

Forward in partnership for children and young people with additional needs

A young people-friendly consultation



Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk

Introduction

Some children and young people find learning harder than others and some have special educational needs (SEN).

SEN can mean that a person has difficulties with:

- work at school;
- understanding information;
- making friends;
- letting people know what they think;
- a disability or physical problem that they need help with; or
- behaviour problems.

There are lots of laws, systems and work already in place to help children and young people with SEN.

A lot of the work to support SEN is done through education services such as schools and colleges but things are changing.

We think that we can make a bigger difference by working in partnerships with others, like health services and social services. This is because we can look at every area of a child's life.

For this new structure and partnership to work, we are going to have to make some changes. **This booklet is telling you about the changes.**

We want to know what you think so we can make sure we haven't left anything important out.

The story so far

1975: The United Nations Declaration on the Rights of Disabled Persons said that whatever their handicap or disability, disabled people have the same rights as any other person their age.

1981: The Warnock Report gave rise to the Education Act 1981 which intended to make sure that children who needed help received help.

1994: The UNESCO Salamanca Statement said that all schools should recognise and take action to help every child and support them no matter what their needs were.

2002: A code of practice was set out on how support and help should be given to children and young people with SEN.

2004: The Welsh Government made the UNCRC part of all of its planning and policy making for children and young people. It also decided that the best way to help children with SEN was to recognise there was a problem when they were young and give them and their families early support.

2011: Wales became the first place in the UK to make the UNCRC into law. It's now part of everything we do.

1978: The Warnock Report said that the goals of education should be the same for every child but that some children might need help to reach those goals.

1991: The UK agreed to make sure that every child had their rights as written in the United Nations Convention on the Rights of the Child (UNCRC). This included the right to an education.

1996: The Education Act 1996 set out a structure or steps of education to help and support children and young people with SEN.

2003: Estyn found that some areas of SEN support were too complex, too costly and not child- or user-friendly.

2007: The Welsh Government decided to look at how support of SEN was being carried out across Wales. A report was written and it was decided that the system could be made even better. Therefore, a new system across a number of local authorities was tested.

2012: Now! This consultation.

The Welsh Government plan to change the way support for children and young people who have SEN is given. This includes education services working with health and social services. We want to know what you think.

1. Proposed reforms

What improvements will we make?

We want to make the system we have better.

We want to make sure that:

- it is fair and open;
- children and young people can take part in their education and be the best they can be;
- children or young people can take part in the plans and decisions that affect their lives;
- planning and information is easy to use, to understand, to get to and flexible for everyone, including 'parents/carers' and professionals;
- services work together in partnership so that there are less meetings that 'parents/carers' and professionals have to go to;
- problems and disagreements are dealt with quickly and fairly;
- there is less paperwork; and
- support is given in times of transition or change (such as moving from primary school to high school).

We also want to support 16 to 25-year-olds. This will mean changing the way we work, giving local authorities the responsibility to secure the money and organising what is needed so that things are easier and quicker.

Will it cost lots to change things?

No! Some money will be needed to set up the new arrangements, but many of the changes will either cost nothing or save money in the longer term because services are working together.

What are we thinking of changing?

Some of the changes we want to make will include changes to the law but others will not.

We are planning a new Bill (law) that will make a system that helps children, young people and their families, that is easier for everyone to use, that lets all services work together and makes a difference in people's lives.

In Wales we have a lot of good practice that supports children and young people with SEN – we want to build on this.

We want to:

- make sure that the needs of the child or young person are at the centre of all support given, plans and decision making;
- recognise and give a legal weight to the new term 'additional needs' (AN);
- replace SEN statements with a new Individual Development Plan (IDP) that includes education, health and social services;
- support children and young people from ages 0–25;
- make sure everyone knows and understands their duties and roles;
- make it easier for problems and disagreements to be sorted out; and
- Place a duty on Welsh Ministers to issue a code of practice.

2. AN rather than SEN

'Special educational needs' was first used in the Warnock Report in 1978 and defined all the different levels of children with handicaps that would need help.

After this the term 'additional learning needs (ALN)' was used to cover learners who had other additional needs, some short term and some long term.

Children and young people with ALN might be part of groups like:

- pupils learning English as a second language;
- refugee/asylum-seeking children;
- gypsy or traveller children;
- more able or talented children;
- pupils with SEN;
- young carers;
- young people who offend; and
- others.

**We want to replace
'special educational needs (SEN)'
with the new term additional needs (AN).**

As education services will be working as equal partners with health services and social services we think additional needs (AN) describes it better.

A child or young person has AN:

- because they have physical or sensory needs (like being blind or deaf);
- because of their communication needs;
- because of their ability to learn;
- because of social or emotional development problems.

The type of support they need will depend on what level of AN they are assessed as having.

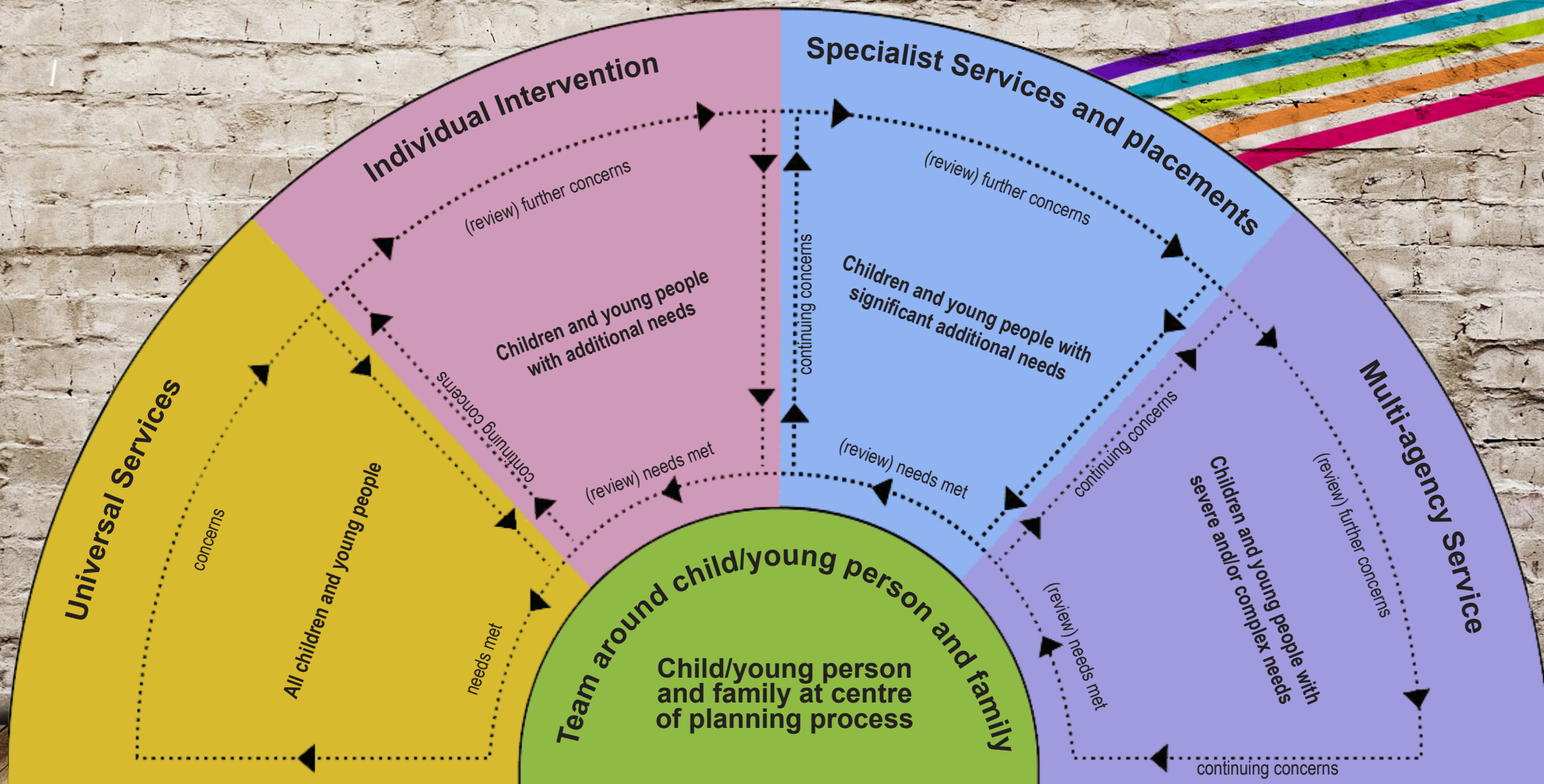
We know that all children and young people can have additional needs. We also know that some people may move from one level of need to another over time.

Some can be helped by good teaching in the classroom, while others need more support from various different services or even specialist services like a special school or health services.

These changes will also mean that everyone, no matter where they live in Wales, will have an equal chance to get the help they need.

AN diagram

See diagram here:



3. Integrated planning

At the moment, the support framework for children and young people with SEN often needs them to tell their story again and again to different services and organisations.

We want to replace this with one 'integrated assessment and planning' system that will be the same across Wales.

The IDP will replace the statement of SEN.

This **IDP** will be used by education, health and social services and outline the support that is given and when it is given.

It will:

- be centred around what each child or young person needs;
- look at the whole life of the child or young person;
- work alongside or replace other plans;
- be easy to use, update and share information;
- make sure that children, young people and their parents or carers can take part in decisions;
- have all the basic information including contact details;
- have an action plan including next steps and outcomes; and
- be reviewed at least every six months if not more often.

It will also have the views and opinions of the children, young people, parents/carers and professionals written into it, including what is important, why it's important and what the future goals are.

To help make sure that the **IDPs** are meeting the **AN** there will be a **Support Coordinator** for every child or young person and their families.

The **IDP** belongs to the child and young person and if they move inside Wales it goes with them.

The responsibility for the plan working lies with the local authority that the child lives in.

If support is no longer needed for AN then the plan can be kept and stored in case it needs to be used again later in the child's life.

We want **IDPs** to be easy for everyone to use, to update and to get to so we have been building a web-based tool.

This will mean that information is shared more easily across services and decisions can be made quicker.

This tool will be secure and follow all the data protection guidelines and laws. We will ask the permission of everyone needed before using it.

If parents or carers do not want to use the web-based tool we can still make sure that paperwork is done as quickly as possible.

4. Multi-agency working

There are some children and young people in Wales who have severe and/or complex needs who at the moment, get a SEN statement for their needs. This carries a legal right to support and is really important.

We want these children and young people with severe AN, to have a Support Panel that can make sure they get the services they need when they need them.

The Support Panel will include professionals from local authorities, education, health, social services and other organisations who are able to make decisions about the support available.

This Support Panel will replace the SEN panels that are in place now for 2 to 18-year-olds but will also be able to help 0 to 2 and 19 to 25-year-olds.

There will be guidance available for the Support Panels and we hope that this will mean that every child and young person with severe and/or complex AN will get the same high-quality help and support they need across all of Wales.

5. Extended age range

We want 0 to 25-year-olds with severe and/or complex AN to have an IDP.

For young children under 5, we fund a programme called Early Support that helps families who have children with disabilities get the support from all the services they need. Families have a key worker in place to help them. The Early Support Programme will now feed into the child's **IDP**. This can go with the child as they grow older.

For young adults aged 19-25, we want IDPs to set out support from home to specialist residential further education provision if needed.

6. Dealing with concerns and disagreements

Having the IDP on the web-based tool should mean that children, young people and their families can be involved from the beginning in decisions that affect their lives. It will also mean that information is up to date, regularly added to, and available to everyone who needs to see it.

Children, young people, parents/carers and professionals can also see when and how AN are being supported and what needs to happen.

This means that when disagreements or concerns happen they can be voiced and dealt with earlier. Information can be updated quickly so everyone knows what decisions have been made. This should stop concerns turning into bigger problems.

When there are disagreements, we want it to be easier for people to deal with things, find a solution or make a complaint. This will include children and young people having the right to appeal themselves if they want to.

7. Appeal to Tribunal

At the moment, appeals can be made for things like:

- a local authority not giving out a SEN statement;
- SEN not being supported;
- a local authority not naming a school;
- a local authority changing a school; or
- a reassessment not happening.

We want children and young people aged 2–18 with severe and/or complex AN to have the right to appeal to a Tribunal at any time, as long as everyone has tried to sort it out first.

We also want this right to appeal to be extended for 0 to 2 and 19 to 25-year-olds with the greatest needs and their families.

A child or young person should have the right to appeal if they want to and have an advocate there to speak up for them if needed.

Tribunals should also include professionals from health and social services, as well as educational services.

All the information and decisions made can be added to the IDP and include feedback.

8. Family Partnership Services

We want to replace 'Parent Partnership Services' with 'Family Partnership Services' that will include the needs of children, young people, their parents and carers. They will have standards and guidelines so that the same high quality of service happens in every area of Wales.

We want to make sure that information, support and help are available for families as soon as a need is noticed. If there is a disagreement as to how much support is being given then we want these Family Partnership Services to actively engage with the problem to help get it resolved as quickly as possible.

9. Quality assurance

As these changes happen, Welsh Ministers will need to agree an AN code of practice to replace the SEN code of practice.

This will mean that local authorities, education, health, social services and voluntary organisations will have clear guidance on how to make sure that children and young people get the support they need.

A quality-assurance system will also be set up that will include:

- outcomes for all children and young people with AN;
- feedback from children and young people; and
- reports on how well schools are doing in this area.

We also want to train school AN coordinators. This is to support staff development and help with leadership and management inside schools.

We will develop 'Provision Pathways' that let everyone know what their roles and responsibilities are.

These Provision Pathways will:

- cover all aspects of support given at each level;
- make sure everyone can be involved;
- aim to step in early to help stop AN going to a greater level;
- train and develop workers;
- help with identifying problems and assessing what support is needed;
- help identify when specialist services are needed;
- check that everyone is playing their part and needs are being met; and
- help protect any rights the child or young person has to support.

10. Post-16 specialist placements

For young people over 16 we want local authorities to find the services and support they need. This could include residential accommodation for young people with severe learning difficulties or disabilities.

Local authorities know what is available inside their area and can work with health, social services, education and other organisations to make sure that the AN of young people are met.

All decisions and information can be added to the IDP so that everyone knows the next steps and roles they have.

11. The consultation questions

We think that the changes that you have read in this booklet will have long-term benefits for children and young people with AN.

We think these changes will:

- improve well-being for children and young people;
- improve outcomes;
- increase trust and confidence;
- make sure that people get the same level of good support across all of Wales;
- improve leadership in schools and local authorities;
- increase better partnership working across services and voluntary organisations;
- mean that information is shared better; and
- mean that communication is better with parents and carers as well as children and young people.

We know lots of good work is happening to support children and young people with AN but we think that these changes to the system will make it better.

Thank you for reading this booklet. Your views are really important.

Please let us know what you think and answer the following questions.

Questions

Question 1

Do you agree with the proposals in section 2, and that special educational needs (SEN) should be replaced by additional needs (AN)?

Agree Disagree Don't know

Comments:

.....
.....
.....
.....

Question 3

Do you agree that the planning tool should be a common web-based one across Wales – as described in section 3?

Agree Disagree Don't know

Comments:

.....
.....
.....
.....

Question 2

In section 3 we talk about a web-based Individual Development Plan.

a. Do you agree with the proposal in section 3?

Agree Disagree Don't know

Comments:

.....
.....
.....

b. Do you agree with the extended age range outlined in section 5?

Agree Disagree Don't know

Comments:

.....
.....
.....

Questions

Question 4

(Section 4) Do you agree that the education, health, and social services should be under a legal obligation to play an active part in delivering services for learners with significant and severe and/or complex needs?

✓ Agree ✗ Disagree ? Don't know

Comments:

.....

.....

.....

Question 5

We describe in section 6 the proposal to deal with concerns and disagreements in a much more proactive way. Do you agree with what is set out in that section?

✓ Agree ✗ Disagree ? Don't know

Comments:

.....

.....

.....

Question 6

Section 7 outlines the revised process of appeal to Tribunal. Do you agree with:

a. the expanded remit for the Tribunal?

✓ Agree ✗ Disagree ? Don't know

Comments:

.....

.....

.....

b. the proposed requirement to go to dispute resolution before a case can be taken to Tribunal?

✓ Agree ✗ Disagree ? Don't know

Comments:

.....

.....

.....

Questions

Question 7

Section 8 talks about Family Partnership Services to support families and children/young people. Do you agree with the general principles outlined?

✓ Agree ✗ Disagree ? Don't know

Comments:

.....

.....

.....

.....

Question 8

Section 9 sets out how we propose to build in quality assurance to the proposed system. Do you agree with these proposals?

✓ Agree ✗ Disagree ? Don't know

Comments:

.....

.....

.....

.....

Question 9

Do you agree with the proposal to develop Provision Pathways as described in section 9?

✓ Agree ✗ Disagree ? Don't know

Comments:

.....

.....

.....

.....

Question 10

In section 10 there are proposed changes for post-16 specialist placements – the transfer of this responsibility to local authorities. Do you agree in principle with this change?

✓ Agree ✗ Disagree ? Don't know

Comments:

.....

.....

.....

.....

