the Welsh Government Additional Learning Needs Reform Branch, Support for Learners Division of The Education Directorate Consultation on *Options for implementing the Additional Learning Needs and Educational Tribunal (Wales) Bill*. This response is structured in accordance with the questions in the consultation document.
- This response is drawn together by C3SC's Health and Social Care Facilitator from experience and knowledge of related issues through their working role, and contributions from C3SC's Senior Management Team. C3SC promoted the consultation to members; we will confirm through Network meetings if member organisations, as is very likely, have contributed via other avenues.

### Consultation response

**Question 1:** *How should the implementation of individual plans be done?*

**Response:** There are positives and negatives attached to both options laid out in the consultation document:

- 1a) Introduce individual plans with a single date to go live.
- 1b) Introduce individual development plans in mandatory phases.

On reflection, we think that option 1b is the better of the two options. The main reasons for this are:

- Phased approach allows the workload to be managed consistently across the whole of Wales.
- The approach reduces the amount of inconsistencies and inequalities which could be caused through option 1a around the rationale and speed of take-up.
- Providing that there are realistic timeframes for each of the different phases then it will enable the additional children and young people to be assessed and have their new plans put in place. This is especially important considering that the new plans will apply to 20% of children and young people but that the current system only covers 2%, so the new plans will apply to 10 times the number of people.

- The different phases should be laid out plainly so that carers and families understand when their children should be included, and can challenge if they think they should have received a plan but have not yet been assessed.
- The phases will also enable the third sector organisations that provide support to be able to plan and adapt to additional and different requests at a steady pace rather than having to remodel whole services at once. The person-centred individual development plans will empower the organisations to deliver to the needs of the individual, rather than fitting to a general specification which is not appropriate for everyone.
- Phases may also enable commissioners and service providers to develop and deliver new services that apply to some of the new cohort that will be picked up in the new plans that are not currently covered by the statutory plans.
- Individual plans should be developed on the basis of preventative investment – appropriate interventions at the earliest point at which people make contact with public services.

**Question 2:** *If individual development plans should be introduced in phases, how should these be grouped into tranches?*

**Response:** There were advantages to all five of the different options that were put forward. Whilst option 2a, '*Existing statutory plans*' would be the preferred option we feel that there should be stages within this that link to the different key stages so that there will be multiple phases within both tranches. The reason for this is those with existing Statements of SEN and/or Personal Education Plans for looked after children who have an ALN are only 2% of children and young people, which means that the other 18% who will be entitled to the new individual development plans would have the same deadline in tranche 2. In addition, splitting the tranche's up across the key stages should limit variations as all within one education year would be covered at once enabling classes and services to adjust for each cohort.

We feel that this is the best option to enable a clean transition from the old to the new system, as everyone already in the old system will be on the new one before the additional 18% are added to it.

There is a risk that if timings of phases are not planned that there could be issues as the children and young people go through transitions. Transitions can already be stressful times for the children and young people along with their carers and families. Ensuring that the new plans go across transitions especially the post-16 is essential to reduce this stress. Therefore we did not think that option 2b was appropriate which had post-16 as the second tranche. We also thought that only prioritising transitions in tranche 1(option 2d) would cause some confusion for parents and families and end up with some confusion within and between the different service providers as there can be some difference in transition arrangements.

We also believe that consistent deadlines across the whole of Wales are important to enable carers, families and the young people themselves to be treated equally no matter where they live in Wales. This we felt was the weakness with option 2e.

The preferred combination would be Option2a with two tranches for those with existing plans and those without, but with sub-tranches which work up the key stages, similar to option 2c.

**Question3:** *What are your views on the priorities for Welsh Government support for delivery partners as they prepare for transition to the new system?*

**Response:** We welcome the additional £20m package of investment for the period 2017/18 to 2020/21 to support the transformation programme. However, this equates to only £6.7m per year to be shared across the 22 local authority areas, which works out at an average of £303k each per year. This is before there is money removed for the priorities identified separately from the local authorities. We approve of the use of the funding to deliver workforce development activities to enable consistency in the development and delivery of the Individual Development Plans.

The fact that 20% of school-aged learners will be entitled to an individual development plan, against 2% in the current system (page5, consultation document) the possible increased need in new support services do not appear to be funded. *“The aim of the investment is to ensure that delivery partners are as well prepared as possible to implement the proposed new legislative framework...”*(paragraph 57, consultation document). This is a particular concern as the person-centred approach is likely to identify needs that are not currently met through existing services, so not having additional funding is likely to limit the progress against outcomes in the Individual Development Plans.

Paragraph 59 mentions grant funding to partners to facilitate the implementation, however when it lists the partners it does not include the third sector. The partners listed are all statutory sector including education institutions, local authorities, the tribunal, Estyn and the health boards. The third sector plays an important role in supporting the statutory sector to meet the needs of children and young people and their families therefore they need to be included in the legislation before it goes before the Welsh Assembly.

The Local Authorities in Cardiff and the Vale of Glamorgan have recently demonstrated, through implementation of the Social Services and Wellbeing (Wales) Act 2014, their ability to manage change through the appointment of Change Champions from within existing teams. By empowering staff members to take on these roles other staff feel more confident in asking questions and the knowledge remains once they stop being Change Champions and remain within the local authorities. The suggestion to have “additional learning needs strategic supporters” would remove this local knowledge and prevent the useful internal upskilling within teams and ensuring continuity at the end of the implementation phase.

Estyn already have a clearly defined role of inspection, evaluation and review across education. Therefore it is unclear why there would be others monitoring compliance in implementation, which could cause duplicate inspections and differences in findings. This can be confusing and time consuming for members of the general public, carers, families and young people themselves as well as for the staff working in the education settings. Estyn can also follow up over time and provide the consistency which encourages the

positive changes and improvements to be made and maintained over the long term. And it will ensure Estyn fully integrates the new regime in its role, further supporting consistency.

**Additional comments:** *Not covered by consultation questions.*

**Response:** The person centred individual development plans if done correctly will empower organisations and service/support providers to deliver to the needs of the individual, rather than fitting to a general specification which is not appropriate for everyone.

Lessons need to be learned from the variations in care plans developed across Wales for the Social Services and Wellbeing (Wales) Act 2014, due to no standard template being provided centrally by Welsh Government. There needs to be one Individual Development Plan template which is developed centrally but applies across the whole of Wales and to children and young people who access educational settings outside of Wales at the expense of one of the 22 Welsh Local Authorities. This makes movement within Wales easier, ensures consistency and enables improved sharing of experience and best practice for everyone involved.

### **Contact details**

If you require any further information in regards to the responses to the questions please contact Sarah Capstick, Health and Social Care Facilitator at C3SC directly via email:

[sarah.c@c3sc.org.uk](mailto:sarah.c@c3sc.org.uk) telephone: 029 2048 5722 or by post to:

Cardiff Third Sector Council

Baltic House

Mount Stuart Square

Cardiff

CF10 5FH

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

## Consultation response form

Your name: Sarah Ellis

Organisation (if applicable): Caerphilly County Borough Council

e-mail/telephone number: 01443 8666

Your address: Penallta House, Hengoed

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

e-mail: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Category of respondent	Schools	<input checked="" type="checkbox"/>
	Special schools	<input type="checkbox"/>
	Special educational needs coordinators	<input type="checkbox"/>
	Further education sector	<input type="checkbox"/>
	Preschool organisations	<input type="checkbox"/>
	Education professionals	<input checked="" type="checkbox"/>
	Teaching unions	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
	Other	<input type="checkbox"/>

**Question 1** – How should the implementation of individual development plans be done?

<b>Option 1a.</b>	<input checked="" type="checkbox"/>	<b>Option 1b.</b>	<input type="checkbox"/>
<b>Introduce individual development plans with a single date to go live</b>		<b>Introduce individual development plans in mandatory phases</b>	

**Supporting comments**

General consensus that if there is a single go live date then there is a clear expectation. There is recognition of the workforce implications which led to consideration of a go live and a cut off date i.e. a 12 month period for implementation.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

Option 2a. Existing statutory plans	<input type="checkbox"/>	Option 2b. Education setting	<input checked="" type="checkbox"/>	Option 2c. Key stages	<input type="checkbox"/>
Option 2d. Significant points of transition	<input type="checkbox"/>	Option 2e. 'Early adopter' local authorities	<input type="checkbox"/>	Option 2f. None of these (please explain your reasons in the comments section below)	<input type="checkbox"/>

**Supporting comments**

Implementing in this way would support a single process across all schools with clear expectations across all LA's and minimise the potential for numerous systems to be in operation at any one time.

**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?

**Supporting comments**

**Investing in workforce development alongside the developments in relation to the ALNCO is critical. This reinforces the message that all teachers are teachers of children with ALN. All children deserve high quality teaching and learning and that is the responsibility of all.**

**The importance of training and information sharing for Estyn and SENTW is also critical.**

**The Code of Practice is crucial for supporting practitioners to take this forward in coherent way.**

**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:

xlvii) opportunities for people to use Welsh

xlviii) 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?

#### **Supporting comments**

**The issues remain the same. The Bill in itself does not affect these issues. Wales has a population of first and second language Welsh speakers, English speakers and a range of other languages. Professionals are not necessarily equipped to undertake robust assessment or produce written reports in a language that is not their own. Assessments are not available in Welsh and therefore use of these contrary to their design renders them invalid.**

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- xlvi) 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
- xlviii) 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.

**Supporting comments**

**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.

There is no reference to the Code of Practice that under pins the ALN Bill. This is essential to support practitioners to translate the law into practice.

There is a need for greater clarity and detail regarding the implementation of the Bill for example, thresholds.

The work between Education, Health and Social Services is crucial. However the parameters that define priorities or practice are significantly different. These differences need to be explored in order to create a robust system that ensures clear responsibility for all.

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

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

## Consultation response form

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

e-mail: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Category of	Schools	<input type="checkbox"/>
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respondent	Special schools	<input type="checkbox"/>
	Special educational needs coordinators	<input type="checkbox"/>
	Further education sector	<input type="checkbox"/>
	Preschool organisations	<input type="checkbox"/>
	Education professionals	x
	Teaching unions	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
	Other	<input type="checkbox"/>

**Question 1** – How should the implementation of individual development plans be done?

<b>Option 1a.</b>	<b>x</b>	<b>Option 1b.</b>	<input type="checkbox"/>
<b>Introduce individual development plans with a single date to go live</b>		<b>Introduce individual development plans in mandatory phases</b>	

**Supporting comments**

**There have been trials, pilots, task and finish groups etc. working on the best approaches for many years, so that everyone should now have a certain degree of knowledge regarding IDPs. Unless there is a definite date set for everything to change by, the uncertainty will continue and dual**

systems will prove difficult to implement causing problems with areas such as budgets, paperwork, approaches to be taken, identification, responsibility for provision etc.

To support the implementation of IDPs there needs to be clear and comprehensive guidance issued in the new code so that there is consistency in identification and equity of provision across the whole of Wales for all young people with ALN.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

Option 2a. Existing statutory plans	<input type="checkbox"/>	Option 2b. Education setting	<input type="checkbox"/>	Option 2c. Key stages	<b>X</b>
Option 2d. Significant points of transition	<input type="checkbox"/>	Option 2e. 'Early adopter' local authorities	<input type="checkbox"/>	Option 2f. None of these (please explain your reasons in the comments section below)	<input type="checkbox"/>

**Supporting comments**

As suggested by the WG consultation document, early identification and intervention would be best served by this option. The fact that tribunal would need to provide two appeal systems for a while should not prove too difficult as there will need to be a major overhaul of the tribunal system at some point anyway. Training for future tribunal members will need to be a lot more robust to ensure fair and rational decisions are made, unlike now, where unrealistic conclusions are made, often to the detriment and against the wishes of the young person involved.

**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?

### **Supporting comments**

Ongoing funding will need to be considered in addition to the implementation grants to ensure that delivery of the new system is able to become well embedded and can be maintained for the future.

The promotion of multi agency working arrangements will need to be given utmost priority as this will be the most difficult part of the system to implement and maintain due to the difference in systems, priorities and budgets between services. Implementation of the new system will not succeed unless there is significant financial investment in promoting and supporting multi agency working. There is professional willingness at operational/ground level to work in a fully multi agency way but restrictions on those areas quoted above will make barriers to a successful system.

Further clarity on responsibilities of delivery of services are needed e.g. if the young person has a health need this should be supported by health and not purely education. Currently there is a lack of joint consideration and decision making between services. An example of this is when items of equipment are recommended by health but because they will be used by the young person in school time it is expected that education will pay for the items without any consultation. If a truly person centred, multi agency approach is implemented in the future this should not occur, therefore it is imperative that all agencies/services take responsibilities for the changes seriously.

The further immediate barriers would possibly be:

- The incompatibility of IT systems,
- Professionals bound by protocols preventing the sharing of information,
- Lack of skilled professionals to be able to support and contribute to person centred multi agency meetings or to have capacity to be able to offer therapy/advice/assessment required at all levels of need,
- Reduction in school budgets, thus reduction in support staff to support and implement interventions for ALN pupils,
- Inability of services to merge budgets and change service priorities due to restrictions, multiple targets and expectations from higher governing bodies,
- Inability to capacity build or promote succession planning within services due to budget constraints.

**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:

- xlix) opportunities for people to use Welsh
- l) 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?

**Supporting comments**

**There should be no change on the opportunities for people to use Welsh if they wish to, as now. Fully bilingual paperwork will need to be available, which is also the case now as required. Opportunities for those who wish to use Welsh will only be increased if all services and agencies are able to recruit enough staff who are able to speak Welsh, which is not always easily achieved.**

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- xlix) 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
- l) 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.

**Supporting comments**

**Further recruitment of staff across education, health and social care with Welsh language skills would need to be implemented. Continued promotion of the Welsh language will be required as an ongoing policy.**

**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.

**In addition to the Welsh language, consideration also needs to be given to other languages from across the world and those with a sensory disability e.g. hearing (HI) or visually impairment (VI). In many schools there are children with complex ALN needs who speak only their own home language and interpreters have to be sought to support parents and carers. Likewise for HI and VI, provision needs to be increased to support the young people and their families.**

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

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

## Consultation response form

Your name: Nicholas Davies

Organisation (if applicable): Parent

e-mail/telephone number: nicholaspdavies@btinternet.com

Your address: 7 Coed Briwnant, Rhiwbina, Cardiff, CF14 6QU

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

e-mail: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Category of respondent	Schools	<input type="checkbox"/>
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	Special educational needs coordinators	<input type="checkbox"/>
	Further education sector	<input type="checkbox"/>
	Preschool organisations	<input type="checkbox"/>
	Education professionals	<input type="checkbox"/>
	Teaching unions	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	X
Other	<input type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<b>Option 1a.</b>	<input type="checkbox"/>	<b>Option 1b.</b>	<b>yes</b>
<b>Introduce individual development plans with a single date to go live</b>		<b>Introduce individual development plans in mandatory phases</b>	<input type="checkbox"/>

**Supporting comments**

Issues are complex and considerable resources will be needed for implementation. Best to use a phased approach and learn quickly from the earliest activities.

Teachers and schools were put under a lot of pressure when similar changes were made in England a few years ago.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

Option 2a. Existing statutory plans	<input type="checkbox"/>	Option 2b. Education setting	<input type="checkbox"/>	Option 2c. Key stages	<input type="checkbox"/>
Option 2d. Significant points of transition	<input type="checkbox"/> Yes	Option 2e. 'Early adopter' local authorities	<input type="checkbox"/>	Option 2f. None of these (please explain your reasons in the comments section below)	<input type="checkbox"/>

**Supporting comments**

Makes sense to get transitions managed well, with a comprehensive assessment of a child/young person's need – but this has to be done well and in true partnership with parents, as transition points are hugely stressful. Many parents feel 'everything ends' when their child leaves school or moves to 'adult services'. Vital that YPs needs are met right up to the age of 25, and not just up to leaving school or after just 1 or 2 years in college.

**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?

## Supporting comments

Significantly more investment in Careers Wales (need to have specialist and well-resourced advice for YP with complex needs) and FE colleges, and getting well-trained 'transition' professionals into schools and social services, giving them proper time to understand children/YP's needs and really understand what opportunities are available, always with a view to adult life outcomes, including independence and learning to live away from home (a huge strength of residential specialist college, which needs to be recognised)

Other priority is to ensure all parents/carers are well-informed at an early stage and that they – and the children/YP themselves – can have necessary support from mentors and advocates.

**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:

- li) opportunities for people to use Welsh
- lii) 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?

## Supporting comments

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- li) 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
- lii) 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.

**Supporting comments**

**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.

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

Dear Additional Learning Needs Reform Branch,

## **Consultation Response: Options for implementing the Additional Learning Needs and Education Tribunal (Wales) Bill**

We are responding as a group of organisations on behalf of children and young people with long-term medical conditions. The needs of this group are more complex than those with short-term healthcare needs. The application of the Special Educational Needs (SEN) system to support medical conditions in a school setting in Wales is well-established. As such, the Additional Learning & Education Tribunal (Wales) Bill will impact on this group of children and young people and we welcome the Welsh Government's consultation on its implementation.

### **Key messages:**

#### **1. Current support: Overview**

The types of support provided to children and young people with medical conditions can be categorised as follows:

- (a) Existing support: Statements of SEN.
- (b) Existing support: Other types of support (i.e. 121 assistance). This group can be further split into (i) those with a plan and (ii) those without a plan.
- (c) No formalised support. The proposed system would deem these to be new entrants, i.e. those requiring a plan for the first time.

#### **2. Individual Development Plan or Individual Healthcare Plan?**

It is not clear whether children and young people with long-term medical conditions will transition to an Individual Development Plan (IDP) or an Individual Healthcare Plan (IHP), nor is it clear whether the above categories will determine this.

#### **3. Transition: Options**

We support the proposals for existing arrangements to transition to the new system as described in Option 2a. Existing Statutory Plans via a mandatory phased approach with the use of annual reviews. We have provided further comment below against the suggested options for implementation. For new entrants, we support the proposals for the automatic provision of an individual development/healthcare plan from the time that the new system comes into force.

The consultation documentation recognises the "adversarial nature" of the current system. This is our experience supporting parents to obtain support for children, young people and families. The challenges are detailed comprehensively in the Bill's Explanatory Memoranda Sections 3.1 and 3.2. The crossover with the current SEN system is recognised in the *Supporting Learners with Healthcare Needs* guidance, which contains 29 references to the SEN system, including signposts and references to supporting guidance, legislation, practical examples, equipment and staff roles. We strongly recommend that NHS teams supporting schools are well-informed of the upcoming potential for increased demand in transitioning to the new system.

We ask for urgent clarification of the questions raised below and reaffirm our offer of assistance, experience and evidence to Welsh Government.

Yours faithfully,



Sara Moran  
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## 1. Current support: Overview

The types of support provided to children and young people with medical conditions can be categorised as follows:

(a) Existing support: Statements of SEN (Tranche 1).

Statements of SEN are issued to children and young people with medical conditions. Conversations with Local Education Authorities demonstrate that it is not uncommon for an LEA to have between 5-15 children with statements of SEN for one medical condition alone in their area (for example, Type 1 diabetes). Special Educational Needs reporting in Wales shows those who are categorised as having physical/medical difficulties. In 2016, there were:

1,216 pupils with a statement of SEN

3,476 pupils with no statement

Total = 4,692 pupils (4.5%)<sup>3</sup>

This is not acknowledged in the Additional Learning Needs & Education Tribunal (Wales) Bill<sup>4</sup> and its accompanying Draft Additional Needs Code<sup>5</sup>, nor in the guidance document *Supporting Learners with Healthcare Needs*.<sup>6</sup> Local Education Authorities in Wales advise that in some circumstances, the only available means of provision of funding and staff support is via ALN and/or Inclusion Team budgets.

We support the proposals for existing arrangements to transition to the new system as described in **Option 2a. Existing Statutory Plans** via a mandatory phased approach with the use of annual reviews. We agree that those with current Statements of SEN (Tranche 1) should transition into the new system using their next annual review (as described on page 9 of the consultation document). However, some in this group may be diagnosed shortly before the passage of the Bill and so would have to wait almost a whole year prior to transitioning to the new system. As such, we suggest that Welsh Government take steps to ensure that all those in Tranche 1 transition ahead of those in Tranche 2 i.e. by putting a deadline in place.

It is not yet clear whether this group will transition to an individual development plan or an individual healthcare plan.

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<sup>3</sup> 2016 School Census Results, Statistics for Wales: Pupils with SEN in maintained schools by

major need (Physical and medical difficulties) <http://gov.wales/docs/statistics/2016/160727-school-census-results-2016-en.pdf>

<sup>4</sup> Additional Learning Needs and Education Tribunal (Wales) Bill  
<http://www.assembly.wales/laid%20documents/pri-ld10862/pri-ld10862-e.pdf>

<sup>5</sup> Additional Learning Needs Code  
<http://www.senedd.assembly.wales/documents/s59527/Draft%20Additional%20Learning%20Needs%20Code%20February%202017.pdf>

<sup>6</sup> Supporting Learners with Healthcare Needs (2017),  
<http://learning.gov.wales/docs/learningwales/publications/170330-healthcare-needs-en.pdf>

(b) Existing support: Other types of support (Tranche 2).

Other types of support are also in place for medical conditions, such as 121 assistance via paid staff or volunteers from amongst existing school staff. The use of volunteers from existing school staff is commonplace in Wales and is part of a well-established and cost-effective model for all agencies involved in delivering care. No reference is made to a scenario whereby no volunteers come forward. This usually results in the school applying for a statement of SEN, funding for a 121 support role or results in a high level of parental involvement in delivering care. In terms of individual planning, it is not always the case that a formalised plan is in place for those receiving this type of support. As such, we propose that:

- (i) those with a plan – transition as per Tranche 2 proposals.
- (ii) those without a plan – transition as per new entrants to the system.

(c) No formalised plan in place.

The proposed system would deem these to be new entrants, i.e. those requiring a plan for the first time. Point 35 (page 7) states that new entrants to the system would automatically be provided with an individual development plan from the time that the new system comes into force. We support this, although we recognise the risk of this group superseding the mandatory phased transition of those with existing arrangements.

## 2. Individual Development Plan or Individual Healthcare Plan?

The Bill proposes to create a single statutory plan, the individual development plan (IDP), to replace the existing variety of statutory and non-statutory plans currently in use. The Bill's Code of Practice signposts stakeholders to the *Supporting Learners with Healthcare Needs* guidance document<sup>7</sup>. This document proposes that all learners requiring a plan be provided with an individual healthcare plan (IHP), although this is not guaranteed and is subject to a final decision by the head teacher.<sup>8</sup> It is not yet clear whether this group will transition to an individual development plan or an individual healthcare plan.

Questions requiring clarification:

- Will this be determined by their categorisation or current level of support, as set out above?
- If they are to transition to an IHP, will this have the same status as an IDP as detailed in points 16 – 19 of the consultation document (page 5)?
- What of children and young people who have a medical condition in addition to a learning difficulty or disability that is not a medical condition? There is no recognition of this group, although a child may have both.
- Some medical conditions are considered disabilities under the Equality Act 2010, some of those we represent. Is it the intention of Welsh Government for the Additional Learning Needs & Education Tribunal (Wales) Bill to follow the Equality Act 2010 in this way?

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<sup>7</sup> Page 37, Additional Learning Needs Code

<http://www.senedd.assembly.wales/documents/s59527/Draft%20Additional%20Learning%20Needs%20Code%20February%202017.pdf>

<sup>8</sup> Page 23, *Supporting Learners with Healthcare Needs*,

<http://learning.gov.wales/docs/learningwales/publications/170330-healthcare-needs-en.pdf>

- The *Supporting Learner with Healthcare Needs* document states that if a complaint is 'Equality Act/disability-related, then consideration of a challenge to the Tribunal can be made'.<sup>9</sup> Does it follow that rights of appeal and access to the Tribunal is only accessible via the enforceable IDP or does an IHP have the same enforceability/status for this purpose?

We have been approached by LEAs who advise that they are providing support as per the additional learning needs system and will continue to do so for children with medical conditions. We have also been advised by LEAs that they have written their own guidance in order to best support children with medical conditions. Urgent clarification is needed to reduce the risk of further entrenching the issues that are currently in desperate need of resolving and will empower and enable organisations to better inform families, NHS staff, LEAs and other parties who contact the third sector for advice and assistance.

### 3. Transition: Further comment

Please find below further comment on potential implementation and transition options suggested in the consultation document:

#### Option 2b. Education settings

If this approach is adopted, we would expect to see clearer distinction of age groups within a school setting than the suggested pre/post-16 settings. Younger children usually require a higher level of support as they are unable to carry out sufficient monitoring and treatment of their condition. We would usually expect those in Tranche 2 (post-16) to self-manage, although this is not always the case and it doesn't negate the need for the education setting to play a part in the management of the condition. As such, **Option 2a. Existing Statutory Plans** is a more suitable approach.

#### Option 2c. Key stages

There is no natural link between medical conditions and educational key stages. As such, this option would not be suitable.

#### Option 2d. Significant points of transition

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<sup>9</sup> Page 22, *Supporting Learners with Healthcare Needs*,  
<http://learning.gov.wales/docs/learningwales/publications/170330-healthcare-needs-en.pdf>

Medical conditions require a response prior to waiting for significant points of transition listed as examples in the document. As such, this option would not be suitable.

#### **Option 2e. Early adopter local authorities**

Medical conditions require a response prior to waiting for an area-by-area approach. We are aware of some local authorities who have already put in place the requirements of the new framework and have included medical conditions in this planning. Whilst we welcome this approach, this has undoubtedly increased the variability of support across Wales. This approach would not reduce or remove the current postcode lottery of support for medical conditions in schools.

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

## Consultation response form

Your name: Dr Kirsten Jones

Organisation (if applicable): Natspec (Wales) / Coleg Elidyr

e-mail/telephone number: [kirstenjones@colegelidyr.ac.uk](mailto:kirstenjones@colegelidyr.ac.uk)

01550 760442

Your address: Coleg Elidyr, Rhandirmwyn, Llandoverly, SA20 ONL

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

e-mail: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Category of respondent	Schools	<input type="checkbox"/>
	Special schools	<input type="checkbox"/>
	Special educational needs coordinators	<input type="checkbox"/>
	Further education sector	X
	Preschool organisations	<input type="checkbox"/>
	Education professionals	<input type="checkbox"/>
	Teaching unions	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	X
	Individuals	<input type="checkbox"/>
Other	<input type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<b>Option 1a.</b>  <b>Introduce individual development plans with a single date to go live</b>		<b>Option 1b.</b>  <b>Introduce individual development plans in mandatory phases</b>	<b>X</b> <input type="checkbox"/>
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**Supporting comments**

Natspec (Wales) supports a phased implementation by age group.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

Option 2a. Existing statutory plans	<input type="checkbox"/>	Option 2b. Education setting	X <input type="checkbox"/>	Option 2c. Key stages	<input type="checkbox"/>
Option 2d. Significant points of transition	<input type="checkbox"/>	Option 2e. 'Early adopter' local authorities	<input type="checkbox"/>	Option 2f. None of these (please explain your reasons in the comments section below)	<input type="checkbox"/>

**Supporting comments**

Learners with existing statutory plans should be able to finish their education and training with 'new' post 16 learners entering further education and training with IDPs having been phased in with younger age groups.

We feel this option is the simplest and most straightforward option. It also ensures that LAs have the longest possible time to become familiar with their new duties in relation to post-16 settings, and enables those young people who are entering, or already in, FE to complete their education without the added concern of having to transfer to a new system for a relatively short period of time at the end of their education.

It might also be worth including in the transitional arrangements some text regarding the right of those who do not currently have an existing plan to request a new IDP. LAs will need to acknowledge

potential unmet demand for future IDPs and have the resources in place to undertake new assessments.

**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?

### Supporting comments

Natspec Wales supports the aims and principles of the Welsh Government's ALN transformation programme and the new legislation, and would like to work with other organisations and stakeholders to ensure its successful implementation. Support for delivery partners should be fair and proportionate. As the legislation makes its passage through the Assembly, it is important that local authorities, Careers Wales, Estyn, the Welsh Government and all post-16 education providers (General FE Colleges, specialist colleges, and other establishments) have a common understanding about the nature, characteristics, purpose and desired outcomes of post-school education. Moreover, that a shared understanding and consensus is developed about what constitutes progress and education and training outcomes for post-16 and post-19 students with learning difficulties, particularly those with complex needs. This should include recognition of the importance of non-accredited learning and progress.

Successful implementation of the ALNET Bill will require a considered focus on ensuring local authorities and other relevant organisations understand the nature of post-16 education and the differences these options have from schools. Without a clear understanding, parents, carers and young people with learning difficulties and disabilities will not be able to make informed judgements on the options available to them. For young people with high needs requiring holistic residential education and training, it is important that specialist provision is recognised as integral to the post-16 education and training landscape.

Mindful that this is a comparably small cohort of learners and parents, there is an important group of both young people and their parents/cares who delivery partners must ensure are made aware of all post-16 options available to them. And; that importantly, for those for whom it is appropriate, this should include residential specialist provision. There is a clear danger, as has occurred in England that the conflict of interest under which Local Authorities will be placed may influence the advice and guidance provided to young people with learning difficulties and their families. Two scenarios to exemplify these points are given below.

#### *Scenario 1*

If LA's have ownership/responsibility for IDPs they will doubtless feel compromised by financial pressures to identify in an IDP that a young person's education and training needs being can met in a

General Further Education College thus ensuring monies are kept within a system that is struggling financially. This may be despite evidence that specialist provision is a more appropriate option for individuals. For young people with high needs unable to cope in mainstream colleges, there is thus, a danger of a system being set up in such a way that young people and their families will be required to experience placement collapses before education and training needs are adequately assessed and met. Decisions being premised on financial considerations rather than a person-centred analysis of individuals' education and training needs risk inequitable learning opportunities for young people with learning difficulties and disabilities in comparison to non-disabled peers. Given the above, Natspec remains concerned that existing policy advocates that specialist residential provision can only be considered if a general FE college confirms it cannot support that young person.

### *Scenario 2*

Young people with learning difficulties and disabilities and their parents/carers are in a very difficult position in understanding how or if mainstream colleges can meet individuals' training needs. There exists a distinct inequity in the way quality judgments of specialist provision and ILS departments of General Further Education establishments are made and promoted. While Specialist Providers are reviewed annually and outcomes are published, a mainstream college is reviewed only every 7 years. Moreover, an FE's ILS provision can be deemed unsatisfactory and yet the college is still able to achieve a judgment of 'Excellent' by Estyn. Hence the ability of parents/carers to assess the quality of a general FE college's provision and ability to meet the complex learning needs of young people with learning disabilities and difficulties is therefore difficult to ascertain. A related and important factor here is that parent /carer support and guidance should be impartial. If advice and guidance services are funded by LA's then they are necessarily compromised as outlined above as LA's will have a vested interest in not promoting specialist provision.

In order to successfully support delivery partnerships and the changes to policy and practice that the implementation of the Bill will bring, support for the development of partnerships between specialist colleges and mainstream establishments, to widen specialist expertise and explore the potential for mixed programmes of provision for those students who might benefit from them would be welcomed.

**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:

- liii) opportunities for people to use Welsh
- liv) 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?

**Supporting comments**

Natspec continues to support opportunities for people to use Welsh and the treating of the Welsh language no less favourably than the English language.

As with all our learning programmes, we support person-centred practice that ensures the opportunity to learn and use Welsh is student centric and based on chosen destinations and/or aspirations.

It will also be beneficial that in cases where students require visual aids and/or total communication environments that common approaches to resources and techniques are agreed.

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- liiii) 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
- liv) 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.

**Supporting comments**

As above i.e. person-centred practice.

**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.

Natspec welcomes the recommendations of the Children & young People’s Education Committee in its Report on the Additional Learning Needs and Education (Wales) Bill.

We are particularly keen to ensure that the principle stated in paragraph 10 is given full recognition:

*“...there must be adequate time, resources and support to manage the transition from the existing system to the new system in a coherent way, which ensures services are prepared to deliver the new system effectively”*

**Time:** although no timescales have yet been set for implementation, it is clear from the English experience that the deadlines set there have not been hit, and LAs have not had the capacity and ability to deal with new responsibilities and balance their combined duties of planning, assessing, advising, placing and funding children and young people with additional learning needs.

**Deadlines** - It is important that the transition plan is properly implemented so that young people and their families can have confidence in the arrangements; it should be clear how they will be managed and monitored when the evidence suggests that deadlines are not being hit and / or this is going to be a significant challenge

**Resources and support:** With the proposal that all children and young people with ALN will be eligible for a new plan, it should not be underestimated how resource intensive this will be for LAs in terms of assessment and production of plans. The experience of England demonstrates that the new right to request a plan has resulted in increased numbers of plans being issued, and a resulting pressure on LAs to end plans early for everyone rather than only those who have met their educational outcomes. LAs need reassurance that the resources will be made available to balance their multiple roles within the new system. Similarly, post-16 providers in England have been under-resourced in terms of the administrative burdens of moving to a new system where they are funded by multiple local authorities instead of one national funding agency – Wales has a unique opportunity to redress this by recognising that providers will have extra responsibilities and require administrative support.

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

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

## Consultation response form

Your name: Humie Webbe (Miss)

Organisation (if applicable): National  
Training Federation for Wales

E-mail/telephone number: [humie.webbe@ntfw.org](mailto:humie.webbe@ntfw.org)

Your address: National Training Federation for Wales,  
Ocean Park House, East Tyndall Street, Cardiff CF24  
5ET

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate  
 Welsh Government  
 Cathays Park  
 Cardiff  
 CF10 3NQ

or completed electronically and sent to:

e-mail: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Category of respondent	Schools	
	Special schools	
	Special educational needs coordinators	
	Further education sector	<input type="checkbox"/>
	Preschool organisations	<input type="checkbox"/> <input type="checkbox"/>
	Education professionals	<input type="checkbox"/> <input type="checkbox"/>
	Teaching unions	<input type="checkbox"/> <input type="checkbox"/>
	Local government	<input type="checkbox"/> <input type="checkbox"/>

	Work-based learning organisations	X
	Local health boards	
	Health professionals	
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
	Other (non for profit organisation)	X

**Question 1** – How should the implementation of individual development plans be done?

<b>Option 1a.</b>  Introduce individual development plans with a single date to go live	<input type="checkbox"/>	<b>Option 1b.</b>  Introduce individual development plans in mandatory phases	<b>X</b>
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**Supporting comments**

**The Work Based Learning (WBL) landscape is quite complex with the sector offering various learning pathways to individuals who chose a vocational route to develop their careers. Generally work based learning are rolling programmes which are not essentially aligned to statutory education term times. There is no overall standardised approach to recruitment and marketing of vacancies however there are certain times of the year such as July and February where there is concentrated activity to recruit learners.**

*‘ a phased approach would be best for existing plans giving the individuals involved time to consent but within a given deadline . It is important to ensure that families are not affected*

*by systems and the process is not rushed just to get them in place. Getting it right first time is important and getting comments from those who directly work with people with ALN is vital' (WBL Training Provider)*

*'a prescribed approach across Wales would be preferable, where plans are introduced in mandatory phases. Post 16 providers often work with learners across counties and this would become challenging if each local area is adopting their own approach to phasing in the implementation of the IDP' (WBL Training Provider)*

*'For our private training providers in our consortium, many issues around ALN support are due to the learner not disclosing support needs at the start of the apprenticeship and these tend to come to light further down the line. If IDP's were made available to WBL providers then support could be put in place from the start. There is also the issue of funding, some of our smaller providers would need to buy in support services depending on the support required.'* (WBL Training Provider)

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**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<b>Option 2a.</b> Existing statutory plans	<b>X</b>	<b>Option 2b.</b> Education setting	<input type="checkbox"/>	<b>Option 2c.</b> Key stages	<input type="checkbox"/>
<b>Option 2d.</b> Significant points of transition	<b>x</b>	<b>Option 2e.</b> 'Early adopter' local authorities	<input type="checkbox"/>	<b>Option 2f.</b> None of these (please explain your reasons in the comments section below)	<input type="checkbox"/>

**Supporting comments**

**As the WBL sector is made up of statutory and non-statutory providers it may prove difficult to implement IDP plans holistically across the sector if the introduction of IDPs only considers learners within statutory education settings.**

**We feel Option 2d represents a more realistic approach for WBL to accommodate those providers who operate within FEI and outside of the statutory sector however we recognise that our FEI providers already have a key role within the Bill's provisions and may consider 2a as the preferred option.**

*'It would be more realistic to have an All Wales approach and target those learners with greater need first. It would be a smoother transition. There are already inconsistencies and variations in local practice so the issue of some learners with high needs not being identified would not change in the short term but this would be addressed through this process and would be a manageable solution for the current workforce to implement within agreed timescales.'* **(WBL Training Provider)**

**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?

## Supporting comments

We agree that applying the system too quickly may cause confusion for learners, parents and their support networks however we feel it is important to allow sufficient time for those institutions and agencies tasked with supporting learners to produce their Individual Development Plans to gain appropriate training to ensure they are fully equipped to deliver the proposed Person Centred Practice approach.

We welcome the recent recommendation from the Children, Young People and Education Committee for Work Based Learning to be included in the Bill's provisions however the sector needs to be clarity on how support for work based learners can be accessed during the transition period.

**We recognise the importance of up-skilling the proposed ALN delivery partners however the WBL sector has a wealth of experience of working with learners with additional learning and behavioural challenges which could be utilised during the transition to the new system. We are keen to contribute effectively to learner's IDPs to ensure our sector is fully prepared to respond to the anticipated increased demand for ALN support.**

*'Key priorities would be ensuring that sufficient training, guidance and support is provided to delivery partners prior to the implementation of any changes. Perhaps using the local authorities involved in the pilot to support this and share good practice regionally. Investment is also needed in some areas to ensure both consistency and quality of multi-agency working relationships across all local authorities.'* **(WBL Provider)**

*'We also have many apprentices who progress in to WBL from a full time FE college course, so they may have received full ALN support according to the requirements of the bill when on their full time course and then not have access to this level of support when they progress to an apprenticeship at the same college due to the funding issues. I think most apprentices would wonder why this is the case!'* **(WBL Training Provider)**

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**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:

- 2 opportunities for people to use Welsh
- 2 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?

## Supporting comments

**As a sector WBL actively encourages learners to complete their apprenticeship frameworks in Welsh. We have a dedicated Bilingual Champion to support the WBL providers with their Welsh Language policies and strategies to increase the number of Welsh speakers.**

*‘Anecdotally not all tests for Welsh Language learners are available in Welsh and those that are available are not standardised. They are primarily delivered on regional need and therefore may not be accurate.’ (WBL Bilingual Champion)*

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- 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
- 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.

### Supporting comments

**We consider the ALN Bill's provisions should not have an adverse effect on learners who want to use the Welsh Language however it is important to ensure that as part of the IDP those learners who want to undertake their learning in the Welsh Language have identified support in place and that the tests reflect the appropriate language level for the learner's framework/course.**

**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.

*'The simplification of the current system is long overdue and it is a positive move that WBL be included in the consultation, at the moment there are too many pathways and avenues to pursue which makes accessing the correct channel confusing for young people and their parents/support workers.'* **(WBL Training Provider)**

*'It is a positive step forward that recommendations have been made for WBL Providers to be considered as part of the Bill. If the aim of the Bill is to establish a fair and consistent education system, then it seems logical that this consistency would be met across all Post 16 provision. WBL often bridges the gap between school and FE learning so this would be necessary to ensure a holistic and joined up approach to planning for all learners regardless of learning pathways. WBL Traineeship provision has a high number of individuals with additional learning needs (SEN and those from vulnerable groups) and this would ensure that the new system is robust and there are no gaps in person centred planning'*

**(WBL Training Provider)**

ALN038

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

## Consultation response form

Your name:

Organisation (if applicable):

e-mail/telephone number:

Your address: ST JOHN BAPTIST HIGH SCHOOL  
GLAN ROAD  
CUMDARE

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here. Responses should be received by 9 June 2017 to

Additional Learning Needs Reform Branch  
Support for Learners Division  
The Education Directorate  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

or completed electronically and sent to:

e-mail: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Category of respondent	Schools	<input type="checkbox"/>
	Special schools	<input type="checkbox"/>
	Special educational needs coordinators	<input checked="" type="checkbox"/>
	Further education sector	<input type="checkbox"/>
	Preschool organisations	<input type="checkbox"/>
	Education professionals	<input type="checkbox"/>
	Teaching unions	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
Other	<input type="checkbox"/>	

**Question 1 – How should the implementation of individual development plans be done?**

<p><b>Option 1a.</b></p> <p><b>Introduce individual development plans with a single date to go live</b></p>	<input type="checkbox"/>	<p><b>Option 1b.</b></p> <p><b>Introduce individual development plans in mandatory phases</b></p>	<input checked="" type="checkbox"/>
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**Supporting comments**

Where do AENCo's get time to place everything live all at once - this must be phased in.

**Question 2 – If individual development plans should be introduced in phases, how should these be grouped into tranches?**

<p><b>Option 2a.</b></p> <p><b>Existing statutory plans</b></p>	<input type="checkbox"/>	<p><b>Option 2b.</b></p> <p><b>Education setting</b></p>	<input type="checkbox"/>	<p><b>Option 2c.</b></p> <p><b>Key stages</b></p>	<input type="checkbox"/>
<p><b>Option 2d.</b></p> <p><b>Significant points of transition</b></p>	<input type="checkbox"/>	<p><b>Option 2e.</b></p> <p><b>'Early adopter' local authorities</b></p>	<input type="checkbox"/>	<p><b>Option 2f.</b></p> <p><b>None of these (please explain your reasons in the comments section below)</b></p>	<input type="checkbox"/>

**Supporting comments**

STATEMENTED pupils first, then SAT then KS4 then KS3 OVER the terms - NOT ALL AT ONCE

**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?**

**Supporting comments**

Supporting schools and AENCos with TIME to put all this into place. To emphasise to SAT how important time is for AENCos to implement these changes -

**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?

**Supporting comments**

N/A

**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.

**Supporting comments**

N/A

**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.

Very concerned about how AENWs will have time to put these changes in to place and how meetings with <sup>the</sup> pupils on the SEN register will be seen in meetings.

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

# the Additional Learning Needs and Education Tribunal (Wales) Bill

## Consultation response form

Your name: Mr Lee Hitchings

Mr Eugene Scourfield

Mr Mike Tate

Organisation (if applicable): On behalf of Neath Afan Secondary  
Headteachers

Neath Port Talbot

e-mail/telephone number: L. Hitchings: 01792 863200

E. Scourfield: 01639 884306

M. Tate: 01639 508540

Your address:

L.Hitchings

E. Scourfield

M.Tate

Cwmtawe Community School

St Joseph's RC School

Ysgol Bae Baglan

Ffordd Parc Ynysderw

Newton Avenue

Seaway Parade

Pontardawe

Aberavon

Port Talbot

SA8 4EG

Port Talbot

SA12 7BL

SA12 6EY

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

e-mail: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Category of respondent	Schools	<input checked="" type="checkbox"/>
	Special schools	<input type="checkbox"/>
	Special educational needs coordinators	<input type="checkbox"/>
	Further education sector	<input type="checkbox"/>
	Preschool organisations	<input type="checkbox"/>
	Education professionals	<input type="checkbox"/>
	Teaching unions	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>

	Individuals	<input type="checkbox"/>
	Other	<input type="checkbox"/>

**Question 1** – How should the implementation of individual development plans be done?

<b>Option 1a.</b>  <b>Introduce individual development plans with a single date to go live</b>	<input type="checkbox"/>	<b>Option 1b.</b>  <b>Introduce individual development plans in mandatory phases</b>	√ <input type="checkbox"/>
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**Supporting comments**

Implementation through a phased approach would allow greater time to develop IDPs and allow for the increased demand on capacity and workload. A phased approach would also allow for the development of processes, implementation of person centred practices for IDPs which are currently non-statutory and in engaging other agencies.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<b>Option 2a.</b>  <b>Existing statutory plans</b>	√ <input type="checkbox"/>	<b>Option 2b.</b>  <b>Education setting</b>	<input type="checkbox"/>	<b>Option 2c.</b>  <b>Key stages</b>	<input type="checkbox"/>
<b>Option 2d.</b>	<input type="checkbox"/> √	<b>Option 2e.</b>	<input type="checkbox"/>	<b>Option 2f.</b>	<input type="checkbox"/>

Significant points of transition		'Early adopter' local authorities		None of these (please explain your reasons in the comments section below)	
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**Supporting comments**

Tranche one: existing statutory plans

Processes are already in place, all stakeholders are fully aware of pupil needs, PCP approach already embedded, relevant agencies are involved.

Tranche two: significant points of transition

Recognises the importance of effective transition and allows for a review of need and provision between current and future setting.

Each of the six options provided within this consultation would require clarity from Welsh Government and consistency across Wales with regards to running two systems (current and new law) and the impact this would have on tribunal and running two appeal systems.

**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?

**Supporting comments**

The funding for implementation of the new legislative system is nowhere near adequate. The transformation programme which aims to deliver complete system change will place significant added pressure on schools which are already working within challenging financial constraints.

**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:

- lv) opportunities for people to use Welsh
- lvi) 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?

**Supporting comments**

Will funding to address these issues be available through WESP?

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- lv) 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
- lvi) 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.

**Supporting comments**

It is considered that this consultation is not the appropriate place for this question.

**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.

Please find below an overview of what the group feel are strengths relating to the proposed ALN reform, as well as the challenges it will entail.

Strengths:

The proposed reform continues to maintain a focus on children and young people.

Challenges:

Training: Wider workforce and partner agency upskilling to ensure knowledge, expertise and confidence in implementing changes.

Consistency: Within schools, across the LA and Wales.

Workload: Capacity of SENCOs to undertake further training and qualifications while at the same time writing IDPs and maintaining a teaching role. Large schools may require more than one SENCO or assistant SENCO role. In smaller schools the Headteacher currently undertakes this role. Significant implications on workforce and budgets.

Funding: Current funding not adequate and not sustainable.

Dispute resolution: While ALN reform sets out to be less adversarial there is a real risk of greater conflict and litigation. There is also a lack of clarity as to who would be subject to litigation. Where will responsibility lie under new statutory arrangements with the tribunal?

Managing parental expectations: How will parents be informed of changes? Given that IDPs are statutory plans, would parents have the right of appeal should a school decide that a child does not have ALN at a lower level (currently school action)?

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

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

## Consultation response form

Your name: Mark Sheridan

Organisation (if applicable): City and County of Swansea

e-mail/telephone number: [mark.sheridan@swansea.gov.uk](mailto:mark.sheridan@swansea.gov.uk)

01792 367553

Your address:

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

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Category of respondent	Schools	<input type="checkbox"/>
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	Special educational needs coordinators	<input type="checkbox"/>
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	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
	Other	<input type="checkbox"/>

**Question 1** – How should the implementation of individual development plans be done?

<b>Option 1a.</b>	<input type="checkbox"/>	<b>Option 1b.</b>	<input checked="" type="checkbox"/>
<b>Introduce individual</b>		<b>Introduce individual</b>	

<b>development plans with a single date to go live</b>		<b>development plans in mandatory phases</b>	
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**Supporting comments**

**We agree in principle that IDPs should be introduced in mandatory phases. However, in the context of Swansea’s high number of Statements of Special Educational Need we would want to avoid periods where we are running two parallel statutory processes. Our concern is that parents and advocates will try to request Statements of Special Educational Need during the implementation period if, for example, the phasing was in Key stages. Our strong view is that there should be a single date when all new requests result in an IDP and then existing Statements are converted to IDPs in a phased way. Pupils at school action and school action plus should have a single date to convert IEPs to IDPs through a person centred process.**

**Question 2 – If individual development plans should be introduced in phases, how should these be grouped into tranches?**

<b>Option 2a.</b> Existing statutory plans	<input checked="" type="checkbox"/>	<b>Option 2b.</b> Education setting	<input type="checkbox"/>	<b>Option 2c.</b> Key stages	<input type="checkbox"/>
<b>Option 2d.</b> Significant points of transition	<input type="checkbox"/>	<b>Option 2e.</b> 'Early adopter' local authorities	<input type="checkbox"/>	<b>Option 2f.</b> None of these (please explain your reasons in the comments section below)	<input type="checkbox"/>

**Supporting comments**

**As above, our view is that all new requests to the local authority should be under the new**

legislation and result in an IDP from a single date. Statements can then be converted in a phased way probably by key stage. Existing IEPS in schools can be converted by key stage as well if necessary

**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?

**Supporting comments**

There are significant concerns regarding the capacity within the local authority to meet the administrative and leadership demands that the transition to IDPs and a new statutory framework will create. ALNCoS are also not used to working within a statutory framework where the wording on IDPs regarding needs and provision becomes legally binding.

There is as yet no clarity on the distinction between LA maintained and school maintained and FEI maintained IDPs.

The Code does not give enough specificity regarding Health's responsibilities regarding health needs in the IDP.

How do you develop consistency in the creation of IDPs at pre-school (maintained and non-maintained nurseries)

What support are FEIs going to get introducing IDPs and maintaining these?

In the current code there is a clear framework relating to a graduated response, however the new Code simply refers to differentiation and a graduated response without clarity on external support and advice for example.

There is an issue of maintaining consistency of response between schools and across authorities.

How can more flexibility of response be built in to a statutory IDP compared to a Statement of Special Educational Need?

**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:

- lvii) opportunities for people to use Welsh
- lviii) 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?

#### Supporting comments

**We do not anticipate any effects on opportunities for people to use Welsh and treating the Welsh language no less favourably.**

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- lvii) 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
- lviii) 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.

#### Supporting comments

**Our view is that the local production of IDPs at a school level will in fact improve the use of the Welsh language and opportunities for the development of an IDP in the medium of Welsh.**

**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.

**One of the key objectives of the ALNET Bill is to reduce adversarial challenges to LA and school decisions. However, by increasing significantly the number of statutory documents we are concerned this will result in more Tribunal appeals rather than reduce them.**

**The Bill is based on the premise that schools have the capacity and the resources to include children and young people with ALN in mainstream. It has been noted that there are concerns that schools are not funded sufficiently to meet the additional demand and workload of producing and maintaining IDPs. This may affect willingness to include pupils with ALN and increase demand for specialist placements, which authorities are already experiencing.**

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

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

**Consultation  
response form**

Your name: Rosie Raison (This name for queries only,  
authorship should be ascribed to the organisation)

Organisation (if applicable): Royal College of Nursing  
Wales

e-mail/telephone number: 02920 680 758

Your address: Royal College of Nursing Wales, Ty  
Maeth, King George V Drive East, Cardiff, CF14 4XZ

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

e-mail: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Category of respondent	Schools	
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	Teaching unions	<input type="checkbox"/>
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	Work-based learning organisations	<input type="checkbox"/>
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	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input checked="" type="checkbox"/>
	Individuals	<input type="checkbox"/>
	Other	<input type="checkbox"/>

**Question 1** – How should the implementation of individual development plans be done?

<p><b>Option 1a.</b></p> <p><b>Introduce individual development plans with a single date to go live</b></p>	<input type="checkbox"/>	<p><b>Option 1b.</b></p> <p><b>Introduce individual development plans in mandatory phases</b></p>	<input checked="" type="checkbox"/>
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**Supporting comments**

The implementation of individual development plans (IDPs) in phases is preferable to a single ‘big bang’ approach, namely because of the significant logistical challenge that this would be likely to cause. The implementation of IDPs will potentially involve considerable multi-agency working, including the school or educational setting, local authorities and health boards. Appropriate training will need to be in place for all those involved in order to ensure that the needs of the child or young person are met.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<p><b>Option 2a.</b></p> <p><b>Existing statutory plans</b></p>		<p><b>Option 2b.</b></p> <p><b>Education setting</b></p>		<p><b>Option 2c.</b></p> <p><b>Key stages</b></p>	
<p><b>Option 2d.</b></p> <p><b>Significant points of transition</b></p>		<p><b>Option 2e.</b></p> <p><b>‘Early adopter’ local authorities</b></p>		<p><b>Option 2f.</b></p> <p><b>None of these (please explain your reasons in the comments)</b></p>	

				<b>section below)</b>	
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**Supporting comments**

The starting point for introducing the IDPs should be the severity and complexity of the needs of the individual. Those with the most severe or complex needs should have their IDPs in place at the earliest opportunity, and the phased introductions should therefore be grouped into tranches according to need.

**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?

**Supporting comments**

Given the importance of the role of the DECLO, it is vital that they are appropriately funded and embedded into Health Boards, in order for the role to be fulfilled in an adequate and sustainable way.

It is also important that the workforce involved in meeting the needs of those with ALN and healthcare needs, receive sufficient training and are upskilled in the appropriate areas in order to best meet those needs.

**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:

- opportunities for people to use Welsh
- 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?

**Supporting comments**

No comment.

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**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- 2 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
- 2 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.

## Supporting comments

No comment.

**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.

The Royal College of Nursing Wales welcomes this Bill and is strongly supportive of its aim to enhance the standard of care and education received by children and young people with Additional Learning Needs.

Every child and young person has the right to access education and it is appropriate for the Assembly to consider how a new legislative framework can ensure that statutory agencies and professionals can best support children with additional learning needs and healthcare needs. It is vital that any new legislation in Wales is up to the task of resolving many of the issues currently experienced by children and young people with ALN and healthcare needs, and their families, and overcoming the variation in standards across the country.

### About the Royal College of Nursing

The RCN is the world's largest professional union of nurses, representing over 450,000 nurses, midwives, health visitors and nursing students, including over 25,000 members in Wales. The majority of RCN members work in the NHS with around a quarter working in the independent sector. The RCN works locally, nationally and internationally to promote standards of care and the interests of patients and nurses, and of nursing as a profession. The RCN is a UK-wide organisation, with its own National Boards for Wales, Scotland and Northern Ireland. The RCN is a major contributor to nursing practice, standards of care, and public policy as it affects health and nursing. The RCN represents nurses and nursing, promotes excellence in practice and shapes health policies.

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

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

## Consultation response form

Your name: Ele Hicks

Organisation (if applicable): Diverse Cymru

e-mail/telephone number: [ele.hicks@diverse.cymru](mailto:ele.hicks@diverse.cymru)  
029 2036 8888

Your address: Diverse Cymru

Alexandra House

307-315 Cowbridge Road East

Cardiff

CF5 1JD

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

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	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input checked="" type="checkbox"/>
	Individuals	<input type="checkbox"/>
Other	<input type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<b>Option 1a.</b>  <b>Introduce individual development plans with a single date to go live</b>	<input type="checkbox"/>	<b>Option 1b.</b>  <b>Introduce individual development plans in mandatory phases</b>	<input type="checkbox"/>
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**Supporting comments**

We feel that implementation of individual development plans should be introduced as soon as possible given the time and resources available. It is vital that all individual development plans are developed in a truly person-centred, holistic way using a multi-agency approach which places the views, wishes and circumstances of each child and young person at the heart of their own plan.

We do not have a specific view regarding when and how the plans should be introduced, as we feel that time and other resources to develop comprehensive and tailored individual plans, after comprehensive training and development for staff, is as important to delivering outcomes for children and young people with Additional Learning Needs as delivering early intervention and support.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<b>Option 2a.</b>  <b>Existing statutory plans</b>	<input type="checkbox"/>	<b>Option 2b.</b>  <b>Education setting</b>	<input type="checkbox"/>	<b>Option 2c.</b>  <b>Key stages</b>	<input type="checkbox"/>
<b>Option 2d.</b>  <b>Significant points of transition</b>	<input type="checkbox"/>	<b>Option 2e.</b>  <b>‘Early adopter’ local authorities</b>	<input type="checkbox"/>	<b>Option 2f.</b>  <b>None of these (please explain your reasons in the comments section below)</b>	<input type="checkbox"/>

**Supporting comments**

**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?

**Supporting comments**

### **Creating a uniform system across local authorities**

We have found that the threshold for severe and/or complex needs is often set so high that many young disabled people who require significant support in order to be able to pursue education or employment opportunities and to ensure they have the same opportunities and life chances as their peers.

For example one young person with severe dyslexia and dyspraxia found that when living in Carmarthenshire they were assessed as having severe and complex needs and received full-time one-to-one classroom support through the SEN and statement system, yet when the same individual moved to Bridgend they were told that their SEN Statement did not stand, that they had low-level needs and required no support.

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

It is also important to ensure that a wide-range of professionals are available and well-trained to support IDP development and individual support for every child and young person with ALN. This should include specialist staff for different impairments, for example sensory impairments, cognitive impairments, learning difficulties or impairments, and physical impairments. Ensuring that staff with other areas of expertise, such as mental health and well-being and the impact of identity-based bullying will also be important to ensuring that all young people with ALN can receive tailored individualised plans and support.

However, in order for an Individual Development Plan to work effectively, it is essential that support coordinators are well trained in the variety of individual and community needs and barriers that occur across education, health and social care and in a young person's life. Additionally, training in engaging effectively with children and young people with additional learning needs is an essential component in ensuring the health and wellbeing of each young person is maximised and providing appropriate access to education and support. It is also vital that ALN and IDPs provide the support that an individual requires to ensure they have equal opportunities and the support they require to reach their full potential. It will be important to ensure that in implementing an individualised, person-centred support system no local authority, education provider, or other service provider falls back into a system of providing support based on levels of need or definitions of severity or complexity, which would be contrary to a system of individual, holistic support planning and provision.

### **Monitoring Implementation of the Act and duties**

It will be important to monitor outcomes for individual learners and the ways in which support has enabled young people to access their rights and to live independently. Outcomes should be linked to person-centred outcomes under the Well-being of Future Generations (Wales) Act 2015 and Social Services and Well-being (Wales) Act 2014. These outcomes are based on how the individual is supported and progresses rather than purely on educational attainment.

It is also vital that local authorities regularly review the processes and individual IDPs in place at all educational establishments, provide parents and children and young people with clear information on how and where to raise a query, concern or issue without necessarily lodging a complaint, and that these reviews are supported by thorough and comprehensive independent evaluation of processes, IDPs, and individual additional learning needs

provision by Estyn.

### **Workforce training**

We feel that training for all staff in all organisations will be important to the success of the new system. In our experience some staff in health and social care settings are still getting used to the completely new system and way of working introduced by the Social Services and Well-being (Wales) Act 2014. For example, many local authorities are still reviewing requirements for independent advocacy and have not introduced new systems. This shows that comprehensive training and development for all sections of the workforce prior to implementation, accompanied by template IDPs and resources, will be vital to ensuring that learners can benefit from the new system as early as possible.

We are concerned that if training is not in place and wide-spread at the earliest possible opportunity then learners who do not have a confirmed diagnosis or fall below the current threshold for SEN assessments will continue to receive a lower level of support as the system changes. Early support is vital to ensuring that disabled young people with a variety of impairments, including physical, hidden, learning, cognitive, mental health, and sensory impairments and health conditions and other learners with additional learning needs are able to progress as barriers are removed. Given the change of system to a person-centred, holistic model, and the inclusion of a much wider range of learners we feel that training and detailed guidance in identifying ALN and circumstances when learners would benefit from tailored support under the new definition; holistic, person-centred planning; communicating with young people, including language awareness and communication support; the range of potential individual and community needs and circumstances, such as addressing the impacts of bullying; and local and national sources of support and services to address a wide-range of individual needs and wishes is vital to successful implementation of the system.

### **Public awareness**

For parents and children and young people to be empowered and access their rights to IDPs and other ALN provision a public awareness campaign through early years' providers, schools, colleges and other educational settings; parenting groups and services; youth groups and activities; and the Welsh media will be required.

### **Independent advocacy**

In relation to the dispute resolution process it will be important to ensure that independent advocacy is made available to all children and young people. For this to be effective training must also be provided to all staff involved in education on the definition, uses of, benefits of, and access to independent advocacy. Information on these topics should also be widely promoted to parents and young people.

**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:

- lix) opportunities for people to use Welsh
- lx) 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?

#### **Supporting comments**

We feel that it is vital for all children and young people to have access to information and advice and to be involved in the development of their own individual development plan in their first language. Communicating with children and young people and ensuring that they are able to understand the process and their options and to fully express their wishes depends on a number of factors, including using appropriate communication tools, using Plain English or Cymraeg Clir, and communicating in their first language. In Wales this primarily relates to a need to provide all services and involve a range of appropriate professionals in Welsh and English in every area of Wales, however this also relates to BSL, Makaton and other communication methods used by people with sensory impairments and/or learning disabled young people.

Additionally, there must be arrangements in place for independent interpretation or professionals who speak other community languages to support young people whose first language is not Welsh, English, BSL or Makaton.

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- lix) 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
- lx) 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.

## Supporting comments

As mentioned above, we feel that there must be access to all services, support, and plan development in Welsh and BSL as a minimum alongside English.

To support this and development of support in other community languages we feel it is important to ensure:

- all professional roles are undertaken by Welsh speakers alongside English speakers in every local authority (E.g. educational psychologists, ALNCOs, advocates, and representatives of education, health, social care and other services involved in IDP development.)
- training and support for teachers, ALNCOs and other professionals is available in Welsh and English as a minimum.
- public information and awareness campaigns are in Welsh and English as a minimum.
- websites carry information and resources in Welsh, English, BSL and other community languages.
- all children and young people and parents are proactively asked whether they prefer to communicate in Welsh, English, BSL or another language.
- all communication should be bilingual at least until a communication preference is established.
- communication, support and all services delivered as part of an IDP should be available in Welsh, English and BSL as standard and arrangements should be in place to provide support in other languages if needed by any child or young person.

**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.

### Choice and control for young people

We feel that in implementing the new system it will be vital for children and young people to be made aware of all the support that could potentially be available. This must include children and young people and parents being able to choose Special Schools, residential colleges and other non-mainstream provision when this meets the young person's educational, independent living skills, or other needs more effectively than mainstream provision. There is a tendency under the current system to assume that mainstream provision with reasonable adjustments and support is always most appropriate for young people. This is particularly true if specialist placements are further from home. However, for some individuals the benefits of maintaining family and social networks are outweighed by the educational and life skills benefits of specialist provision. This must be taken into account and the ALN system must not assume any particular educational setting is better for young people without looking at the needs, circumstances and wishes of the individual.

### **Inclusion and equality**

It will be important to ensure that impacts of protected characteristics are taken into account when planning individualised, holistic support. Support provided must be culturally and religiously appropriate for each individual and take into account their needs and wishes in relation not only to their age and gender, but also disability, sexual orientation, and gender identity.

We would welcome any further opportunities to be involved in the development of the Code of Practice, implementation plans, and/or the ALN Strategic Implementation Group, representing equality considerations across all protected characteristics.

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



**CONSULTATION  
RESPONSE**

**Welsh Government**

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

**9 June 2017**

1. The NASUWT welcomes the opportunity to comment on how the Additional Learning Needs and Education Tribunal (Wales) Bill (the Bill) should be implemented if it receives Royal Assent.
2. The NASUWT is the largest teachers' union in Wales representing teachers and school leaders.

## GENERAL COMMENTS

3. The NASUWT believes that a hallmark of an effective and equitable education system is the extent to which it seeks to remove the barriers to achievement faced by children and young people with Additional Learning Needs (ALN).
4. The Union has identified in previous consultation responses that such a system must:
  - ensure that ALN provision is an integral and coherent part of the funding arrangements for all schools;
  - establish an approach to the early identification of ALN that makes effective use of the distinctive skills, talents and expertise of the children and young people's workforce and focuses on identifying and removing barriers to pupils' educational achievement and wellbeing;
  - assess pupils' ALN and the settings within which their needs are best met on the basis of clear and objective criteria;
  - support parents in becoming constructive and informed partners in supporting their children's progress;
  - support teachers and school leaders in their work with pupils with ALN through approaches that avoid excessive workload and allow them to focus on their core responsibilities for teaching and leading teaching and learning;
  - give local authorities the powers and resources necessary to enable them to play an effective strategic role in the provision of ALN services and in co-ordinating the work of schools and other agencies within the children's services sector;
  - adopt an approach to school accountability, curriculum and qualifications that supports the ability of teachers and school leaders to provide a broad and balanced learning offer for pupils with ALN; and
  - give children and young people with ALN the support and resources they need to progress with as much economic and social independence as possible into adulthood.
5. The NASUWT notes that the Bill would create a single statutory plan, the individual development plan (IDP), to replace the existing variety of plans for learners in schools and further education (FE) with ALN.
6. It is clear that the Welsh Government's intention is to ensure that the IDP details specific outcomes to be achieved and the necessary adjustments and interventions required to ensure that children and young people with an IDP make appropriate progress.

7. The NASUWT does not object in principle to focusing the IDP on outcomes and recognises that moves to replace existing systems provide an opportunity to ensure that systems for documenting, monitoring and reviewing actions are streamlined so that they minimise bureaucracy and workload for teachers.
8. However, the need to provide different information, with a focus more on expected outcomes than on processes, will have time implications. The NASUWT is aware that in England, the special educational needs and disability (SEND) reforms included a requirement for Education, Health and Care (EHC) plans to focus on outcomes, which is a significant shift from the special educational needs (SEN) statement focus on processes. Feedback from teachers and school leader members, as well as evidence from SEND area inspection letters, indicates that the transfer of statements to plans is proving a significant challenge in some areas. In England, the quality of EHC plans varies enormously and it appears that some areas are struggling to produce plans that focus on outcomes.
9. The NASUWT is aware that teachers have experienced significantly increased workload associated with preparing and maintaining IDPs, or their equivalents across the United Kingdom (UK), as the task can become confusing, onerous and burdensome. Consequently, the NASUWT urges the Welsh Government to put in place measures to ensure that the implementation does not replicate the problems experienced elsewhere in the UK.
10. The NASUWT asserts that such measures should include detailed workload impact assessments in the pilot authorities where an early-adopter model is used, with particular attention being paid to the increasing demands and additional workload that are often experienced by the school workforce as a consequence of a failure to ensure compliance by other agencies.
11. The Union expects the Welsh Government to underpin the implementation of the Bill with a clear commitment to secure downward pressure on the workload of teachers and support staff in schools and to include the inspection of the same in its next remit letter to the Welsh Inspectorate, Estyn.
12. In addition, the NASUWT maintains that the remit given to Estyn should include an assessing of the sufficiency of funding and the adequacy of staffing levels in schools and within other agencies, notably but not exclusively in health, so that deficiencies can be identified and

highlighted to ensure that the implementation of the requirements of the Bill are not realised through the exploitation of the various workforces involved.

13. Within the education service, particularly in schools, the years of underinvestment which has seen teacher numbers across Wales drop by 1051 since 2010 will need to be addressed as a precursor to the implementation of the Bill to ensure that children and young people in Wales are able to benefit fully from its provisions.<sup>10</sup>
14. In noting that the Bill confirms the significant responsibilities that governing bodies would have in relation to provision for pupils with ALN, the NASUWT maintains that, in practice, these duties and responsibilities will fall on the school workforce rather than on school governing bodies. The Union is concerned specifically in this respect with the workload implications associated with the management of the transfers of pupils onto the IDP system, not least since schools will be held to account for the capacity and support provided to the workforce and for engaging with parents and carers.
15. Additionally, the NASUWT notes that the Bill and the accompanying documentation places particular emphasis on the need for other children and young people's services, particularly those located within the NHS, to collaborate with schools and local authorities in meeting the needs of pupils with ALN.
16. The NASUWT has recognised in previous consultation responses that the development of more effective arrangements for multidisciplinary planning and working is central to the successful delivery of a holistic service focused on promoting the educational and wider wellbeing of children and young people with ALN and, therefore, agrees with the recommendation of the Children, Young People and Education Committee (CYPEC) in its *Report on the Additional Learning Needs and Education Tribunal (Wales) Bill* (the CYPEC Report) which states:

*'The Minister should work to ensure that weaknesses in collaboration within the current SEN system are not imported into the new ALN system'*.<sup>11</sup>
17. However, the Union remains concerned that, in its current iteration, the Bill fails to identify effectively the barriers to enhancing multidisciplinary working and/or how these barriers

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<sup>10</sup> School Census Results, 2016; <http://gov.wales/statistics-and-research/schools-census/?lang=en>

<sup>11</sup> *Report on the Additional Learning Needs and Education Tribunal (Wales) Bill*, May 2017, <http://www.assembly.wales/laid%20documents/cr-ld11055/cr-ld11055-e.pdf>

might best be addressed. In particular, without a more robust requirement on these bodies to cooperate, there could be no assurance that local authorities would receive positive responses to their requests for assistance and support.

18. The NASUWT continues to assert that this dimension of policy development will need to consider the extent to which policy priorities established for different services for children with ALN are coherent and that the frameworks for multi-agency working should be based on a recognition of the related, but distinct, roles of individual children's services and how effective collaboration can be secured in ways that do not add to the workload burdens of staff within the children's services sector and that avoid unnecessary bureaucracy.
19. The draft Additional Learning Needs Code (the draft Code) refers to the content of IDPs and says that the IDP should be created by agencies and professionals working together to identify and provide for the child's ALN. Whereas the NASUWT recognises the importance of this approach, the feedback from members working in other areas of the UK where similar transition in terms of ALN provision is underway, indicates that schools often struggle to get other agencies and professionals to fulfil their responsibilities. Teachers report that they may struggle to get a member of health service staff to attend meetings or to provide the support that has been identified. This places considerable strains and pressures on school staff who are left having to chase services and individuals to ensure that learners receives the support to which they should be entitled.
20. The NASUWT has reservations about the recommendation in the CYPEC Report which suggests that the Bill and/or the Code should ensure that independent information and advice is offered to children, young people and parents on each occasion that an IDP is reviewed.<sup>12</sup> The Union questions whether this recommendation would include school-based IDPs, as such a requirement would be likely to cause delays and put workload pressures onto the Additional Learning Needs Co-ordinator (ALNCo) due to limited access to the provision of such independent information and advice.
21. The draft Code includes a duty on local authorities to keep Alternative Learning Provision (ALP) under review. The local authority must consult, assess likely future needs, plan for and commission provision. The feedback from members working in other areas of the UK referred to previously in this response, indicates that there is a risk that some local authorities may introduce systems for assessing future needs and planning provision that are bureaucratic and

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<sup>12</sup> Ibid.

burdensome. Consequently, the Union maintains that the Welsh Government should place a requirement on local authorities to undertake thorough workload impact assessments of any such systems before their introduction.

22. The draft Code makes reference to local authorities providing information and advice to parents and children about ALN and the ALN system. Again, the experience of members working with similar systems across the UK indicates that there are likely to be significant workload issues associated with such arrangements. For example, some local authorities in England require schools to provide very detailed information and some have also expected schools to develop school-level systems that mirror the requirements placed on the local authority. The implementation of the Bill and any revisions to the draft Code must stress the importance of local authorities establishing and promoting systems for information and advice that avoid unnecessary bureaucracy and workload.
23. The draft Code makes provision for local authorities to make statutory requests for help or information from other public bodies. These bodies, which include, amongst other bodies, another local authority, an NHS Trust, a clinical commissioning group, the governing body of a maintained school in Wales or England, and a Local Health Board, must comply with any such request unless doing so would be incompatible with the bodies' own duties or would have an adverse effect on the exercise of their functions.
24. Although the draft Code makes provision to compel a body which decides not to comply with a request from a local authority to provide written reasons for their decision, the NASUWT maintains that this provision is far too weak. Indeed, the Union believes that this provision could leave local authorities and/or the schools trying to meet the ALN of children and young people without being able to draw on specialist support. The NASUWT maintains that the Bill needs to be strengthened to ensure that health and care services fulfil their responsibilities so that the school workforce is not left to continue to 'make do and mend'. The Union urges the Welsh Government to engage fully with the school workforce trade unions and other relevant stakeholders to develop effective proposals for the IDP and to establish clarity about the ways in which their introduction can address the shortcomings inherent in current systems.
25. The NASUWT remains concerned that the presumption in favour of mainstream maintained schooling and the promotion of an inclusive education system which has underpinned the Bill could have the unintended consequence of denying children and young people access to the specialist help they require.

26. The Union is concerned that despite the assurances that both non-statutory and statutory provision for children and young people with SEN and learning difficulties and/or disabilities (LDD) will fall within the scope of an IDP, fewer children and young people may benefit from ALP than is the case under the current system.
27. The NASUWT notes that the Bill makes provision for the ALNCo to replace the current, non-statutory special educational needs co-ordinator (SENCo) role and provides Welsh Ministers with the power to confer functions on the ALNCo.
28. As referred to in previous responses to the Bill, the Union is aware that the SENCo role currently faces many challenges. These include a lack of appropriate training, insufficient time to carry out the role effectively and low status within the school system. The Union is clear that, to a large extent, these issues arise because the SENCo is often required to undertake tasks that do not make the best possible use of the skills, talents and expertise of qualified teachers. In particular, SENCos are often obliged to undertake administrative tasks related to preparing and monitoring mandatory assessments that could be carried out by appropriate support staff.
29. Whilst it is accepted that the introduction of the ALNCo role will address some of these concerns, the NASUWT remains concerned that the Welsh Government appears to have given insufficient regard to the workload burdens faced currently by SENCos. The Union maintains that Welsh Ministers would, therefore, need to give very careful consideration to the consequences of adding functions to the ALNCo role without undertaking comprehensive workload impact assessments.
30. The NASUWT reminds the Welsh Government of the concerns raised by the CYPEC in December 2015 in a letter to the then Minister for Education and Skills:

*'While the reforms of the ALN system (in the draft Bill) are generally very welcome, they will not work unless the workforce is ready. There is a definite need to ensure the workforce is available in adequate numbers and with sufficient expertise to make the Bill effective.*

*Particular concern was expressed about the viability and sustainability of the ALNCo role.'*<sup>13</sup>

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<sup>13</sup> Ann Jones AM, Committee Response on the Draft Additional Learning Needs and Education Tribunal (Wales) Bill, 10 December 2015,

<http://www.senedd.assembly.wales/mgIssueHistoryHome.aspx?IId=12991&AIID=25406>

31. The NASUWT questions seriously whether, eighteen months on, the workforce is ready in terms of the adequacy of numbers and the sufficiency of expertise, especially but not exclusively, when considered in the context of the three-tier approach to meeting the existing and future development needs of the workforce in order to better support learners with ALN.
32. The three-tier approach focuses on: i) core skills, for all teaching practitioners; ii) advanced skills, in particular for the ALNCo; and iii) specialist skills, for specific individuals across a school cluster or within a specialist support service, coupled to the commitment to develop a masters level qualification for existing SENCos and future ALNCos, and the development of a national workforce planning system for ALN specialist support services. The NASUWT echoes the view expressed in the CYPEC Report that:

*'The Committee is also concerned that the enhanced role of the ALNCo, could potentially impact on workload, resulting in resource and capacity implications. In addition, resource and capacity could be made more difficult to maintain should a Master's qualification be required. These issues could raise particular problems in smaller schools, where often an ALNCo covers more than one setting. The Committee therefore believes that the Minister should review the impact of the new ALNCo role on resources and capacity within 12 months of the full introduction of the new system.'*<sup>14</sup>

33. On the wider implications of the implementation of the three-tier approach, the NASUWT maintains that the future workforce will need to be expanded significantly if the new provisions set out in the Bill are to be delivered effectively.
34. The NASUWT is clear that under the current funding levels and against a background of year-on-year job loss and compulsory redundancy, many schools will struggle to meet the requirements of the Bill and the draft Code.
35. The latest NASUWT comparison for 2014/15 between the on-average per-pupil funding for maintained schools in Wales and those in England shows that the school funding gap between Wales and England now stands at £607 and teacher numbers have dropped by 1,051 since 2010, whereas the pupil numbers are down by just 586.<sup>15</sup> The £607 per-pupil funding gap presents a shortfall of £283 million in the funding going into the schools' budgets each year.

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<sup>14</sup> Ibid.

<sup>15</sup> Op. cit.

36. When considering the capacity of the workforce to deliver the new arrangements, the NASUWT asserts that it will be necessary to address the years of under-investment in schools, even on a gradual basis, to enable the employment of sufficient staff to ensure that children and young people benefit from the new arrangements and to protect the wellbeing of the workforce.

### **SPECIFIC COMMENTS**

37. The NASUWT believes that the *Principles underpinning the approach to implementation*, referred to in the *Background* section of the consultation document, are vitally important and welcomes, amongst other things, the recognition that there must be adequate time, resources and support to manage the transition in a coherent way and that there is a need to minimise the potential for complexity and to avoid adverse impacts of rushing implementation against maximising the opportunity for learners to benefit from the reforms as quickly as possible. However, the Union believes that all of the principles must be applied equally to minimise the risk that wider policy and political pressures could result in some factors (notably time) being given greater priority in practice.
38. The NASUWT has welcomed, in previous responses to the draft Bill, the intention to create a unified system for supporting learners with ALN from 0 to 25. However, experience across the UK demonstrates that the support that is provided to people with ALN in this age group varies enormously. In particular, support for those over the age of 19 is likely to be very limited. It will be important for the Welsh Government to provide the resources (including adequate funding, time and support) to develop this aspect of the ALN reform. In noting the views expressed by in the CYPEC Report in relation to post-16 ALN provision, the NASUWT suggests that it may be prudent for these developments to operate to a different timeframe to reforms and developments relating to learners aged 5 to 16/19.
39. As referred to elsewhere in this response, the proposal that all learners with ALN should be entitled to an IDP with statutory rights to receive the provision set out in the IDP has significant implications for workload and resourcing. The NASUWT notes that the reference to statutory entitlement to receive provision set out in the IDP applies to all learners with ALN. The statutory nature of any entitlement is likely to increase paperwork and bureaucracy because of the potential implications of not meeting provision. The Union believes that it is, therefore, essential that additional resources are made available. It is vital that schools have

access to high-quality, appropriate support and that this support is available when it is needed.

40. The duty to involve children, young people and their parents in decision-making is likely to have significant workload implications for schools. It is also vital to recognise that effective and meaningful engagement takes time to establish and that schools will need the resources to do this.

41. The NASUWT offers the observations and comments that follow in relation to the questions posed on the consultation response form.

**Question 1** – How should the implementation of individual development plans be done?

<p><b>Option 1a.</b></p> <p><b>Introduce individual development plans with a single date to go live</b></p>	<input type="checkbox"/>	<p><b>Option 1b.</b></p> <p><b>Introduce individual development plans in mandatory phases</b></p>	<input checked="" type="checkbox"/>
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**Supporting comments**

The NASUWT is firmly of the opinion that the option of introducing IDPs with a single date to go live (Option 1a) has significant workload implications. Based on evidence gathered about the implementation of SEND reforms in England, the Union maintains that Option 1a would be wildly unrealistic.

Option 1a fails to recognise that:

- the transfer of statements to IDPs will take time and will incur additional costs;
- the staff responsible for writing the IDPs will need to be trained so that they have a clear understanding of what is required;
- the task of transferring statements must be undertaken by local authorities and not by school staff.

In addition, the NASUWT maintains that the transfer of School Action and School Action Plus to IDPs

in schools would also create unacceptable levels of workload. The 2016 school census data reveals that there were 92,709 pupils in schools with SEN without a statement, including 14,429 with speech, language and communication difficulties, 13,330 with behavioural, emotional and social difficulties, 3,476 with physical and medical difficulties, and 2,233 with autistic spectrum disorders.<sup>16</sup>

The NASUWT is aware that the interventions available for pupils in these categories have been transferred to school learning support workers (LSWs) in many schools in Wales, rather than them being undertaken by teachers. The Union maintains that the process of converting the support plans to IDPs could not be undertaken by LSWs and that this work is likely to fall on classroom teachers, and particularly on SENCos/ALNCos.

The NASUWT believes that the duty to involve children, young people and their parents in decision-making is likely to have significant workload implications for schools. The Union questions whether Option 1a recognises that such effective and meaningful engagement takes time to establish and that schools will need to be appropriately and adequately resourced to accommodate this duty.

As referred to elsewhere in this response, the draft Code requires that the IDP should be created by agencies and professionals working together to identify and provide for the child's ALN. Despite the allocation of £2.1 million in the *ALN Transformation Programme* to improve regional partnerships, the NASUWT remains concerned that schools are likely to encounter difficulties in obtaining the support of other professionals to attend meetings in a short timescale.<sup>17</sup> The considerable strains and pressures that would be placed on school staff where they are left to chase services and individuals needs to be recognised and addressed if learners with SEN are to benefit from this approach. Consequently, the NASUWT maintains that the Welsh Government must ensure that all elements of the national workplace planning system are in place before proceeding with the implementation of this element of the Bill.

The NASUWT therefore favours a phased implementation with those most prepared to proceed moving forward in the first instance. If this approach is adopted, then the Union believes that the arrangements for the transition to the new processes should set out the transitional timescales.

In noting the timescales currently set out in Chapter 10 of the draft Code, the NASUWT does not believe that these could, or should, be applied in the transitional period. The NASUWT is aware,

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<sup>16</sup> School Census Results, 2016 <http://gov.wales/docs/statistics/2016/160727-school-census-results-2016-en.pdf>

<sup>17</sup> Alun Davies, Minister for Lifelong Learning and Welsh Language, 21 November 2016, <http://gov.wales/about/cabinet/cabinetstatements/2016-new/alnprogramme/?lang=en>

however, that the CYPEC has recommended that the Bill is amended to ensure that timescales are stipulated in the draft Code.<sup>18</sup> The Union maintains, therefore, that the Bill should also be amended to include provision for the transitional timescales to be included in the draft Code.

The NASUWT believes that consideration will also need to be given to the timescales involved in the determination of assessment of new referrals when it is brought to the attention of, or otherwise appears to a maintained school, further education institution (FEI) or local authority, that a child or young person has, or may have ALN.

In noting that the consultation document states that all new entrants to the system would automatically be provided with an IDP from the time that the new system comes into force. The NASUWT believes that further consideration will need to be given to this approach as, arguably, it assumes that all providers would be ready to commence the new arrangements at the same time.

However, the NASUWT acknowledges that the proposals to phase the introduction of the new system referred to in Option 1b, demonstrates that the Welsh Government recognises that providers are likely to be at different stages of preparedness. The Union suggests that this situation emphasises the need for all the elements of the national workplace planning system to be in place at the starting point of the transition to the new system.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<b>Option 2a.</b> Existing statutory plans	<input type="checkbox"/>	<b>Option 2b.</b> Education setting	<input type="checkbox"/>	<b>Option 2c.</b> Key stages	<input type="checkbox"/>
<b>Option 2d.</b> Significant points of transition	<input type="checkbox"/>	<b>Option 2e.</b> 'Early adopter' local authorities	<input type="checkbox"/>	<b>Option 2f.</b> None of these (please explain your reasons in the comments section)	<input checked="" type="checkbox"/>

<sup>18</sup> Op. cit.

				below)	
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**Supporting comments**

The NASUWT considers that it is difficult to answer this question without detailed information about each of the intended procedures.

However, the Union recognises that the options included in the consultation document point to some of the factors that should be considered, for example, what already exists in terms of statutory statements or plans; the extension of statutory cover to all those with ALN; whether the authority is a pilot authority and so better placed to implement reforms; and the phase of education.

The NASUWT acknowledges that pilot authorities are likely to be better placed to implement the reforms than other authorities; however, there will also be other differences between authorities. Some local authorities have stronger relationships with schools and/or a history of working collaboratively and co-operatively. The time frame may also depend on the nature of local relationships between health and care services and education services.

Consequently, the NASUWT believes that the Welsh Government should consider a mixture of these options.

The Union recognises that it should be possible for the pilot authorities to move learners currently on statements or looked-after children to new IDPs immediately using an early-adopter model. Other local authorities should be allowed to consider a phased approach depending on the levels of training and readiness of staff to undertake the process. It could well be that pupils with the greatest needs will be transferred first and that others would be processed at their review date. This would allow up to a year for the transition. The Union is aware that there may be significant variations between local authorities in the number and type of statements. The NASUWT maintains that these issues will need to be addressed through the draft Code and other guidance to bring about equity in provisions between learners with similar needs.

The NASUWT also believes that post-16 FE providers will require a longer timescale as their relationship with local authorities and health providers are likely to be much less developed at the

outset.

The NASUWT endorses the views in the CYPEC Report that:

*'The evidence presented to the Committee raises serious concerns about the adequacy of the existing relationship between local authorities and the FE sector to make the provisions of the Bill work effectively and in the best interests of the learner. The Committee is not satisfied that the provisions of the Bill are adequate to ensure that the needs of learners with ALN will be met, especially in the difficult transition to further education. The Committee is also concerned that FE colleges have not been involved sufficiently in either the pilot work or in planning for transition to the new system, and believes that the Welsh Government should have done more to engage with the FE sector throughout this period'.<sup>19</sup>*

The NASUWT remains firmly of the view that the Welsh Government should return the FE colleges in Wales to the control of local authorities, not least since this would ensure the seamless transition of learners with ALN into the FE sector and would better include FE providers in local planning and training provision.

The NASUWT finds little merit in differentiating between Key Stages, as schools will be at different stages of readiness regardless of phase. Some larger primary schools with resources and well-trained staff may be able to advance earlier than others, particularly, small schools without a dedicated SENCo.

The Union maintains that consideration needs to be given to including learners at key points of transition, particularly between schools and FE providers, in earlier tranches.

The NASUWT believes that all other learners should make the transition to an IDP at the review date of their current plan. However, the Union notes that the provision of the additional £10m announced by the Cabinet Secretary for Education is yet to be confirmed at the next spending review and is in any case to be delivered over the course of the current Assembly term. This will therefore inform the starting point of the transition to ensure that the training, guidance and professional development which will be required under the three-tier approach to meet the existing and future development needs of the workforce is fully realised and in place in order to better support learners with ALN.

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<sup>19</sup> Ibid.

To this end, the NASUWT maintains that it will be necessary to assess, in due course, the readiness of the entire workforce, not just the workforce in schools, so that the Welsh Government is able to assure itself that *'all partners are able to successfully implement and deliver the new system'*.<sup>20</sup> However, the Union asserts that this assessment must be made on a collective basis by the entire school or college workforce, through their trade unions, rather than by over-zealous or overly enthusiastic headteachers, college principals or senior management teams without due diligence being given to the impact on the wider workforce in terms of workload and work/life balance.

The NASUWT has some concerns over the potential impact of Recommendations 6, 10 and 11 of the CYPEC Report during the transition period.<sup>21</sup>

In agreeing that there is a lack of clarity about when an IDP becomes the responsibility of the local authority and that there is a need for unambiguous guidance, and noting that this issue has been tested in the pilots, the Union remains concerned about how well this will be managed during the transition to the new system. The NASUWT believes that great care would need to be exercised in determining where the responsibility rests to avoid unnecessary delays for learners and to prevent potential harm to the relationship between local authorities and schools.

The Union notes that in presenting evidence to the CYPEC, the Director for Education from Carmarthenshire, representing the Association of Directors of Education in Wales (ADEW), placed the responsibility in the context of local authorities' approaches to delegating school funding, saying it was about: *'making sure that schools have the resources so that they can provide the additional learning provision required and meet those needs without having to revert to the local authority'*.<sup>22</sup> The Union is concerned that too much delegation in this area could either lead to local authorities having insufficient resources to deal with the complex IDPs they would be required to produce and support or allow local authorities to abnegate their responsibilities for preparing IDPs.

In addition, the NASUWT believes that the potential involvement of educational psychologists in determining whether an IDP should be the responsibility of the school or passed to the local authorities is also likely to cause delays in the process and could lead to tensions between the interested parties. The Union asserts that these issues must be taken into consideration during the transition period.

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<sup>20</sup> Alun Davies, Minister for Lifelong Learning and Welsh Language, 7 February 2017, <http://gov.wales/about/cabinet/cabinetstatements/2017/ALN/?lang=en>

<sup>21</sup> Op. cit.

<sup>22</sup> Ibid.

The NASUWT agrees in part with Recommendation 10 of the CYPEC Report that the Minister should carry out a review, within 12 months of the full introduction of the new system, of the level of IDPs that are, or become, the responsibility of a local authority to ensure an appropriate balance in where the responsibilities for IDPs lies. Whereas the need for the impact on the resources of the local authorities regarding their responsibility for the IDPs is recognised, the Union maintains that the review must encompass the resource and workload implications for the provision of IDPs in schools and FEIs.

The NASUWT agrees fully with Recommendation 12 of the CYPEC Report that there should be an all-Wales template for IDPs. Indeed, the Union argued in favour of this approach in previous responses as it has the potential to aid the transition period by providing much needed clarity and consistency and should militate against an increase in workload as there will be no need for schools, local authorities or consortia to create their own model IDP.

**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?

### **Supporting comments**

The NASUWT believes that there are significant problems and significant challenges for delivery partners in the transition to the new system.

The Union is concerned that schools, as the organisation that often knows the child and family best, will be placed under enormous pressure to take on the responsibilities of co-ordinating the new system. If this proves to be the case, the cost and workload implications should be apparent against a background of continued underinvestment in the education workforce. Additional staffing will be needed if existing staff are not to be taken away from their primary responsibility for education.

The NASUWT asserts that it will be crucially important to ensure that health and care services work co-operatively with the education service to meet the needs of children and young people with ALN and that there is an overarching framework for sharing information and co-operation across

services.

The Union believes that there will be a need to employ additional staff to undertake the specific role of co-ordination, rather than relying on this to be done on an arbitrary basis or *ad hoc* basis. The Union maintains that the specifications for the roles of the ALNCo, designated medical or clinical officer (DELCO) and health co-ordinator will need to be set out clearly in the draft Code.

The NASUWT is clear that the training and development of all staff in schools, FEIs and local authorities, to equip them appropriately to play their part in the three-tier approach envisaged in the introduction of the new system, must be a priority for the Welsh Government if the new system is to be introduced successfully.

Consequently, the Union maintains that the Welsh Government must ensure that the training, guidance and professional development required to meet the existing needs of the workforce under the three-tier approach is fully realised and in place from the starting point of the transition to the new system.

In giving oral evidence to the CYPEC in January, the Minister for Lifelong Learning and the Welsh Language (the Minister) emphasised the need for cultural change;

*'What I would like to do, more than anything else, is to create a culture change within the way we work, because, at the end of the day, the success or not of this legislation will depend upon individuals working well together within the system that's created. (...)*

*What I want to be able to do is lead a process of transformation—and it's a wider process of transformation in terms of training and in terms of providing the funding to enable change to take place—and then the change of culture that we spoke about earlier, which will deliver on these needs'.<sup>23</sup>*

The NASUWT welcomes the Minister's aims and aspirations and trust that they will be realised through a recognition that the importance of training and professional development for teachers and other school staff as well as those working in other agencies will be as fundamental to the success of the new arrangements, as will be the need for additional resources, including funding and staffing, to be in place to support the transition and to sustain the future delivery of ALN support for

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<sup>23</sup> Oral evidence to the CYPEC, 12 January 2017, <http://senedd.assembly.wales/documents/s58417/12%20January%202017.pdf>

children and young people in Wales.

**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:

- lxi) opportunities for people to use Welsh
- lxii) 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?

#### **Supporting comments**

The NASUWT supports, in principle, the Welsh Government’s aspiration to increase the number of Welsh speakers in Wales.

The Union notes the requirements placed on local authorities in the draft Code that they must keep ALP under review and, as part of the review, a local authority must have regard to the desirability of ensuring that the ALP is available in Welsh. The Union believes that it is important to put the scale of this challenge into perspective, given that 65.5% of schools in Wales are English-medium schools.<sup>24</sup> Similarly, the draft Code places a requirement to comply with relevant Welsh language obligations on organisations drafting an IDP where a child, a child’s parent or young person wishes to participate in the IDP preparation process through the medium of Welsh. Again, the NASUWT believes that this requirement may present difficulties in English medium schools.

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

<sup>24</sup> School Census Results, 2016, <https://statswales.gov.wales/Catalogue/Education-and-Skills/Schools-and-Teachers/Schools-Census/Pupil-Level-Annual-School-Census/Schools>

- lxi) 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
- lxii) 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.

### Supporting comments

The NASUWT believes that the proposals will have no adverse effects on opportunities for people to use the Welsh language or on treating the Welsh language no less favourably than the English language.

Indeed, the NASUWT recognises that the recommendations contained in the CYPEC Report seek to actively promote the opportunities for people to use the Welsh Language.

**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.

The NASUWT maintains that the implementation of the Bill must be underpinned by a clear commitment from the Welsh Government that:

- downward pressure will be placed on the workload of teachers and support staff in schools and colleges;
- the entire workforce, not just the workforce in schools and colleges, will be appropriately prepared through access to high-quality SEN training;
- the school and college workforce will be supported fully in their work with children and young people with ALN through approaches that avoid excessive workload and provide adequate and appropriate training and development to allow them to focus on their core responsibilities for teaching and leading teaching and learning;
- local authorities will be given the powers and resources necessary to enable them to play an

effective strategic role in the provision of ALN services and in co-ordinating the work of schools and other agencies within the children's services sector; and

- an approach to school accountability, curriculum and qualifications that supports the ability of teachers and school leaders to provide a broad and balanced learning offer for pupils with ALN will be adopted.



Chris Keates (Ms)

**General Secretary**

For further information on the Union's response, contact Rex Phillips, National Official for Wales.

NASUWT Cymru

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**Dewisiadau ar gyfer gweithredu Bil Anghenion Dysgu  
Ychwanegol a'r Tribiwnlys Addysg (Cymru)**

**Ffurflen ymateb i'r ymgynghoriad**

Eich enw: Carys Moseley

Sefydliad (os yw'n berthnasol): Dathlu'r Gymraeg

e-bost/rhif ffôn: [carys@ebcpcw.org.uk](mailto:carys@ebcpcw.org.uk)

Eich cyfeiriad: Eglwys Bresbyteraidd Cymru, 81 Heol Merthyr, Yr Eglwys Newydd, Caerdydd, CF14 1DD

Dylid dychwelyd ymatebion erbyn **9 Mehefin 2017** i:

Y Gangen Diwygio Anghenion Dysgu Ychwanegol

Yr Is-adran Cymorth i Ddysgwyr

Y Gyfarwyddiaeth Addysg

Llywodraeth Cymru

Parc Cathays

Caerdydd

CF10 3NQ

neu gellir cwblhau'r ffurflen yn electronig a'i hanfon i'r cyfeiriad isod:

e-bost: e-bost: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Ymatebwyr	Ysgolion	
	Ysgolion arbennig	
	Cydlynwyr anghenion addysgol arbennig	

	Y sector addysg bellach	
	Sefydliadau cyn ysgol	
	Gweithwyr proffesiynol ym maes addysg	
	Undebau athrawon	
	Llywodraeth leol	
	Sefydliadau dysgu seiliedig ar waith	
	Byrddau iechyd lleol	
	Gweithwyr iechyd proffesiynol	
	Sefydliadau eraill o'r sector cyhoeddus	
	Sefydliadau'r trydydd sector	
	Unigolion	
	Arall	

**Cwestiwn 1** – Sut y dylid mynd ati i roi'r cynlluniau datblygu unigol ar waith?

<b>Dewis 1a.</b>	<input type="checkbox"/>	<b>Dewis 1b.</b>	<input type="checkbox"/>
<b>Cyflwyno cynlluniau datblygu unigol ar un dyddiad penodol</b>		<b>Cyflwyno cynlluniau datblygu unigol mewn cyfnodau gorfodol</b>	

**Sylwadau ategol**

**Cwestiwn 2** – Os dylid cyflwyno cynlluniau datblygu unigol gam wrth gam, sut y gellid eu rhannu yn ôl *tranche*?

<b>Dewis 2a.</b> Cynlluniau statudol presennol	<input type="checkbox"/>	<b>Dewis 2b.</b> Lleoliad addysg	<input type="checkbox"/>	<b>Dewis 2c.</b> Cyfnodau allweddol	<input type="checkbox"/>
<b>Dewis 2ch.</b> Cyfnodau pontio arwyddocaol	<input type="checkbox"/>	<b>Dewis 2d.</b> Awdurdodau lleol yn 'mabwysiadu'n gynnar'	<input type="checkbox"/>	<b>Dewis 2dd.</b> Dim un o'r uchod (esboniwch eich rhesymau yn yr adran sylwadau isod)	<input type="checkbox"/>

**Sylwadau ategol**

**Cwestiwn 3** – Beth yw eich barn am y blaenoriaethau o ran sicrhau cymorth gan Lywodraeth Cymru i bartneriaid darparu wrth iddynt baratoi i drosglwyddo i'r system newydd?

**Sylwadau ategol**

Un o'r blaenoriaethau o ran cymorth ar gyfer pontio i'r drefn newydd fydd sicrhau fod gweithlu cyflawn a chymwys ar gyfer y gwaith. Golyga hyn sicrhau fod gweithwyr sy'n gallu siarad Cymraeg ym mhob maes perthnasol – yn athrawon a chynorthwywyr cymwys, staff arbenigol (e.e. therapyddion iaith a lleferydd, seicolegwyr addysg), staff yn y sector iechyd). Mae prinder staff difrifol mewn rhai ardaloedd, a rhai meysydd, ar hyn o bryd, a rhagwelwn y bydd y pwysau gwaith yn cynyddu dan y drefn newydd. Rhaid cynllunio a buddsoddi nawr i sicrhau gweithlu gyda'r sgiliau arbenigol a ieithyddol angenrheidiol. Credwn fod angen ymgyrch i atynnu ymgeiswyr newydd i

hyfforddiant dysgu a swyddi eraill drwy'r Gymraeg.

Problem arall sy'n bodoli ar hyn o bryd, ac sy'n haeddu sylw brys wrth drosglwyddo i system newydd, yw'r diffyg profion diagnostig yn y Gymraeg. Mae diffyg profion addas yn gallu arwain at amseroedd aros hirach i ddysgwyr Cymraeg eu hiaith, neu at ddiffygion yn y prosesau gwneud diagnosis (e.e. canlyniadau camarweiniol). Nid yw'n ddigon bod profion yn cael eu cyfieithu ar lawr gwlad gan ymarferwyr unigol mewn ysgolion – mae creu'r profion yn waith arbenigol, ac mae angen i'r profion cael eu creu ar gyfer siaradwyr Cymraeg i sicrhau eu bod yn declynnau effeithiol a chywir.

**Cwestiwn 4** – Hoffem wybod eich barn ar yr effeithiau y byddai gweithredu'r Bil Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) yn eu cael ar yr iaith Gymraeg, yn benodol ar:

- i) gyfleoedd i bobl ddefnyddio'r Gymraeg
- ii) peidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.

Pa effeithiau rydych chi'n credu y byddai? Sut y gellid gynyddu effeithiau positif a lliniaru effeithiau negyddol?

#### **Sylwadau ategol**

Mae diffygion sylweddol yn y system ar hyn o bryd o ran sicrhau darpariaeth Gymraeg i ddysgwyr ag ADY. Mae'r problemau'n cwmpasu diffyg staff, ac felly diffyg gwasanaethau Cymraeg, ar gyfer y broses o wneud diagnosis, o broses o drafod gydag asiantaethau allanol, megis y gwasanaeth iechyd, a'r ddarpariaeth arbenigol ei hun.

Prydera Dathlu'r Gymraeg y gallai'r un diffygion barhau dan y drefn newydd. Byddai hynny'n golygu, yn fyr, na fyddai unrhyw gyfleoedd ychwanegol i bobl ddefnyddio'r Gymraeg, ac y byddai'r Gymraeg yn parhau i gael ei thrin yn llai ffafriol na'r Saesneg. Canlyniad hynny ar gyfer dysgwyr ag ADY yw eu bod yn gorfod parhau i frwydro dros gael gwasanaeth a darpariaeth sy'n addas at eu hanghenion.

**Cwestiwn 5** – Eglurwch hefyd os gwelwch yn dda sut rydych chi'n credu y gall y cynigion arfaethedig ar gyfer gweithredu'r Bil cael eu llunio neu eu haddasu er mwyn:

- i) cael effeithiau positif ar gyfleoedd i ddefnyddio'r Gymraeg ac ar beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg

ii) peidio â chael effeithiau andwyol ar gyfleoedd i ddefnyddio'r Gymraeg ac ar beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.

### Sylwadau ategol

Er mwyn osgoi sefyllfa fel a nodwyd yng nghwestiwn 4 uchod, awgrymwn fod angen rhoi sylw i'r pwyntiau canlynol, naill ai yn y Bil neu yn y Cod:

- bod yn hollol glir ynghylch sut i benderfynu a nodi anghenion ieithyddol yn y Cynllun Datblygu Unigol, a darparu dull clir ar gyfer herio os nad yw'r anghenion a nodwyd yn cael eu cyflawni
- sicrhau fod profion diagnostig ar gael yn y Gymraeg
- sicrhau cyflenwad digonol o ymarferwyr arbenigol
- sicrhau fod y gwasanaeth eirioli annibynnol, a phrosesau Tribiwnlys Addysg Cymru, ar gael yn y Gymraeg

**Cwestiwn 6** – Rydym wedi gofyn nifer o gwestiynau penodol. Os oes gennych chi faterion perthnasol nad ydym wedi rhoi sylw penodol iddynt, defnyddiwch y blwch isod i roi gwybod i ni amdanynt.

Mae ymatebion i ymgynghoriadau yn debygol o gael eu gwneud yn gyhoeddus, ar y rhyngwyd neu mewn adroddiad. Os byddai'n well gennych i'ch ymateb aros yn ddienw, ticiwch yma:

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

## Consultation response form

Your name: Ian Toone

Organisation (if applicable): Voice Cymru

e-mail/telephone number: 01332 372337

Your address: PO Box 2539, Cardiff CF23 0HJ

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

e-mail: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Category of respondent	Schools	<input type="checkbox"/>
	Special schools	<input type="checkbox"/>
	Special educational needs coordinators	<input type="checkbox"/>
	Further education sector	<input type="checkbox"/>
	Preschool organisations	<input type="checkbox"/>
	Education professionals	<input type="checkbox"/>
	Teaching unions	<input checked="" type="checkbox"/>
	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
Other	<input type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<b>Option 1a.</b>	<input type="checkbox"/>	<b>Option 1b.</b>	<input checked="" type="checkbox"/>
<b>Introduce individual development plans with a single date to go live</b>		<b>Introduce individual development plans in mandatory phases</b>	

### Supporting comments

Phasing in IDPs over a set period of time requires some flexibility to ensure that local authorities and education settings have adequate time to formulate appropriate policies and procedures for making the transition to the new arrangements. Whilst option 1a might be appropriate for managing new entrants to the system, option 1b would facilitate the flexibility needed to convert existing plans (statements, IEPs, learning and skills plans, post-16-based plans and personal education plans) into IDPs. Option 1a, whilst perhaps appearing to be the ideal option, is likely to be chaotic and ineffective in practice.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<b>Option 2a.</b> Existing statutory plans	<input type="checkbox"/>	<b>Option 2b.</b> Education setting	<input type="checkbox"/>	<b>Option 2c.</b> Key stages	<input type="checkbox"/>
<b>Option 2d.</b> Significant points of transition	<input type="checkbox"/>	<b>Option 2e.</b> 'Early adopter' local authorities	<input checked="" type="checkbox"/>	<b>Option 2f.</b> None of these (please explain your reasons in the comments section below)	<input type="checkbox"/>

### Supporting comments

This would allow 'teething problems' to be addressed on a manageable scale before the new system is rolled out nationwide.

**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?

**Supporting comments**

Effective transition to the new system requires adequate funding and training. There is concern that funding will be insufficient to include all staff (including support staff, as well as teachers) who need to be trained. This funding also needs to be secured for the future, not only for the transitional period. The ALNCo role will be critical to the success of this initiative, but it is not currently known whether the proposed investment package will be adequate to meet the required training needs, especially if it decided that ALNCoS will need to undertake postgraduate training specific to their role.

**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:

- Ixiii) opportunities for people to use Welsh
- Ixiv) 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?

**Supporting comments**

Both of these issues relate to questions of availability and capacity. In order to promote Welsh

language provision, there needs to be adequate funding to ensure availability and capacity. The National Assembly for Wales needs to decide whether implementation of this Bill should be constrained by existing resources (which might restrict opportunities for people to access provision in their preferred language) or whether aspects of the Bill should be strengthened in order to provide a statutory basis for increasing availability and capacity. People should not have to choose between good quality ALN provision on the one hand and either Welsh or English-medium provision on the other hand. The best ALN provision should always be available in the preferred language.

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- lxiii) 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
- lxiv) 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.

**Supporting comments**

This is covered in our response to Q4 above.

**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.

More consideration needs to be given to children and young people with medical conditions. Medical conditions (whether acute or chronic) often have implications for learning and, therefore, for additional learning support, but the Bill (and associated Code) does not adequately address the juxtaposition of health and educational issues. ALN needs to be defined in a more inclusive way to include medical conditions, and reference to medical conditions needs to be more explicit within the Code (the current 'health needs' section being too broad to be fit for purpose). It is appreciated that the implications of this may be wide-ranging – for example, making arrangements for continuing

provision in the case of chronic medical conditions and empowering Tribunals to seek medical advice so that they can adjudicate effectively in such cases – but this is necessary if the needs of this particularly vulnerable group are to be met effectively rather than creating a double disadvantage.

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

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

## Consultation response form

Your name: Ceri Jones

Organisation (if applicable): Access and Inclusion, Rhondda Cynon Taf

e-mail/telephone number: [ceri.l.jones@rctcbc.gov.uk](mailto:ceri.l.jones@rctcbc.gov.uk)

Your address: Access and Inclusion, Ty Trevithick, Abercynon, Mountain Ash. CF45 4UQ

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

or completed electronically and sent to:

e-mail: [SENReforms@wales.gsi.gov.uk](mailto:SENReforms@wales.gsi.gov.uk)

Category of respondent	Schools	<input type="checkbox"/>
	Special schools	<input type="checkbox"/>
	Special educational needs coordinators	<input type="checkbox"/>
	Further education sector	<input type="checkbox"/>
	Preschool organisations	<input type="checkbox"/>
	Education professionals	<input type="checkbox"/>
	Teaching unions	<input type="checkbox"/>
	Local government	<input checked="" type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	<input type="checkbox"/>
	Health professionals	<input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>
Other	<input type="checkbox"/>	

**Question 1** – How should the implementation of individual development plans be done?

<b>Option 1a.</b>	<input type="checkbox"/>	<b>Option 1b.</b>	<input checked="" type="checkbox"/>
<b>Introduce individual development plans with a single date to</b>		<b>Introduce individual development plans in</b>	

go live		mandatory phases	
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**Supporting comments**

**Option 1b would make the workload more manageable for all educational settings including Local Authorities. It would also be a more equitable approach to introduce mandatory phases with clearly defined timeframes for transition on a national basis. Option 1b would allow more time to develop an effective person-centred planning approach to developing IDPs.**

**Question 2 – If individual development plans should be introduced in phases, how should these be grouped into tranches?**

<b>Option 2a.</b> Existing statutory plans	<input type="checkbox"/>	<b>Option 2b.</b> Education setting	<input type="checkbox"/>	<b>Option 2c.</b> Key stages	<input type="checkbox"/>
<b>Option 2d.</b> Significant points of transition	<input checked="" type="checkbox"/>	<b>Option 2e.</b> 'Early adopter' local authorities	<input type="checkbox"/>	<b>Option 2f.</b> None of these (please explain your reasons in the comments section below)	<input type="checkbox"/>

**Supporting comments**

**This approach would recognise the importance of careful planning and multi-agency approach needed at key transition points. This phased approach would also make the workload of introducing IDPs more manageable than some other options. However, consideration would need to be given to realistic timescales to ensure that Local Authorities and Further Education Institutions have sufficient time to prepare for their new duties.**

**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?

**Supporting comments**

**Clarity in relation to the legal / statutory implications of the Bill and regulations and the new Code of Practice**

**Clarity in relation to how the ALNET Bill and other recent legislation (e.g. Social Services and Wellbeing Act) support each other.**

**Clear strategy for specialist workforce development and training for ALNCoS**

**Ensure that local authorities and other relevant partners have realistic timescales to plan for the introduction of IDPs - e.g. ensure that the final version of the new Code of Practice is available for planning and preparation well before implementation date.**

**Clearer guidance on the allocation of the £20 million transition funding and sustainability following designated transition period.**

**Clarity on how WG plans to respond to recommendations made by the multi -agency ALN expert groups**

**Development of effective all Wales data sharing protocols.**

**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:

- lxv) opportunities for people to use Welsh
- lxvi) 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?

#### Supporting comments

**Recent amendments to include reference to the status of the Welsh language will reinforce the need to treat the Welsh language on an equal status to the English language. However, this has potential implications for funding, workload and specialist workforce planning, which, unless addressed on a national level, could impact negatively on access to / availability of appropriate provision and services through the medium of Welsh.**

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

- lxv) 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
- lxvi) 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.

#### Supporting comments

**Ensure that access to ALN services / provision through the medium of Welsh is integral to all scoping work for future financial planning and specialist workforce development and is integral to the WG strategic national transition planning for implementation of the reforms.**

**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.

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

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

### **Consultation response form**

Darrell Clarke – Head of Planning, CYP and Families

Donna Morris – Paediatric Physiotherapy

Sarah O'Connor – Paediatric Speech and Language Therapy

Sarah Lewis-Simms - Paediatric Occupational Therapy

Cwm Taf University Health Board

Responses should be returned by **9 June 2017** to

Additional Learning Needs Reform Branch

Support for Learners Division

The Education Directorate

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	Education professionals	<input type="checkbox"/>
	Teaching unions	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Work-based learning organisations	<input type="checkbox"/>
	Local health boards	√ <input type="checkbox"/>
	Health professionals	√ <input type="checkbox"/>
	Other public sector organisations	<input type="checkbox"/>
	Third sector organisations	<input type="checkbox"/>
	Individuals	<input type="checkbox"/>

	Other	<input type="checkbox"/>
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**Question 1** – How should the implementation of individual development plans be done?

<b>Option 1a.</b>  <b>Introduce individual development plans with a single date to go live</b>	<input checked="" type="checkbox"/>	<b>Option 1b.</b>  <b>Introduce individual development plans in mandatory phases</b>	<input type="checkbox"/>
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**Supporting comments**

Introduction across the board would reduce the risk of confusion around parts of different processes in place for different Children and Young People. It would also reduce the complexity of using multiple methods of recording in a sector dependent on who has moved across to the new IDPs and who hasn't. Within Cwm Taf UHB we work with 2 different Local authorities and if their schedules were different for implementation it would bring unnecessary confusion therefore a single go live date is supported. ALN has been on the agenda for sometime so we should have enough knowledge and as long as training has been rolled out, and the infrastructure is in place to support the change, we feel a single go live would be easier to navigate.

**Question 2** – If individual development plans should be introduced in phases, how should these be grouped into tranches?

<b>Option 2a.</b>  <b>Existing statutory plans</b>	<input checked="" type="checkbox"/> 1	<b>Option 2b.</b>  <b>Education setting</b>	<input type="checkbox"/> 4	<b>Option 2c.</b>  <b>Key stages</b>	<input type="checkbox"/> 3
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**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:

lxvii) opportunities for people to use Welsh

lxviii) 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?

#### **Supporting comments**

- There needs to be consideration paid to the number of staff required to be employed in Health who will be contributing to IDPs who are able to speak Welsh. Without Welsh speaking staff it will not be possible for children to receive their therapy in Welsh (where clinically appropriate) or for any information provided to Welsh medium schools to be provided in Welsh.
- Without investment in Welsh speaking staff (dependent upon need) there will be significantly less opportunities for people to use Welsh and the Welsh language will be treated less favourably.
- Positive effects will be increased through ensuring that the correct number of people are employed with the ability to speak Welsh and the correct clinical qualifications/experience.
- Positive effects can be increased through the provision of good translation facilities.

**Question 5** – Please also explain how you believe the proposals for implementation of the Bill could be formulated or changed so as to have:

Ixvii) 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

Ixviii) 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.

**Supporting comments**

- In relation to the above question it is the availability and the employment of staff with Welsh language skills in Health that is vital in order to ensure that there are no negative impacts. Without Welsh speaking staff Welsh provision is not possible.

**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.

There are a number of key building blocks that need to be in place before implementation of the Bill

The finalised code of practice needs to be ratified before implementation

Standardised Paperwork needs to be in place

Agreed implantation from the Expert group feedback needs to be in place

All training should be in place, and have occurred prior to implementation

Better representation from the Health Sector on the Expert groups to ensure all areas are robustly addressed.

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

## **RNIB Cymru response to the Welsh Government consultation on Options for implementing the Additional Learning Needs and Education Tribunal (Wales) Bill**

June 7, 2017

### **About RNIB Cymru**

1. RNIB Cymru is Wales' largest sight loss charity. We provide support, advice and information to people living with sight loss across Wales, in addition to campaigning for improvements to services and raising awareness of the issues facing blind and partially sighted people.
2. There are currently 106,980 people in Wales living with sight loss (1). This includes an estimated 1,935 children and young people aged 0-25 years (2).
3. Sight loss impacts on every aspect of a person's life, including their ability to access education. Since 80% of learning comes through our

sight, it is essential that the needs of students with sight loss are recognised and that there is the right support in place. The potential impact of even a relatively moderate visual impairment is significant.

4. There are approximately 1500 learners in Wales who are blind or low vision, equating to approximately 0.2% of the school population (3). These learners need specific interventions in order to access and achieve in mainstream education. There is no specialist school for learners with visual impairment in Wales.
5. RNIB Cymru welcomes this opportunity to comment on the Welsh Government's options for implementing the Additional Learning Needs and Education Tribunal (Wales) Bill as we believe that much of its success will be determined by the way the system is introduced.
6. We would support the overarching principle that there should be a phased approach to implementing the new statutory framework, which will run alongside delivery of the wider ALN Transformation Programme. This will allow time for both institutions and practitioners to understand the new arrangements and to ensure that students and pupils are seamlessly transferred into the new arrangements as much as possible.
7. Whichever option is adopted by Welsh Government, it is vital to ensure that it is accompanied by a robust Comms plan, supported by any relevant training and resources required to ensure a seamless transition.
8. Whilst we welcome Welsh Government commitment to the principle that no child or young person will lose the statutory protection/provision required to meet their needs as they are transferred from the existing to the new system, we are concerned that there remains a lot of ignorance of the new legislation and this will have to be addressed.

**Question1: How should the implementation of individual development plans be done?**

9. We have always advocated the need for a standard IDP which could be portable for children and young people as they move across local authority boundaries.
10. We fully support the need for a template IDP to ensure consistency of delivery across learning establishments and local authorities and to facilitate the portability of the IDP across Local Authority boundaries.
11. We firmly believe that a template approach will have the added benefit of supporting children, young people and their families to be clearer about their rights and entitlement to support.
12. Several versions of the template could be produced to ensure that it is both age and ability appropriate for the child or young person in question, but the content/sections of the template should be standard.
13. Whilst there is merit in Option 1a, which would mean that all learners would have the same priority status to have IDPs issued, this is likely to produce significant work planning issues for local areas and may indeed encourage and create different protocols and priorities which could lead to inconsistencies across Wales and even a postcode lottery for rights and entitlements for some children and young people.
14. If this approach was to be adopted, we would highlight the need to safeguard provision for low incidence / high need pupils who are likely to be overlooked if a 'big bang' approach was adopted. For example, totally blind pupils will always need a high level of support for some education subjects in terms of production of materials in alternative formats, time for independence and mobility skills etc. These all need to be factored into the IDP and appropriate finance made available.
15. The Welsh Government's move from 13,000 statements to 105,000 statutory plans is an ambitious one anyway and if the big bang approach is adopted, there are risks that those with the greatest needs could miss out on the support they need, if resources are spread too thinly.

16. We believe that there is a lot of merit in adopting a phased approach to IDPs, particularly if a template is adopted which would help define the mandatory phases at a national level and would ensure a consistency of approach across Wales, which would allow the CYPs , parents and authorities transparency and equity across the board.

**Question 2: If individual development plans should be introduced in phases, how should these be grouped into tranches?**

17. Whilst we accept that there are merits in all five options outlined in the paper, as outlined above, we are concerned that those children with the low incidence and high needs may 'fall through the cracks with options b,c,d and e and so we would tend to gravitate towards option a, which would ensure that those with the highest needs are prioritised.
18. We welcome the Welsh Governments recognition that the IDP requires adequate person centred planning, which should help ensure that the Plan remains a useful and flexible tool which focusses on need rather than diagnosis.
19. We are concerned over the amount of time that will be needed to draw up IDPs for all the 105, 000 learners currently in the ALN system.
20. The main challenge to achieving the aspirations of the Bill will be access to adequate funding and resources. We believe that there is a need to identify at the opportunities for shared budgets between education, health and social care where the identified level of individual need is complex.
21. Another potential barrier to ensuring that option a is successful, is the lack of parity between services currently available across Wales, for example there is unequal access to speech and language therapies and edpsychs and sensory impairment services are extremely stretched.
22. As outlined above, if the transition is to achieve its aspirations, additional finance and resources will have to be made available. It is

estimated that the number of IDPs will rise from 13,000 to 105,000 plans and this will have a significant impact on resources as increased identified needs will inevitably impact on the cost of providing appropriate support.

23. These additional demands will not be purely financial, but in hidden costs such as time needed by staff, ALNCo, Medical practitioners etc to write, agree and maintain the plans and so it is important that resourcing is adequate.
24. We would also highlight the need to ensure that assessments and provision is made on the basis of what is needed by the child and not on what the local authority or provider is able to offer.
25. The amount of time required to develop each plan will of course depend on the needs of the child. If a template approach is adopted, this should help reduce the amount of time required as everyone will be working to the same guidelines.

Rhian Nowell-Phillips (Ms)  
Policy & Campaigns Officer  
RNIB Cymru (Royal National Institute of Blind People)  
[Rhian.nowell-phillips@rnib.org.uk](mailto:Rhian.nowell-phillips@rnib.org.uk) 02920 82 85 64

# Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2a) Existing statutory plans

Q3. 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?

*No Response*

Q4. 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?

*No Response*

Q5. 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.

*No Response*

Q6. 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.

*No Response*

## Page 2: Submit your response

Q7. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

**Name**

**Organisation (if applicable)**

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

*No Response*

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

# Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

**Comments:**

I think that that a start date and a end date would be better and include all age groups. So you give a date of when local authouties can use new legislation and then a date of when they must be fully converted to new legislation.

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

**Comments:**

i think all age groups should be included at same time, so as to not putting any group above any other in particular. When reviews are being done they should be converted, any new learner identified as having need should go on new system straight away, As they change key stage they should be converted and those that have been running the trials to carry on as they have been if happy. At a significant transition it can be looked into

Q3. 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?

*No Response*

Q4. 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?

My daughter had to leave welsh medium education as late as year 5 to go to english medium learning resource unit as that was all that available in my area. The lady just across the road from me send her child to same school and went there as a child herself. She speaks Welsh to her children at home constantly ( i however do not...tipyn bach cymraeg) ALN is non discriminate, fortunatly her daughter has no ALN but she easily could have and what would she have done then? I asked time and time again if Welsh was causing my daughter more issues in school and inclusion kept saying no...until they said she had to go as they could not

Q4. 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?

care for her needs there anymore. More help for english medium primary schools straight away- they need support that english medium schools in same areas get. Then all the schools need more support on top of that, the situation is really bad in my opinion at Welsh medium levels.

Q5. 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.

provide Welsh schools with training for the teachers to support the kids more if there are problems recruiting trained Welsh speakers.

Q6. 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.

*No Response*

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Keep my response anonymous

Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2c) Key stages

Q3. 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?

*No Response*

Q4. 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?

*No Response*

Q5. 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.

*No Response*

Q6. 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.

Q6. 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.

*No Response*

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# Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2a) Existing statutory plans

Q3. 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?

Where are these people going to come from ? Who are you envisaging appointing ? This looks like a later if bureaucracy rather than someone really doing something

Q4. 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?

Whilst using the Welsh language is important the expertise holder may not be Welsh speaking . The need of the child to access education and support must take priority over the opportunity for the use of Welsh . It is naive and idealistic to think otherwise . If you wish for support and expertise for Welsh speaking pupils at school level there will need to be a massive upskilling - both of Welsh medium teachers ( as currently many pupils are "encouraged" to leave WM education if they have significant problems ) and if the skilled SEN staff who may not have Welsh as their language of communication. It would be sensible to offer all teachers the opportunity to learn Welsh properly !!!not as is done at the moment

Q5. 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.

See q4

Q6. 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 !!! There is no mention of the fact that this will need more funding to ensure that ALENCO's are added to current SLT structures with appropriate time and opportunity to carry out statutory duties. A cluster approach for schools will not work as that person would be too thinly dressed and have no first-hand knowledge of many of the children. This would then become a bureaucratic role rather than an education role. If that is the case then there will be no benefit to the child. Class teachers will need more non-contact time to liaise with ALENCO. This will put financial pressure on schools to release teachers and will also have an impact on the learning of all unless properly funded to cover that member of staff with a teacher (not just paid agency supply rate !)

## Page 2: Submit your response

Q7. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

**Name** Clare Jones

**Organisation (if applicable)** Rhondda Cynon Taf NUTk

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

*No Response*

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

*No Response*

## **Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill**

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2b) Education setting

Q3. 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?

Special needs pupils need extra time to learn and adjust not put extra pressures on them. Let them learn the basics not worry about Welsh.

Q4. 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?

Forget the Welsh language for special needs as it is hard enough to learn English without confusing them more

Q5. 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.

Can't see any positive effects.

Q6. 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.

You have already forced special needs into mainstream schools. Where they are easy targets for bullying. Then you have go at these schools for under performing. Special needs need to be taught at their level and speed not the governments expectations.

**Page 2: Submit your response**

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**Organisation (if applicable)**

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Keep my response anonymous

## **Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill**

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

**Comments:**

IPDs should be phased in in my opinion in line with current transitional planning guidelines

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2d) Significant points of transition

Q3. 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?

Enduring by in from all partners and that there is an independent voice within the process

Q4. 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?

*No Response*

Q5. 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.

*No Response*

Q6. 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.

*No Response*

**Page 2: Submit your response**

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**Name**

**Organisation (if applicable)**

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

*No Response*

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

**Comments:**

Space out to make sure it's done correctly.

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2f) None of these (please explain your reasons in the comments section below)

**Comments:**

Health and social care provider.

Q3. 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?

There is lack of suitable staff in the health and social care setting, so apprentice schemes could be put into place to get people into work.

Q4. 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?

ii children should learn both languages at school and free classes should be on offer for people to learn both, only to be studied separately if one is already fluently spoken.

Q5. 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.

i my solution would help bring the Welsh language back !

Q6. 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.

*No Response*

## Page 2: Submit your response

Q7. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

**Name**

PIPPA FORD

Q7. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

**Organisation (if applicable)** Consultant

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

Pippaford46@gmail.com

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

*No Response*

## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

**Comments:**

Work load for option 1a) would be totally unmanageable, particularly for ALNCo's with teaching commitments.

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2a) Existing statutory plans

**Comments:**

This is the most straightforward and easiest to manage. However, three stages would be best. First all statutory plans converted, then school action plus (as many of these can be very complex), then finally school action (much higher numbers means a big workload to convert all of these).

Q3. 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?

Support in terms of funding and training will be essential. Local authorities having teams to support (PIO) would work well. However schools will need funding directly to them in order to afford ALNCo's the time to train and roll out the IDPs. Many schools will need to release ALNCo's from classroom teaching commitments and this will be costly at a time when school budgets are shrinking.

Q4. 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?

No effect.

Q5. 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.

I would like to consider how the bill could support all forms of bilingualism in our schools and communities not just Welsh bilingualism. Policies such as devolvement of the MEAG element of the EIG in some authorities have left schools without the ability to respond to the needs of other community language needs.

Q6. 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.

There needs to be more consideration and guidance over the role of the ALNCo in this process, how it will be managed and training for Head Teachers so they fully understand work load implications.

## Page 2: Submit your response

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**Name**

**Organisation (if applicable)**

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

**Comments:**

single date would make it fair for all eligible CYP - but needs the resource in place to support the move. If insufficient resource in place then a phased approach based on priority groups should be adopted, or if management of the transformation needs a pragmatic approach then phase in at points of transition.

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2d) Significant points of transition

**Comments:**

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Focus on LAC and other statutory/vulnerable groups as a priority. Use annual review opportunity for existing plans to change to IDPs at transition points.

Q3. 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?

A key requirement is to get effective collaboration between health, social services and education. For example statutory duties for provision of advocacy will fall to social services and education and effective joint-funding or joint-commissioning of independent services will prove effective.

The suggestion for health to secure relevant services or treatments that can support a person's ALN is welcome and clear understanding of collective responsibilities needs to be given to all partners to avoid confusion over what is a 'relevant treatment or service' - so great clarity will be required in the Code and any guidance for partners.

The funding for workforce development is also welcome and should extend to partners beyond education settings to ensure the individual is effectively supported in a coherent and holistic manner.

Q4. 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?

A person-centred approach to IDPs that identifies a preference for Welsh Language with an Active Offer would have a positive impact on the language. Some resource implications may need to be considered for readily accessible and co-ordinated translation services across all partners under the legislation.

Q5. 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.

*No Response*

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Q6. 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.

*No Response*

## Page 2: Submit your response

Q7. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

**Name** Richard Thomas

**Organisation (if applicable)** Bridgend

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

*No Response*

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

*No Response*

# Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2a) Existing statutory plans

Q3. 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?

*No Response*

Q4. 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?

As it is, support through the medium of Welsh for learners with ALN in Rhondda Cynon Taf is awful. There are no specialist units or classes for children from Welsh medium schools- therefore for children with severe behavioural and emotional needs it is either attend an English PRU or stay in Welsh mainstream but not get the higher level of support. RCT's Learning Support service will state that there is not enough need, however speaking to any head of any Welsh medium school in RCT will argue this case strongly - we've reached a situation where a lot of SENCOs in Welsh medium schools see little to no point referring to the Learning Support Service as the support isn't there. At most we'll get 'advice'. Therefore, in answer to the question - unless there is specific mandatory equal requirements on provision, then Welsh learners will receive less favourable outcomes. If it is deemed that a pupil requires input from external professionals - there MUST be parity and this must always be available in Welsh. No excuses regarding recruitment. The staff are out there but the funding must be too!

Q5. 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.

*No Response*

Q6. 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.

*No Response*

## Page 2: Submit your response

Q7. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

**Name**

**Organisation (if applicable)**

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

*No Response*

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

# Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

**Comments:**

To reduce workload pressures on staff and ensure that the system works well from the start.

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2d) Significant points of transition

**Comments:**

Focussing on significant points of transition would enable schools to prioritise the children and ensure that best outcomes are shared and good practise is shared as efficiently as possible

Q3. 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?

Training is essential and has started but needs to be increased and given the highest priority and status for example;  
Schools ( SENCOs, Teaching Staff and Support Staff) need support to understand the new systems and how to be truly person centred rather than ticking boxes and going through the motions  
Parents need support to ensure that they understand the implications and reduce their levels of anxiety with the change  
Local Authority need support to ensure that all officers understand not only the new systems but the underlying methodology to ensure that this is embedded throughout the whole systems evenly and equitable.  
Regional Consortia and Challenge advisers in particular need to understand the implications of these changes for schools and need to support the workforce development as using person centred practice will have time and workload implications for all schools  
Estyn - school inspectors should be given the in-depth knowledge of the changes so that they can challenge schools on this from a position of thorough understanding of ALN and the expectations of the Bill

Q4. 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?

Although the bill says that all ALP should be provided in Welsh without significant investment in training and recruitment the best efforts of authorities and schools will not be enough. Effort should be made to provide opportunities to develop the knowledge and expertise of Welsh speaking staff in every area of ALN ( education, social services and particularly Health)

Q5. 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.

'best efforts' to provide ALP in Welsh is not strong enough the expectation should be that all ALP provided in English should be provided in Welsh without prejudice.

Q6. 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.

*No Response*

## Page 2: Submit your response

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# Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

**Comments:**

Blocking the introduction would cause less panic which in turn will ensure that the IDPs are not rushed and taken care over.

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2c) Key stages

**Comments:**

Within a Primary setting I feel that Key stages would provide a clearer approach.

Q3. 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 WAG need to take note of the teacher work load. The ALNCO role MUST be a non teaching role because currently staff and children are suffering. r

Q4. 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?

I don't for see any issues regarding the use of the Welsh Language however currently I am having to translate all documents and PCP tools into Welsh on top of the workload I currently have. There is a bit of ambiguity over that language that should be used in an IDP. In our Designated Welsh school the majority of families are non Welsh speakers. As part of our language policy all documents must be in the medium of Welsh and English however providing bilingual IDPs is going to put more pressure on staff.

Q5. 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.

Don't understand the question

Q6. 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.

A number of our cluster schools ALNCOs are concerned that there is no universality over what the IDP should look like. There is no set answer. Also we do not feel like we are receiving enough support in implementing them along side our other duties.

## Page 2: Submit your response

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**Organisation (if applicable)**

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

*No Response*

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Keep my response anonymous

# Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2d) Significant points of transition

Q3. 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?

WAG should ensure that first and foremost that there is support for staff having to implement these changes

Q4. 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?

I'm not too sure; obviously with meetings involving agencies across the board, the likelihood of all of these speaking Welsh would be rare and therefore the meetings would predominately be held in English.

Q5. 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.

the offering of a translating service would be beneficial and then meetings could be held in Welsh and translated to English.

Q6. 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.

*No Response*

## Page 2: Submit your response

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**Organisation (if applicable)**

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# Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

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Option 1b) Introduce individual development plans in mandatory phases

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

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Q3. 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?

*No Response*

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*No Response*

Q5. 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.

*No Response*

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*No Response*

## Page 2: Submit your response

Q7. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

**Name** Nicky Wilson  
**Organisation (if applicable)** Primary School

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

*No Response*

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

*No Response*

## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

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Option 2a) Existing statutory plans

Q3. 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?

There seem s to be many loopholes for "health" organisations to have opt outs of the process, where as "education" there are no legal opts out therefore making education fully accountable for decision making and provision and impact.  
Education and Health should be equal partners with the same legal responsibilities - this is a serious concern - a majority of the additional need plans require health involvement, and therefore "Health" organisations should be made fully accountable in the same way as education organisations/settings.

Q4. 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?

Welsh to be treated for user of Welsh, however where users elect to and prefer the use of English there should be no compulsion on bilingual production of literature or plans.

Q5. 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.

as above

Q6. 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.

as for Q3.

There seem s to be many loopholes for "health" organisations to have opt outs of the process, where as "education" there are no legal opts out therefore making education fully accountable for decision making and provision and impact.

Education and Health should be equal partners with the same legal responsibilities - this is a serious concern - a majority of the additional need plans require health involvement, and therefore "Health" organisations should be made fully accountable in the same way as education organisations/settings.

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**Organisation (if applicable)**

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

*No Response*

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

# Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2a) Existing statutory plans

**Comments:**

Followed by Significant points of transition

Q3. 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?

Up skilling teachers in differentiation for learners with high complexity needs who aren't accessing National Curriculum levels.

Q4. 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?

Training to be offered in both languages

A decrease in Welsh language withdrawal in education should be a positive effect through striving for a more inclusive curriculum.

Q5. 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.

I don't think there would be adverse effects to the Welsh language.

Q6. 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.

*No Response*

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## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

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

**Comments:**

If the objective is unification then a single live date will support this

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2c) Key stages

Q3. 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?

*No Response*

Q4. 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?

I do not see any reason for the Welsh language to be effected

Q5. 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.

*No Response*

Q6. 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.

There is a need for specialised ALN staff in all effected settings. There should be an agreed standard of training or qualification level across the board

**Page 2: Submit your response**

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**Name**

**Organisation (if applicable)**

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

*No Response*

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Keep my response anonymous

## **Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill**

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2d) Significant points of transition

Q3. 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?

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*No Response*

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*No Response*

Q5. 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.

*No Response*

Q6. 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.

*No Response*

## Page 2: Submit your response

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**Name**

**Organisation (if applicable)**

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

*No Response*

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Keep my response anonymous

## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

**Comments:**

Tra'n derbyn fod na nifer o fanteision i gael un dyddiad pendant, yn ymarferol mae'n anhebygol y byddwn yn medru gweithredu'n effeithiol pe byddai hyn yn digwydd. O ganlyniad fe allwn gael cyfnod o ansicrwydd i bawb all arwain at fwy o gwynion.

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2e) 'Early adopter' local authorities

**Comments:**

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Dylid sicrhau fod pob disgybl ar ddatganiad ar hyn o bryd yn cael CDU ar yr un amser. Bydd hyn yn ymddangos fel llai o risg o ran colli statws datganiad i rieni.

Q3. 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?

Dylid edrych ar gapasiti awdurdodau lleol. Hwyrach y gellid ariannu swyddogion i gefnogi'r newid yn lleol neu ar lefel consortia.

Q4. 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?

Dwi ddim yn meddwl y bydd unrhyw effaith. Mae hyn yn ei hun yn siomedig gan fod cyfle yma i gryfhau'r defnydd yn y gymraeg mewn maes go arbennigol. Pa na ellir gwarantu gwasanaeth cyfrwng cymraeg i bawb?

Q5. 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.

Mynnu fod yr arbennigedd ar gael drwy'r gymraeg ymhob awdurdod. Yn ymarferol gellid rhannu'r staff neu sefydlu cytundeb gwasanaeth a darparwyr dwy ieithog.

Q6. 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.

Mae angen edrych ar effaith y drefn gyllidol amrywiol ADY sydd ar draws Cymru ar ein gallu i gyflwyno'r ddeddf newydd ar draws Cymru.

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**Name**

**Organisation (if applicable)**

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

**Comments:**

I believe it is better to go for a phased approach so you can manage any issues and learn from them as the rollout takes place.

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2c) Key stages

**Comments:**

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Again, focus on one age cohort at a time, this will be a challenging enough process for LA's to undertake

Q3. 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?

Involve the parents (affected families) more in the process. Relationships with families and LA's are strained enough on this topic. You need to ensure the voice of the parent is heard and they feel consulted and respected in the decision making process, they know what is best for their own child.

Q4. 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?

depends on the demand for provision in Welsh it doesn't affect my local authority area

Q5. 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.

depends on the demand for provision in Welsh it doesn't affect my local authority area

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*No Response*

**Page 2: Submit your response**

Q7. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

**Name** Gabrielle Klefenz  
**Organisation (if applicable)** Welsh Government

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

gabrielle.klefenz@wales.gsi.gov.uk

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

*No Response*

## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

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

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2a) Existing statutory plans

Q3. 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?

Funding to go directly into school to provide human resources/training and time to implement policy changes

Q4. 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?

*No Response*

Q5. 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.

*No Response*

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*No Response*

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Keep my response anonymous

## **Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill**

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2c) Key stages

Q3. 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?

Q3. 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?

Start with foundation phase and work through the key stages. Ensure that the expertise in special schools is utilised to support mainstream schools - if required. If special school staff are used to support - this must not be at the expense of the pupils they teach.

Q4. 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?

Pupils will still be able to use Welsh - in fact, it might increase the use of incidental Welsh in English language schools

All languages will be celebrated - Welsh is more likely to be overlooked in favour of a variety of other languages rather than by English

Q5. 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.

*No Response*

Q6. 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.

*No Response*

## Page 2: Submit your response

Q7. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

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**Name**

**Organisation (if applicable)**

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

*No Response*

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

**Comments:**

The option at crucial transition phases seems most appropriate.

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2d) Significant points of transition

Q3. 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?

£20 million seems like a lot of money however as with everything I imagine the jam will have to be spread thinly. If aligned with LGT activities I think the money can go further. The old ESF P4 pot making the connections has disappeared, but given Brexit and WEFOs need to spend the ESI funds we have, could some of this not be aligned to the £20 million? In addition there is already ESI funding for early years workforce development, how is this being aligned to focus of ALN? A large majority of early years providers for ALN are private or third sector, where is the leverage of private sector investment in staff upskilling, are they putting into the pot?

Q4. 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?

I am baffled by the focus on Welsh Language and the recently announced £10 million I think it was. Not to mention the money being spent on the Commissioner and her office, and that's before you consider the money Local Government are spending on translation services and the cost of complying with some 100 plus standards. I would guess that the Welsh Language Act has had more investment than the ALN bill. I am concerned that my child will be able to speak at all never mind in Welsh, these are the real world concerns of parents of children with ALN. I appreciate the need and desire for my child to learn about her Welsh heritage and what it means to be Welsh today but I don't buy into the myth that we lose our Welshness if we lose the language. I find it infuriating when the Welsh Language is given more funding and priority than ALN. Something that is often thrown in my face is this phrase about universal services and the need to prioritise spending on services needed by all, Welsh Language is not a universal priority in Wales, yet this gets so much more investment than ALN, what does that say to my daughter about what it means to be Welsh....That our Government cares more about bilingualism than her ability to have language at all!

Q5. 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.

I don't believe it needs special focus, I would like to know how many individuals and parents of individuals with ALN think this is a priority?

Q6. 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.

Even if you can get a statutory plan , under the current system this has proven impossible as despite the

Q6. 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.

rhetoric, my local council hold all the power and deign that my child is doing well, even though they don't evidence this or qualify this statement against any benchmark or standard....BCBC for information. The sad realisation experienced by a family memmber who's daughter has Williams Syndrome, is that a statutory plan doesn't guarantee your child's needs are catered for. Statutory as a word gives parents false hope that they have guaranteed support for their child, this is not the case. These plans must come with a health warning, everything comes with Ts &C's, these should be no different. Something along the lines of.....This plan does not guarantee you or the owner access to any or all services listed, to the quality or standard you would expect or indeed provide yourself at home or by paying for private childcare, and may not be delivered in a setting of your choosing, remotely close to where you live, therefore you may be expected to travel up to 1 hour each way every day to take your child to stipulated setting, or trust them to a stranger driving a taxi, either way your child's school day can last up to 10 hours with travel included. Other terms and conditions may apply, the ones we don't laugh may include.....No quality family time, no time to fit in therapy or appointments, no hope of play dates as school friends come for 3 or more different local authority catchment t areas, no equity with typical children who get to walk to school or ride a bike, and probably live in the same street as someone who goes to their school. Also, no chance of mam or dad getting g that promotion as they are always last in and dirt out to do that hour long school commute.....The list is endless. I appreciate the principles behind this much needed reform, as with anything the proof will be in the eating, and I only hope the implementation, resourcing, staffing, upskilling and long term commitment needed to ensure the bill in action has been thought through and costed.

## Page 2: Submit your response

Q7. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

**Name** Sian Lewis

**Organisation (if applicable)** Parent

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

sianworkman@yahoo.co.uk

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

*No Response*

## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

**Comments:**

SA+/statement first

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2d) Significant points of transition

Q3. 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?

Ensuring adequate training for all concerned.  
Ensuring funding reaching the appropriate places.

Q3. 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?

Ensuring DECLOs are trained and appropriately placed to have an impact.

Q4. 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?

I do not see that there will be a big impact.

Q5. 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.

*No Response*

Q6. 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.

*No Response*

## Page 2: Submit your response

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**Name**

**Organisation (if applicable)**

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

*No Response*

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

## **Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill**

Q1. Question 1: How should the implementation of individual development plans be done?

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

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2f) None of these (please explain your reasons in the comments section below)

Q3. 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?

*No Response*

Q4. 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?

Q4. 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?

The La we live in offers no resource provision or special ed school in medium of welsh. I feel this is discriminatory. My son has to remain in primary mainstream as he identified himself as welsh as no al resource has this welsh language facility. This also makes a judgement that families don't mind

We do .

Q5. 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.

If only mainstream available with welsh language provision this means you loose this in favour of special ed school. Why??

Q6. 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.

*No Response*

## Page 2: Submit your response

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**Organisation (if applicable)**

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## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2a) Existing statutory plans

Q3. 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?

For successful implementation of this Bill - there must be a commitment from Welsh Government to invest in all services involved in the delivery of this Bill. The right people must be involved across Local Authorities with the ability to have access to services for direct intervention where needed. If this is not consistent across LA's then the individual pupils will suffer through the 'system'.  
It is important that there is an understanding that is is not just education taking the lead it is a multi-agency approach and all must be able to access services for the need of the child.  
Sustainable investment in these agencies and consistency across local authorities is the key to the success of the bill.

Q4. 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?

The ability to provide Welsh language services should not be a barrier to successful implementation for all. There is a huge investment into the Welsh language - but the majority of the investment for this Bill should be for all people, not just the minority accessing a Welsh language provision.

Q5. 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.

*No Response*

Q6. 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.

The new ALN Bill is far more person centred which is a good way forward, however as mentioned previously for successful implementation there needs to be a investment into the services who are expected to contribute.  
Local authorities have made and continue to face cuts to their budgets - there is no outline of how this investment will happen.  
There needs to be clarity of how LA'a are expected to implement the plan and where the money will come to be able to do it.

## Page 2: Submit your response

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Keep my response anonymous

## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2a) Existing statutory plans

Q3. 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?

*No Response*

Q4. 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?

Q4. 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?

*No Response*

Q5. 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.

*No Response*

Q6. 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.

*No Response*

## Page 2: Submit your response

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*No Response*

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

**Comments:**

The Welsh Assembly, the local authorities and the public sector need better management

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

**Comments:**

The Welsh Assembly, the local authorities and the public sector need better management

Q3. 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 Welsh Assembly, the local authorities and the public sector need better management

Q4. 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?

The Welsh Assembly, the local authorities and the public sector need better management

Q5. 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.

The Welsh Assembly, the local authorities and the public sector need better management

Q6. 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.

The Welsh Assembly, the local authorities and the public sector need better management

## Page 2: Submit your response

Q7. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

**Name** Mr R W Ebley

**Organisation (if applicable)** Na

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

richardebley@gmail.com

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

*No Response*

## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2a) Existing statutory plans

Q3. 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?

Not enough consultation with parties that will be delivering this on the shop floor.

Q4. 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?

English medium so n/a

Q5. 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.

As above

Q6. 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.

It will be very hard to recruit and retain SENCOs if you insist on them completing a Masters  
Schools cannot financially support IDP annual reviews, particularly in large schools that would require 100s per year  
Small schools would suffer as they could not afford a non-teaching SENCO  
What would the criteria be for a pupil on an IDP to receive a unit placement?  
What is regarded as a 'complex' IDP what is the criteria?

## Page 2: Submit your response

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**Organisation (if applicable)**

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*No Response*

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Keep my response anonymous

## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

**Comments:**

Phases, starting with pupils with statements, then those having a major transition, then all SA+

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2f) None of these (please explain your reasons in the comments section below)

**Comments:**

I think it should be done by the priority decided by the school setting - HT and ALNCo In my school it would be appropriate to start with Statement pupils at annual review, then SAPRA pupils at annual review, then transition pupils - those transitioning across Key Stage first, then all SA+ as they transition across classes.

Q3. 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?

To make the system fair for all, some areas have a high level on support services for SEN, others - such as Monmouthshire, have very little. Don't waste money on paying services such as the EAS to implement this - support the schools directly via clusters. The clusters know how they want to implement.

Q4. 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?

I find this question hard to answer. The pupils, parents and staff in the area I'm based are not Welsh speakers and for many, find the language a barrier to accessing information they need. I think all forms should have a child friendly level of bilingualism to them and this will also appeal to the parents. If the paperwork involved in the changes is family friendly it won't matter if it's Welsh or English.

Q5. 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.

I don't understand why this question is being asked. The implementation is about making life fairer and better for children and young people with ALN, why are you asking questions about Welsh language, this is immaterial. If all the other things are being done well, surely this will fall into place too.

Q6. 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.

The new bill requires a lot of time and application by specific members of staff in the school, there are not questions that relate to the qualifications of these staff, training requirements, release time from their teaching roles etc.

## Page 2: Submit your response

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**Name**

**Organisation (if applicable)**

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

*No Response*

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

**Comments:**

Whilst there are issues about differences in rights, the workload burden of a single go live date would not be achievable.

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2d) Significant points of transition

**Comments:**

The burden to individual schools needs to be considered, so focusing on key years initially i.e. transition, or

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

when moving school, followed by other year groups would spread workload for staff.

Q3. 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?

SENCOs will need significant amounts of time to develop and implement IDPs. At a school level, there needs to be funding to release staff from teaching duties to undertake this work.  
Many parents work during the day, so attending meetings during the school day can be very difficult. Equally, it is going to be difficult to pull professionals from different agencies together for late afternoon or evening meetings, which we would currently do for reviewing IEPs of pupils at SA+ or SA, to enable parents to engage.

Q4. 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?

I don't know - I can't see why it should have any effect.

Q5. 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.

*No Response*

Q6. 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.

I am concerned about contents of IDPs being statutory, and the impact on schools for delivering elements both resource, staffing and financially.

## Page 2: Submit your response

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**Name**

**Organisation (if applicable)**

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

*No Response*

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

**Comments:**

Implementation should be phased by age group and the necessary age related expertise should be protected so appropriate support it is available. This expertise is vital to support a most seamless implementation.

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2c) Key stages

**Comments:**

As question 1 - Age related expertise is vital. This is a lesson learnt from the similar reform in England.

Q3. 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?

Support should be fair and proportionate for the wide range of delivery partners

Q3. 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?

Post 16 expertise must be protected through this process to ensure young adults do not fall off the rock face  
There should be an improved understanding of what constitutes learning for those with the most complex needs and this should include non accredited learning

Q4. 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?

The person centred/led approach should ensure choice with regards language

Q5. 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.

As above, this should be about personal choice

Q6. 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.

We welcome the spirit of the bill i.e. person centred approach that supports choice and aspirations.

## Page 2: Submit your response

Q7. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

**Name** Louise Keevil

**Organisation (if applicable)** Derwen College

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

louise.keevil@derwen.ac.uk

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

*No Response*

## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

**Comments:**

I am particularly concerned about older learners who (under the old system) are effectively chucked into adult life at age 18. I would like to see learners now aged 16 prioritised for the new system so that parents feel reassured that their learning plan will be extended to age 25 and that they can continue to access education, support and training in their current environments instead of being transitioned into adult services.

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2d) Significant points of transition

**Comments:**

i am very concerned that young teenagers are being forced into adult situations and their parents are panicking that they are losing support and services - they need to be the priority to ensure that they don't miss out.

Q3. 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?

Q3. 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?

*No Response*

Q4. 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?

i have no experience of young people with learning difficulties requesting to be educated in Welsh. the priority should be in gaining appropriate support (in particular addressing the almost non-existent speech therapy provision) so that people with learning disabilities can verbally communicate. Vital!!!!

Q5. 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.

employ speech therapists and start with mastering English.

Q6. 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.

*No Response*

## Page 2: Submit your response

Q7. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

**Name** sarah hoss

**Organisation (if applicable)** n/a

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

*No Response*

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

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

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2d) Significant points of transition

Q3. 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?

*No Response*

Q4. 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?

Q4. 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?

*No Response*

Q5. 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.

*No Response*

Q6. 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.

Training for staff.  
SEN has become low priority with cuts in schools.  
Designated Sen teachers and should be paid accordingly not left to the school to decide who is paid the allowance and how much.

## Page 2: Submit your response

Q7. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

**Name** Kerri thomas  
**Organisation (if applicable)** Afon Taf High School

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

Kerri.thomas@btinternet.com

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

*No Response*

## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

**Comments:**

The option to introduce individual development plans with a single date to go live is unrealistic and unmanageable by an extraordinary margin for all key stakeholders involved. The consultation document indicates that approximately 2% of school-aged learners have Statements of SEN and 20% are identified as having SEN but do not have a statutory plan. However, in Cardiff there are approximately 45778 learners on roll in years 0 -11, 1661 of whom are in receipt of a Statement of SEN. Additionally, there are 122 learners under assessment or at proposed statement stage. Therefore, there will be approximately 1783 final statements at the start of the academic year Sept 17/18. This represents 3.9% of school-age learners in Cardiff. Approximately 9093 learners in years 0-11 are at SA/SA+ of the SEN Code of Practice for Wales; this represents 20% of school-age learners in Cardiff. Given the aforementioned figures in considering the cohort of learners in years 0-11 with additional learning needs, both with and without statutory plans, approximately 10876 IDPs will need to be written. This number would further increase very considerably when we include all learners with additional learning needs between the ages of 0-25. For example, in Cardiff there will be 2010 Statements of SEN alone for learners between the ages of 2 to 19 excluding non-statutory plans. If option 1a) were implemented, services currently offered to parents, children/young people and schools would collapse. Consider the management of conflict and disagreement resolution arising from these cases at the same time as an example. If we consider LA maintained IDPs which would need to be written (approximately 2010 plus those IDPs arising from pre-school and post 16 learners), there will be four local authority SEN Casework Officers managing all conflict and disagreement resolution arising from these cases in addition to managing several other statutory duties. Although option 1b) is our preferred option, there is also a very high risk that services provided by the local authority will collapse if a) this route is taken in the absence of sufficient investment to ensure that enough capacity is available to meet increased demand for services and b) if the timescales between phases are too tight.

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2a) Existing statutory plans

**Comments:**

The use of annual reviews would be a good opportunity to convert existing plans into IDPs at a meeting within the education setting using PCP. Consideration will need to be given to the fact that statement numbers vary very considerably between local authorities due to demographics and differences in practice under the existing SEN Code of Practice for Wales (see response to question 1 for Cardiff figures). There needs to be appropriate investment to ensure sufficient capacity, resources and training to implement the bill using this option, as well as an appropriate timescale between phases. The same applies with respect to tranche 2b (Education Setting) given that numbers will vary considerably between education settings. As an example, one Local Authority Maintained Mainstream Secondary School within Cardiff has 320 learners between years 7-11 on roll at SA/SA+ at the SEN Code of Practice for Wales.

Q3. 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?

*No Response*

Q4. 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?

*No Response*

Q5. 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.

*No Response*

Q6. 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.

*No Response*

## Page 2: Submit your response

Q7. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

**Name** Claire Bridges

**Organisation (if applicable)** Cardiff Local Authority (SEN Casework)

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

cbridges@cardiff.gov.uk

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

*No Response*

## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

**Comments:**

The majority of speech and language therapists (SLTs) agree that the individual development plans should be introduced in mandatory phases. A number of SLTs did highlight the potential risk of confusion and complexity of different processes being in place at the same time, given the fact that health boards straddle a number of local authorities. However, on balance, SLTs agree that from a capacity perspective, a single go live date would be very difficult to manage and a phased approach would be preferable.

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2a) Existing statutory plans

**Comments:**

The profession recommends a 'period' approach with a date to begin and a date by which all eligible learners have an IDP with an expectation that pilot sites, which are already further ahead with the process, will progress more rapidly. Our members have suggested that children or young people with existing statements of SEN should move from a statement to an IDP at the next annual review and that significant points of transition should be prioritised. We would anticipate that newly identified children and young people with additional learning needs would be expected to go straight onto the IDP system. It would be helpful if all local authorities approached the transfer to IDPs in the same order within the allotted time frame (although it is recognised they may progress at different rates as highlighted above). . A 'period'

Q3. 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?

Our members highlight a number of priorities for Welsh Government, namely;

1. multi-agency and development opportunities to ensure positive joined up working from the start. For example, workforce training would need to be supplied across all sectors with equality of access to the training.
2. funding allocation which acknowledges the extra demands placed on services by the new system. E.g. additional time required for clinicians to attend the IDP meetings
3. ensuring investment in upskilling ALNCOs given identifiable skill gaps in relation to IDPs
4. defined work around the creation of templates for how health and social care provide their information for the IDP. This will allow ALNCOs to be able to lift information appropriately into the IDP whilst maintaining the accuracy and pertinence of what was submitted.
5. training needs for the DECLO role
6. consideration of whether different sectors will require tailor-made training i.e. what is required in a special school may differ to a local primary school.

Q4. 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?

In order to ensure increasing opportunities for people to use Welsh, consideration needs to be given to the number of Welsh - speaking health care professionals currently able to contribute to IDPs. Investment may be needed to ensure the correct numbers of staff are employed who speak Welsh and have the correct clinical qualifications/experience to meet need.

Q5. 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.

Please see answer to question 4.

Q6. 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.

Members have noted a number of key building blocks which need to be in place before the implementation of the bill, namely;

Q6. 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.

- standardised paperwork
- agreed implementation from the expert group feedback
- training needs to have taken place prior to implementation

## Page 2: Submit your response

Q7. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

**Name** Dr Caroline Walters

**Organisation (if applicable)** Royal College of Speech and Language Therapists-

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

caroline.walters@rcslt.org

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

*No Response*

# Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

**Comments:**

A single 'live date' would be an overwhelming amount of work for people, especially in a secondary school where we have potentially 200+ IDPs

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2d) Significant points of transition

**Comments:**

I believe it is vital that as many ALN professionals as possible have an opportunity to work on IDPs, but without being overwhelmed by the changes or workload. By introducing IDPs at significant transition points, staff in both primary and secondary settings will have an opportunities to be trained on the new IDP process and the implications for funding, provision and the document itself.

Q3. 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?

I feel the following areas are key priorities for preparing for transition.

\*Additional funding for schools, to be ring-fenced, to be spent on CPD for staff training, and to cover the cost of releasing them for training. In the first instance this should be for ALNCo and key ALN staff, but should eventually be rolled out to all staff

\*Clear guidance for Headteachers on the what the role of the ALNCo is e.g. job description, pay level, number of management hours, admin support.

\*Raising the profile and status of ALNCo with in schools, LAs and to parents/public in general. This can be, as already suggested, by introducing a mandatory qualification for ALNCoS. But I feel that parents need to be more aware of what the role of the ALNCo is in a school and what support and information they can provide

Q3. 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?

for their children.

Q4. 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?

No specific views

Q5. 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.

No specific views

Q6. 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.

I am concerned about the amount of paperwork that the new IDPs will generate and the increasing amount of admin time associated with completing IDPs and the person centred review. The Welsh Government seem keen to raise the profile and status of ALNCOs, possibly introducing a compulsory qualification. To me there it seems likely that these highly qualified people will be spending all of their time completing paperwork and running review meetings and having very little contact with pupils. Without contact with the pupils and the opportunity to get to know them, and whats working/not working well for them,it makes it more difficult to review their progress. Careful consideration needs to be given to the amount of administration work required with IDPs

## Page 2: Submit your response

Q7. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

Q7. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

**Name** Katrina Reed

**Organisation (if applicable)** Bishop Vaughan Catholic School

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

reedk12@hwbmail.net

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

*No Response*

## Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

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

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2a) Existing statutory plans

Q3. 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?

I believe that all LAs should begin together so that pupils receive consistency of approach across all schools. It is difficult enough to ensure consistency when pupils move school as it is. If we have different schools at different stages it will make our job almost impossible.

Q4. 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?

*No Response*

Q5. 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.

*No Response*

Q6. 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.

I believe that a Statement is a statement irrespective of what it is called. Pupils whose needs cannot be met out of the school's budget must have the security of LEA back up and support. I hope that this bill will continue to ensure that the needs of these children are met and given a legal standing. It would be a travesty if this bill was used by LEAs to save money.

## Page 2: Submit your response

Q7. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

**Name**

**Organisation (if applicable)**

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

*No Response*

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

# Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

Option 1b) Introduce individual development plans in mandatory phases

**Comments:**

A phased approach will help ensure that the ALN system and implementation of individual development plans are fit for purpose and would allow a sufficient period of time for wider system issues to be identified and resolved. It would also enable sufficient time to develop and test new person centred practice approaches and systems which would otherwise have significant workload implications if a single go live date was introduced

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2e) 'Early adopter' local authorities

**Comments:**

This group is best placed to see wider adoption issues and enable a smoother transition in the initial stages. This allows those who have not participated in earlier pilots to have sufficient time to plan and prepare for implementation.

Q3. 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 availability of grant funding and the appointment of ALN strategic supporters will be key to developing awareness and understanding of the transformation programme and supporting staff development to ensure that professionals have the required level of knowledge, expertise and skills to support learners. If Estyn are to inspect through inspection and review arrangements, this needs to be a supportive arrangement which takes into account the stages and timescales of where organisations are in relation to the development and planning of their transformation programme.

Q4. 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?

The availability of professionals with specialist knowledge and expertise in supporting learners with additional needs who are Welsh speaking may be challenging and may limit opportunities for people to access Welsh medium/bilingual support in a timely and meaningful way.

Whilst organisations may be able to provide an active offer of Welsh/bilingualism, the capacity and workforce to provide the support may have its limitations.

Q5. 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.

Investment in the development of a central Welsh language resource bank dedicated to supporting additional learning needs, which all service providers can have access to, together with a directory of specialist organisations that provide bilingual services.

Q6. 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.

*No Response*

## Page 2: Submit your response

Q7. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

**Name**

**Organisation (if applicable)**

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

*No Response*

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

# Consultation on options for implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill

Q1. Question 1: How should the implementation of individual development plans be done?

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

Q2. Question 2: If individual development plans should be introduced in phases, how should this be grouped into tranches?

Option 2b) Education setting

Q3. 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?

As much help would be needed to support the new changes.

Q4. 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?

Welsh should have some priority however as a none weksh speaker, It should implement Welsh at a later date.

Q5. 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.

*No Response*

Q6. 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.

*No Response*

## Page 2: Submit your response

Q7. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

**Name**

**Organisation (if applicable)**

Q8. If you want to receive a receipt of your response, please provide an email address. Email address

Q9. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous