



Llywodraeth Cymru
Welsh Government

The Additional Learning Needs (ALN) Transformation Programme

Frequently Asked Questions (FAQs)

Version 1.1

This FAQ document seeks to answer questions relating to the Additional Learning Needs and Education Tribunal (Wales) Act and wider transformation programme.

The Act and wider programme will transform the separate systems for special educational needs (SEN) in schools and learning difficulties and/or disabilities (LDD) in further education, to create a unified system for supporting learners from 0 to 25 with ALN.

In December 2016 the Additional Learning Needs and Education Tribunal (Wales) Bill was introduced to the National Assembly for Wales, on 12 December 2017 the Bill was passed and later received Royal Assent to become the Additional Learning Needs and Education Tribunal (Wales) Act.

To support implementation of the new system, including the Act, the Welsh Government is funding five additional learning needs transformation leads to support the delivery of the programme. Four of the transformation leads will operate regionally, on the education consortia footprint, and one of the leads will work as a further education transformation lead on a national basis.

These posts will play a critical role in our overall implementation strategy by ensuring services are geared up to operate the new additional learning needs system. They will support and challenge; play a coordinating role; oversee training and awareness-raising and play a key part in facilitating improvements in multi-agency working.

Contents

1	PARTICIPATION OF CHILDREN, YOUNG PEOPLE AND PARENTS	7
1.1	How have you engaged with children and young people as part of the reforms?	7
1.2	What role do children, their parents, and young people have in this process?	7
1.3	With the current statementing system, parents feel they have to fight to get the right support for their child. How will this be different in the new system?	7
1.4	Will there be strengthened advocacy services to support learners' views to be heard?	8
1.5	How will you inform children, their parents and young people about their new rights?	8
1.6	How will the Act improve Welsh language services for learners across Wales?	8
2	INDIVIDUAL DEVELOPMENT PLANS (IDPS)	8
2.1	Which learners with ALN will require a statutory assessment before receiving an IDP?	8
2.2	How will consistency and portability of IDPs be ensured? Will there be a national IDP template?	8
2.3	Will all voices be equal in the new system to decide on the best provision to meet a child's needs? Who has the final say if there's a difference of opinion about what should be in the plan?	9
2.4	Will removing the boundary between school action plus and statements make it more complicated to delineate which learners attend special schools?	9
2.5	What will be the difference between IDPs for pupils currently with a statement compared to pupils on school action?	9
2.6	What is the role of the local authority in creating IDPs?	9
3	EARLY YEARS	10
3.1	How has the early years sector been engaged in development of the reforms?	10
3.2	How will the reforms ensure multi-agency working in the early years?	10
3.3	Are the reforms focused on schools rather than wider services, early years or FE?	10
3.4	Why is the Act light on early years settings including the role of non-maintained early years settings?	11
4	EDUCATION OTHER THAN AT SCHOOL (EOTAS)	11
4.1	How does the Act and transformation programme apply to those in EOTAS?	11
5	POST-16 EDUCATION	11

5.1	How has the FE sector been engaged in development of the reforms?	11
5.2	How will the funding for specialist post-16 placements be allocated to local authorities?	11
5.3	Will those learners currently in independent specialist post-16 provision be expected to be supported in mainstream provision in future?	12
5.4	If there's 'no entitlement to continuous education up to age 25', how do we manage parental expectations?	12
5.5	What will be the role of Careers Wales in the transition process? Will they still have a role in providing independent advice to learners about their post-16 options?	12
5.6	Will the reforms apply to work-based learning or apprenticeships?	13
5.7	What about students with IDPs who move into HE?	13
6	HEALTH	14
6.1	What is the role of the health service in the new ALN system?	14
6.2	What will the statutory duties on the NHS in the Act actually mean in practice?	14
6.3	What will be the role of the DECLO? How many DECLOs will there be and how they fit within the existing structures of Health Boards?	14
6.4	What is the status of the DECLO pilots and how will the learning from these pilots be used to inform the transformation programme?	14
6.5	Will there be an equivalent to the DECLO in each local authority?	15
6.6	What jurisdiction does the Education Tribunal have in relation to the NHS? Does the Act strike the right balance?	15
6.7	Currently there are inconsistencies in decisions from the SEN Tribunal in relation to health issues, how will clarity and consistency be ensured under the ALN system?	15
6.8	What will the status of private assessments be for the Education Tribunal or local authorities if a parent pays for a private assessment that differs to an NHS assessment?	15
6.9	Under the new system, will speech and language therapy be classed as educational rather than health provision? What is being done to improve this fundamental element of the system?	16
6.10	A current lack of school nurses is a serious concern in some local authority areas, how will this be addressed?	16
6.11	Can you foresee greater communication as a result of the Act between schools and Child and Adolescent Mental Health Services (CAMHS)?	16
6.12	Will provisions in the Act affect existing statutory duties on schools to support learners with healthcare needs?	16
7	SOCIAL SERVICES	17
7.1	How does the Act fit with the Social Services and Well-Being Act 2014?	17

7.2	For looked after children (LAC), when does the Personal Education Plan (PEP) become the IDP, who is the lead person responsible for the plans, and should all LAC have and IDP?	17
7.3	Does the Act cover children who were previously looked after as well as those who are currently looked after?	17
8	IMPLEMENTATION	17
8.1	What stakeholder engagement is underway to prepare for implementation of the new system?	17
8.2	When will the new system come into force?	18
8.3	What lessons have been learned from implementation of the SEND reforms in England?	18
8.4	Are there still pilots underway? What is the status of the pilots that have concluded and how have these informed the Bill and transformation programme?	18
8.5	Has the new model of delivery been fully costed and is it deliverable given the austerity measures local authorities are facing?	18
8.6	What financial support will be provided to ensure effective transition to the new system? How will this be provided and to who?	19
8.7	How and when, and will there be further guidance, on moving to the new system, including changes to PLASC?	19
8.8	How can we ensure that school improvement takes account of ALN?	20
8.9	Where does school categorisation fit with the inclusive schools agenda?	20
8.10	How will the Act interlink with the health and wellbeing Area of Learning and Experience (AOLE) in the development of the new curriculum?	20
9	WORKFORCE DEVELOPMENT	21
9.1	What are the Welsh Government's plans for ensuring the general workforce is geared up to deliver the new system? Are links with initial teacher education and training providers being made to develop the skills of all teachers to support learners with ALN?	21
9.2	What support will practitioners have in identifying learners with ALN?	21
9.3	Do we have enough specialists in the right areas? What is being done to ensure effective workforce planning?	21
9.4	What is the role of ALNCos? There needs to be flexibility to ensure they can be deployed to meet local need and contexts.	21
9.5	What qualification requirements will there be for ALNCos?	22
9.6	Has consideration been given to an increase in inset days to ensure there is enough time to deliver ALN training alongside all the other statutory training required?	22
10	THE CODE	23
10.1	What is the status of the draft Code and where can I find a copy?	23

1 Participation of children, young people and parents

1.1 *How have you engaged with children and young people as part of the reforms?*

We consulted directly with children and young people on the draft Bill and used their feedback to inform the amendments made to the Bill before its introduction into the National Assembly for Wales in December 2016. Engagement with children, their parents and young people will continue during the scrutiny process and through the implementation period.

An 'easy read' explanation of the Bill was published on 14 February 2017 to widen the accessibility of information on the transformation programme, and what impact the reforms will have on those directly affected by them.

Engagement with stakeholders has continued since introduction of the Bill. In particular, 8 regional stakeholder events were delivered during February and March 2017. Each event was attended by parents and feedback during the sessions has been used to draft our implantation plan.

1.2 *What role do children, their parents, and young people have in this process?*

The objective of our transformation programme is a fair and equitable system for ALL learners with ALN. The new system puts the learner at the heart of everything that happens. Our priority is to ensure that learners receive the right provision at the right time to address their needs.

The views, wishes and feelings of children, their parents and young people will play a crucial part in the development of every IDP. We want to ensure that IDPs reflect the child's or young person's needs and personality, including what is important to and for them.

1.3 *With the current statementing system, parents feel they have to fight to get the right support for their child. How will this be different in the new system?*

Rather than three separate levels of support – school action, school action plus and statements – the new system will have graduation within one system. Arbitrary distinctions between needs that are sufficient to warrant a statutory plan and those that are not, will be removed. The whole focus will shift to ensuring that learners receive the support that is appropriate to their changing needs and circumstances. The IDP will be sufficiently flexible to ensure its level of detail matches the individual's level of need.

1.4 Will there be strengthened advocacy services to support learners' views to be heard?

The Act places a requirement on local authorities to make arrangements to provide people with advice and information and to do so in an impartial manner. Separately, the Act places requirements on local authorities to make arrangements for provision for independent advocacy services for children and young people where they might disagree with a decision. The Code will be able provide more detail of how these duties should be delivered.

1.5 How will you inform children, their parents and young people about their new rights?

The ALN Transformation Programme includes a specific strand of activity related to raising awareness. As well as engaging with children, their parents and young people at a National level the ALN transformation leads will be developing regional engagement plans.

Governing bodies of schools and further education institutions and local authorities will also be required by the Act to make information available to children, their parents and young people.

1.6 How will the Act improve Welsh language services for learners across Wales?

One of the core aims of the Act is create a truly bilingual system in Wales. Services will be required to consider whether the child or young person needs ALP in Welsh; this duty will be an ongoing one, rather than a one-off decision. If they do, this must be documented in the IDP and 'all reasonable steps' must be taken to secure the provision in Welsh. A mechanism is included in the Act to remove by regulations the 'all reasonable steps' test, so that the duties to provide ALP through the medium of Welsh become absolute over time. A series of strategic duties are also aimed at driving progress towards a truly bilingual ALN system.

2 Individual Development Plans (IDPs)

2.1 Which learners with ALN will require a statutory assessment before receiving an IDP?

None, all learners with ALN will have the right to a statutory plan (the IDP) regardless of the severity of need.

2.2 How will consistency and portability of IDPs be ensured? Will there be a national IDP template?

The Code will set out the mandatory content of all IDPs so that they have the level of consistency necessary in order to facilitate transfer. Furthermore, the

Act requires the Code to contain a standard IDP form or forms which schools, FEIs and local authorities must use.

With the input of the IDP Expert Group we are building on the suggested templates included in the draft code to develop templates that recognise the person centred nature of the plans and strike the right balance in different situations.

2.3 *Will all voices be equal in the new system to decide on the best provision to meet a child's needs? Who has the final say if there's a difference of opinion about what should be in the plan?*

Yes. IDP meetings should be focused on an individual learner's needs, where information from professionals, families and the learners themselves is made available to all, is accessible to all, and where everyone can contribute on an equal footing. Where disagreements do arise, the decisions on appropriate ALP will fall to the local authority or governing body that is responsible for securing the provision. However, the Act requires local authorities to put in place arrangements for disagreement resolution and advocacy services to deal with these disagreements. Where agreement proves impossible to achieve the Act ultimately provides for consideration of cases by the Education Tribunal for Wales.

2.4 *Will removing the boundary between school action plus and statements make it more complicated to delineate which learners attend special schools?*

No. Decisions around placements will be made by the local authority. Where a child needs to attend a special school in order to receive a suitable education and appropriate ALP, the local authority will name the special school in the IDP.

2.5 *What will be the difference between IDPs for pupils currently with a statement compared to pupils on school action?*

The statutory status of the IDP will be the same irrespective of the pupil's needs. Thus, the IDP for a pupil currently receiving support through school action plus would be very similar to that of the pupil who might currently receive a statement. Where IDPs will vary will be in their length and the detail they contain. Pupils who have severe and complex needs will have IDPs which contain more information and set out more support than will be the case for pupils whose needs are less severe. The key thing is that there will be equity in terms of legal rights and protections regardless of the level of need.

2.6 *What is the role of the local authority in creating IDPs?*

Local authorities will be responsible for preparing and maintaining IDPs for children and young people who have ALN but who are not in a maintained school or further education institution. These would include children who attend early years settings or independent schools, children who do not attend any

setting at all, and young people over the age of 16 who require specialist independent provision. Local authorities would also maintain IDPs for children and young people attending a school or further education institution, who require ALP that it would not be reasonable for the governing body to secure.

3 Early Years

3.1 *How has the early years sector been engaged in development of the reforms?*

We have set up an 'Early Years' expert group who are specifically looking at the issues early years providers might face and are identifying solutions to them. The group is made up of representatives from CWLWM, early years providers, Care Council Wales, special schools, primary schools, health, social services, local authority early years staff and Welsh Government policy leads.

Government amendments ***made during the Bill's legislative process*** show that we have listened and responded to calls made by the sector for early years provision ***to be strengthened***.

3.2 *How will the reforms ensure multi-agency working in the early years?*

The Welsh Government has invested £2.1m in innovation fund projects aimed at developing effective multi-agency working practices, some of which are specifically looking at best practice in early years. The 'Early Years' expert group will be considering all feedback and will work with the Welsh Government on developing guidance and sharing best practice across Wales.

3.3 *Are the reforms focused on schools rather than wider services, early years or FE?*

No. The Act's provisions create a comprehensive legislative framework that covers the whole of the 0-25 age range and the system it seeks to put in place will have the early years fully integrated. A number of amendments have been to strengthen the effectiveness of the Act in relation to early years provision.

For example - the new statutory 'Early Years Additional Learning Needs Lead Officer' role will play an important part in establishing referral routes and raising awareness amongst multi-agency partners and in helping ensure the early years workforce has the appropriate skills, mechanisms and tools for preventing the development of ALN and supporting young children with ALN.

The Welsh Government continues to work with experts, delivery partners and key stakeholders to develop the content of the ALN Code so that it will cover appropriately the different age groups and bodies to which the reforms apply. A formal public consultation on the Code is expected to take place during 2018. In addition, as part of the wider ALN Transformation Programme, we have invested £2.1m in innovation fund projects aimed at developing effective multi-agency working practices.

3.4 *Why is the Act light on early years settings including the role of non-maintained early years settings?*

Whilst the Act does not reference 'early years' directly this does not mean that children who have not yet started education, or are in non-maintained settings, are not covered. Local authorities have clear responsibilities as regards these children. In particular, they are covered by the local authority duties to decide, prepare and maintain an IDP and secure provision.

Two Government amendments made to the Bill during its passage have strengthened the early years elements of the new system.

These amendments will do two key things:

- local authority funded non-maintained nursery providers will, through funding arrangements, be subject to a duty to have regard to any relevant guidance in the Code; and
- create a statutory 'Early Years Additional Learning Needs Lead Officer' role to coordinate local authority functions under the Act in relation to children under compulsory school age who are not yet attending a maintained school.

4 Education other than at school (EOTAS)

4.1 *How does the Act and transformation programme apply to those in EOTAS?*

In most cases, EOTAS learners will be the responsibility of the local authority. Local authorities will be under a duty, where appropriate, to decide if the child or young person in EOTAS has ALN and if they have, to prepare and maintain an IDP for them.

5 Post-16 Education

5.1 *How has the FE sector been engaged in development of the reforms?*

We have set up a number of expert groups which are specifically looking at different aspects of the reforms including the issues FEI's might face and are identifying solutions to them. The groups include representatives from FEI's. In addition the ALN FE Network is being engaged throughout the process of reform to ensure a clear understanding of the impact of reforms within FE and to share best practice.

5.2 *How will the funding for specialist post-16 placements be allocated to local authorities?*

Discussions with local government on the distribution mechanism for the future funding of specialist provision have already started and will continue during 2018.

5.3 Will those learners currently in independent specialist post-16 provision be expected to be supported in mainstream provision in future?

Those young people who have secured a placement at an independent post-16 specialist establishment will remain with their provider for the duration of their existing agreed programme of study. However, under the new system, responsibility for securing post-16 specialist provision will be transferred from the Welsh Ministers to the local authorities.

This means decisions in the future will be taken locally by people who will usually have been involved in supporting the young person for their entire education. Local authorities will be familiar with the needs of the young people in the system and can plan years in advance for their transition to post-16 education. This will also encourage and enable local authorities and post-16 providers (both mainstream and independent) to work together to plan for and develop the future provision required to meet local needs.

5.4 If there's 'no entitlement to continuous education up to age 25', how do we manage parental expectations?

The Act does not provide young people with ALN with an entitlement to receive education and training up to the age of 25. Rather, its provisions are designed to ensure that young people with ALN can access the post-16 opportunities that are available to those who do not have ALN. It is about ensuring equity of access in so far as that is possible.

Parental expectations should be managed in accordance with person centred practice. Practitioners will need to ensure for those young people accessing post-16 provision, there are clear targets linked to desired outcomes and destinations. This will ensure parents and families are clear on the direction of travel the young person is heading and include a focus on transition out of FE. Local authorities will also need to ensure that comprehensive and appropriately tailored information and advice is available as part of their statutory arrangements in respect of these matters.

5.5 What will be the role of Careers Wales in the transition process? Will they still have a role in providing independent advice to learners about their post-16 options?

The role of Careers Wales in undertaking the section 140 (of the Learning and Skills Act 2000) assessments will no longer be required under the new system. Careers Wales will continue to provide independent careers advice to all young people regardless of their needs and this will include advising young people with ALN on potential post-16 options. However it will be the responsibility of the local authority, under the new system, to secure the provision considered necessary to meet the young person's needs.

5.6 Will the reforms apply to work-based learning or apprenticeships?

No. The Act does not extend to higher education, work-based learning or apprenticeships. It would not be appropriate to place duties on employers. If however a learner undertaking work-based learning or an apprenticeship is enrolled as a student at an FEI, the duties on the FEI apply. Also, if the young person agrees for the IDP to transfer with them to their higher education institution, work-based learning provider or apprenticeship it can be used for transition and to support planning. We are continuing to work with colleagues responsible for apprenticeships and work-based learning to identify the different scenarios and suggest best practice for dealing with them in the Code.

We believe effective use of contractual arrangements is the better way of protecting and promoting the interests of learners with ALN within the work based learning sector. This is a commitment we have already made and cross-Government work is already underway to make it a reality. Current contractual requirements for Work Based Learning already make provision for Additional Learning Support for off the job training, with funding available to contractors to cover associated costs. We are considering what improvements can be made to the current arrangements as part of the move to Working Wales from 2019.

5.7 What about students with IDPs who move into HE?

The IDP could be a useful means of transferring vital information from schools and FEIs to HEIs, about the support that a learner might need whilst they are in HE. In addition, the transition planning element of an IDP can include an exploration of the support that a learner might continue to require after they transfer to HE. This transfer of information is, however, subject to consent from the young person.

6 Health

6.1 *What is the role of the health service in the new ALN system?*

Health bodies have duties under the Act to assist local authorities in carrying out of their functions under the Act. They also have duties in relation to securing directly additional leaning provision where this provision is also a relevant health treatment or service. In accordance with these duties, health bodies would continue to have a role to play in the assessment of learner need and the provision of specialist advice.

6.2 *What will the statutory duties on the NHS in the Act actually mean in practice?*

The statutory duties on the health service to consider and secure provision are focused on the clinical needs of the learner. The key consideration will be whether there is a health treatment or service that the NHS would normally provide, that is likely to be of benefit in addressing the ALN of the learner. More practical guidance will be available in the Code.

6.3 *What will be the role of the DECLO? How many DECLOs will there be and how they fit within the existing structures of Health Boards?*

All health boards will be under a duty to appoint a DECLO. Their role will be to co-ordinate the functions of local health boards under the Act. More detail will be set out in the Code.

6.4 *What is the status of the DECLO pilots and how will the learning from these pilots be used to inform the transformation programme?*

The role of the Designated Education Clinical Lead Officer (DECLO) is crucial to the effective operation of the new system. We are working closely with partners to scope and co-construct the role and influence the wider context in which it will operate.

Work in 2016/17 focussed on developing pathways through the Health Expert Group. The operational phases of the pilots commenced in this financial year and have now begun to report back to the Health Expert Group. The learning and findings from these pilots will then be considered by the Health Expert Group and inform the development of the ALN Code.

The Health Expert Group is made up of representatives from all health boards, from health professionals involved in supporting learners with ALN and from local authorities and the third sector. It has been tasked specifically with advising us on the practical role of the health service in the new system and effective delivery of the new statutory requirements on NHS bodies, all of which will inform the next version of the ALN Code.

The Group has advised that the role as set out in the current draft of the Code should be strengthened further by clarifying the strategic responsibilities of the role. The Group has recommended that the DECLO must be undertaken by a senior person directly under Board level to enable successful escalation of issues to Board level, have sufficient influence over Board decisions and the autonomy to champion ALN, and monitor compliance of the Board's statutory duties.

The Group is clear that the DECLO should not be involved in delivery of day to day additional learning provision; these operational functions must be embedded in the whole service.

6.5 *Will there be an equivalent to the DECLO in each local authority?*

The Welsh Government is funding four regional additional learning needs transformation leads to support the delivery of the programme. All education settings will also of course have access to an ALNCo. However, there is no need for an on-going, statutory role within local authorities to co-ordinate their ALN functions. These functions will be a core element of the local authority's work. It will be for them to determine an appropriate structure to ensure these functions are properly delivered.

6.6 *What jurisdiction does the Education Tribunal have in relation to the NHS? Does the Act strike the right balance?*

The Tribunal does not have jurisdiction over the health service. The Tribunal may make an Order which is binding on the local authority in relation to additional learning provision of any sort. Where it is appropriate that this is delivered by the health service, but we would expect the local authority and health service to work together in relation to this. The DECLO will have essential crucial role to play in such matters.

6.7 *Currently there are inconsistencies in decisions from the SEN Tribunal in relation to health issues, how will clarity and consistency be ensured under the ALN system?*

The focus and expertise of the Tribunal is on determining what should be provided to meet the needs of learners. Each case is dealt with on a case by case basis and decisions are based on the evidence provided.

6.8 *What will the status of private assessments be for the Education Tribunal or local authorities if a parent pays for a private assessment that differs to an NHS assessment?*

The Tribunal would use its own expert judgement in cases where there is conflicting evidence presented by professionals.

6.9 Under the new system, will speech and language therapy be classed as educational rather than health provision? What is being done to improve this fundamental element of the system?

Therapies which educate or train may be counted as additional learning provision. Communication and speech and language therapy is not simply the preserve of the NHS, but should be seen as a cross-cutting issue – needing collaboration and partnership working across all sectors. Capacity must be built at all levels and there must be a joint responsibility for the provision of universal, targeted and specialist services by both health and education.

6.10 A current lack of school nurses is a serious concern in some local authority areas, how will this be addressed?

A Framework for School Nursing Services for Wales was launched in May. This revised document reiterates the expectation to ensure that every mainstream secondary school and its cluster of partner primary schools will have a unique named School Public Health Nurse, and a team with relevant skill mix, employed by the NHS on an all year basis. The school nurse will plan, coordinate, deliver and evaluate appropriate health intervention and public health programmes for all school aged children and young people in Wales.

6.11 Can you foresee greater communication as a result of the Act between schools and Child and Adolescent Mental Health Services (CAMHS)?

The Act and associated Transformation Programme are intended to support a more coordinated approach to meeting additional learning needs. If a health body determines that a CAMHS treatment or service they could provide is likely to be of benefit in addressing a child's or young person's additional learning needs then CAMHS will secure that provision. Where communication directly with the school will facilitate this, we would expect this to happen.

6.12 Will provisions in the Act affect existing statutory duties on schools to support learners with healthcare needs?

In March 2017 the Welsh Government published 'Support for Learners with Healthcare Needs' guidance. It contains both statutory guidance and non-statutory advice to assist local authorities, governing bodies, education settings, education and health professionals and other organisations to support learners and ensure minimal disruption to their education. It also emphasises the need for a collaborative approach from education and health professionals, placing the learner at the centre of decision making.

We wrote to schools in May 2017 to reiterate the need for a healthcare needs policy and to health boards to emphasise the need for collaborative working in support of learners with healthcare needs. We are also working with local authorities to assess how the guidance is being implemented across Wales

7 Social Services

7.1 *How does the Act fit with the Social Services and Well-Being Act 2014?*

The Act includes provision to allow IDPs to be prepared, reviewed and revised alongside other plans or documents. This mirrors provision in the Social Services and Well-being (Wales) Act 2014 and reflects our wish to see an integrated approach to planning.

Crucially, therefore, IDPs and Care and Support Plans could be prepared and reviewed alongside one another. This will deliver a more joined up experience and potentially more holistic provision for the learner as well as efficiencies for the professionals involved.

7.2 *For looked after children (LAC), when does the Personal Education Plan (PEP) become the IDP, who is the lead person responsible for the plans, and should all LAC have an IDP?*

Only looked after children who have ALN will have an IDP. Where this is the case and the child is of compulsory school age or below, the IDP will be incorporated in the PEP that is maintained by the local authority that looks after the child. The Act does not prescribe to whom within a local authority lead responsibility for an IDP might fall, but the Codes made under both the Act and existing social services legislation may provide guidance on this.

We are working with professionals to get the operation and guidance around this aspect of the new system right.

7.3 *Does the Act cover children who were previously looked after as well as those who are currently looked after?*

If a previously looked after child is entitled to an IDP because they have ALN, they would be provided with one in the same way as any other child or young person.

8 Implementation

8.1 *What stakeholder engagement is underway to prepare for implementation of the new system?*

Engagement with stakeholders has continued since introduction of the Bill. In particular, 8 regional stakeholder events were delivered during February and March 2017. The events were attended by around 800 delegates from a wide range of sectors - including parents and from health, education and the third sector. Feedback from these events will be used to inform our communication plan going forward and in particular the development of the wider transformation programme and implementation of the Act.

8.2 *When will the new system come into force?*

Now that the Bill has received Royal Assent the Code and a large number of regulations need to be made and consulted on.

The system will come into force in September 2020. From September 2020, all learners newly identified as having ALN will have an IDP prepared for them under the new system. Learners who already have statements will have their statements converted to IDPs in two years, beginning September 2020. By the end of the 2021/22 school year, all learners who previously had statements will have IDPs. Learners who already have school action/school action plus (or other plans that are not statements) will have their plans converted to IDPs in three years, beginning September 2020. By the end of the 2022/23 school year, the new system will be in force for all learners with ALN.

8.3 *What lessons have been learned from implementation of the SEND reforms in England?*

We have been engaging with colleagues from the Department for Education in England and are keen to learn the lessons from implementation of their reforms and avoid the challenges encountered by them. That said, the system in England is very different from that proposed in Wales and is not, therefore, directly comparable.

8.4 *Are there still pilots underway? What is the status of the pilots that have concluded and how have these informed the Bill and transformation programme?*

Several elements of the proposed system were previously piloted-, the use of IDPs for example. These pilots concluded in 2012 and the evaluation of their outcomes has been used to shape the scope and detail of the Bill. Local authorities that operated the pilots have continued to roll-out and embed, on a non-statutory basis, crucial aspect of the reforms, including the use of IDPs.

8.5 *Has the new model of delivery been fully costed and is it deliverable given the austerity measures local authorities are facing?*

The Regulatory Impact Assessment provides an estimate of those costs related to the activities required to move from one statutory system to another.

The regulatory impact assessment published in December 2016, was revised in response to a concern raised regarding the number of disagreements about statements and the estimated cost of those disagreements. Following the revision, to assure the estimates and assumptions set out in the regulatory impact assessment were well-founded, an expert external review of the impact assessment was undertaken by an economist. The revised regulatory impact assessment was published on 11 September 2017.

The changes set out in the revised RIA do not increase the cost of implementation of the Act. The cost was set out in the original RIA and will be

covered by the £20m implementation funding package. This deliberately goes beyond simply funding the move from one statutory system to another. It invests in skills and professional development to ensure that we not only deliver the legislation but that we genuinely change practice on the ground and improve outcomes for children and young people.

The figures in the RIA should also not be misinterpreted as representing an overall cost to running the new system. Once implemented, the new system is still expected to cost less to run than the current system, and this is borne out by the experience of the local authorities which are already operating key aspects of the new ALN system. Any savings in administration were always intended to be reinvested in supporting children and young people and that has not changed.

The RIA is available at www.gov.wales/ALN within the Explanatory Memorandum.

8.6 *What financial support will be provided to ensure effective transition to the new system? How will this be provided and to who?*

We recognise that the transition phase from the current to the new systems will have cost implications. That is why a package of £20 million to support the implementation of the reforms has been made available.

£2.1 million of Innovation Funding has been made available between 2016/17 and 2017/18. The fund targets regional, partnership projects intended to support delivery partners to prepare for the changes ahead.

We are also funding the recruitment of five ALN transformation leads who will provide advice, support and challenge to local authorities, schools, early years settings and further education institutions as they prepare for implementation of the ALN reforms, including through readiness self-assessments and the development of local implementation plans. Transformation Leads will promote multi-agency partnership arrangements, facilitate the sharing of good practice, identify opportunities for collaboration, and make the connections with ALN innovation projects. Four transformation leads will be employed and managed by a lead authority on behalf of the group of authorities within a region and one will be employed and managed by Colegau Cymru on behalf of the FE colleges in Wales.

We are continuing to work with partners to develop the detail of how the rest of the funding will be targeted.

8.7 *How and when, and will there be further guidance, on moving to the new system, including changes to PLASC?*

Guidance on implementation will be provided as and when it is required and will be disseminated as widely as possible.

8.8 How can we ensure that school improvement takes account of ALN?

ALN is not currently part of the National Model for Regional Working. However, local authorities have functions relating to education improvement and ALN in their area. They retain ultimate responsibility for these functions even where consortia operate to support school improvement.

8.9 Where does school categorisation fit with the inclusive schools agenda?

The National School Categorisation System offers a holistic approach to school improvement, which allows for the context of a school, as well as relevant performance measures, to be taken into account when determining the level of support required. We value the performance of all learners and, therefore, all learners are included in our data.

As from 2018, Step 1 of the National School Categorisation System, which that places schools into a standards group is being removed.

Instead, self-evaluation features more strongly in the model. School data, including that which was part of Step 1, will continue to be shared with the regional consortia and used to form the starting point of discussions within the school, and with their Challenge Adviser, about their capacity to improve in relation to leadership, teaching and learning.

Step two of the categorisation system allows challenge advisers to consider the context that the school is working in as part of their assessment of the school's capacity to self-improve. This is an opportunity for schools to discuss with challenge advisers their data in the context of all their learners. Data, therefore, is only ever the starting point; good self-evaluation seeks to understand the issues underlying the data in order to support better outcomes for all learners.

It is through this process that a bespoke programme of support, challenge and intervention will be informed and set in motion.

8.10 How will the Act interlink with the health and wellbeing Area of Learning and Experience (AOLE) in the development of the new curriculum?

The Act is of relevance to the new curriculum as a whole, and not only to the Health and Well-being AoLE. The Successful Futures review proposes a curriculum and assessment framework for all children and young people in Wales regardless of any additional learning needs they may have, and which encompasses all six Areas of Learning and Experience. All children and young people should make progress along the same continuum, although they may reach and move between Progression Steps more slowly or more quickly than others.

9 Workforce development

9.1 *What are the Welsh Government's plans for ensuring the general workforce is geared up to deliver the new system? Are links with initial teacher education and training providers being made to develop the skills of all teachers to support learners with ALN?*

We are making links with initial teacher education and a substantial amount of the £20m funding will be directed towards workforce development. We are targeting workforce development at three levels; Core skills development for all practitioners, Advanced skills development through the establishment of the role of Additional Learning Needs Coordinators (ALNCos), who will replace current SENCos; and Specialist skills development for local authority provided specialist support services available to education settings.

In December 2017 we procured Eliesha Cymru to develop a package of training materials to support implementation of the Act and Code. We anticipate the training programme to be targeted at different professionals where appropriate; consist of a number of different levels and for each level to be modular. The ALN transformation leads will be responsible for rolling out the training on a multi-agency regional basis.

9.2 *What support will practitioners have in identifying learners with ALN?*

The training expert group is specifically looking at practitioner development to better support learners with ALN, including how we up skill the current workforce. The group has representation from special, and secondary schools, early years, inclusion and educational psychology local authority colleagues, Governors Wales, social services and the Welsh Government.

9.3 *Do we have enough specialists in the right areas? What is being done to ensure effective workforce planning?*

We have been working with the WLGA to collect information on staff employed by local authority specialist services and are investing in the training and development needed to strengthen the capacity of local authority specialist services. Funding has been made available to support the post-graduate training of a range of local authority-based specialist teachers.

9.4 *What is the role of ALNCos? There needs to be flexibility to ensure they can be deployed to meet local need and contexts.*

The broad responsibilities we envisage for ALNCos have been developed with existing SENCos and were informed by our pilot exercises. The detailed role of the ALNCo will be set out in the Code. It is being further developed with input from professionals. We have worked closely with an expert group to consider the operation of the role.

The ALNCo should provide strategic leadership and be the first port of call within the setting for additional, professional advice and guidance. ALNCoS will be the on site ALN expert, bridging the gap between classroom practitioners and specialist services.

The ALNCo will be responsible for ensuring that all learners who have ALN across the education setting have an IDP. The ALNCo will not be required to develop every IDP - any teacher can do so. These will be decisions that will be taken based on the circumstances in each case.

We have made an important change to the ALNCo duty in the Act to ensure that, whilst all schools and FEIs will be required to have an ALNCo, there is flexibility built in so that local authorities, schools and FEIs can adapt to local contexts. Illustrations of different ALNCo models are available in the Code.

9.5 *What qualification requirements will there be for ALNCoS?*

Suitably qualified ALNCoS are critical to the effective operation of the new system. We have discussed objectives and operation of the ALNCo role with relevant stakeholders and partners. We are further developing the policy regarding training requirements needed to undertake this important role.

9.6 *Has consideration been given to an increase in inset days to ensure there is enough time to deliver ALN training alongside all the other statutory training required?*

Inset days are important in supporting effective teaching, learning and assessment. Teachers in Wales are granted 5 inset days by virtue of the School Teachers' Pay and Conditions Document and these will continue to be made available.

There are a number of factors that need to be considered carefully when considering additional days. Training needs across the whole of the school sector are variable, both over time and in the nature of the training that needs to be provided and the different educational settings involved. In addition, any increase in the allocation of training days would directly result in a reduction in the learning days offered to pupils and so has to be balanced with the loss of learning opportunities.

Taking into account these factors, the current statutory 5 days for training are considered an appropriate and a substantive resource for all schools in Wales and there are currently no plans to introduce any additional days.

10 The Code

10.1 What is the status of the draft Code and where can I find a copy?

The latest version of the Code was published on 14 February 2017 to support scrutiny of the Bill. It has been developed significantly since the last iteration with direct input from practitioners and is available via the National Assembly for Wales' website:

<http://www.senedd.assembly.wales/mgIssueHistoryHome.aspx?IId=16496>

10.2 What are the next steps in terms of development of the Code?

The Code will be subject to full public consultation in 2018 and 2019. It will need approval by the National Assembly for Wales, as set out in the Act, before it can be issued. We anticipate this will be in the latter part of 2019.