



Llywodraeth Cymru
Welsh Government

The Additional Learning Needs (ALN) Transformation Programme

Frequently Asked Questions (FAQs)

Version 2.0

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.

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1 Implementation

1.1 *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 has and will continue to be used to inform our communication plan going forward and in particular the development of the wider transformation programme and implementation of the Act.

During October, a reading group consisting of key stakeholders and practitioners considered the revised draft of the Code prior to the Code being published for consultation in December.

A reading group to consider the Welsh language version of the Code will take place at the end of November.

The ALN transformation leads are currently engaging with stakeholders with duties under the Act to support them prepare for implementation.

1.2 *When should schools and local authorities start converting statements and non-statutory plans to Individual Development Plans (IDPs)?*

Until September 2020, local authorities must continue to comply with the Education Act 1996, which allows learners the right to request a statement, and if they need one, local authorities must put a statement in place for the learner. Local authorities are expected to begin to work in a person-centred way in preparation for the new system, but this does not mean that they can opt out of providing statements when the learner or their parent requests one.

When a statement is being converted to an IDP, the local authority will remain under a duty to maintain the statement of SEN and arrange the special education provision set out in the statement until the IDP is created and agreed within the first two years of implementation.

During the implementation period, local authorities and schools must continue to have regard to the Education Act 1996 (the Education Act) and SEN Code of Practice for Wales 2002 (the SEN Code) in fulfilling their duties to arrange provisions for those with a statement of SEN, including reviewing statements at least annually.

A guide setting out the timeframe for converting statements and individual education plans to IDPs has been published. It is available at:

<https://beta.gov.wales/additional-learning-needs-and-education-tribunal-wales-act-implementation-guide-individual>

All of the learner's rights under the statement of SEN will be maintained throughout this time, including rights to appeal to the Special Educational Needs Tribunal Wales (SENTW), until they are issued either with an IDP or a letter from the local authority refusing to issue them an IDP. When the decision to issue or not issue an IDP has been made, the learner will then have appeal rights to the Education Tribunal.

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

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.

1.4 *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.

1.5 *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 RIA is available within the explanatory memorandum at:

<http://www.senedd.assembly.wales/documents/s68616/Revised%20Explanatory%20Memorandum%20-%20November%202017.pdf>

The cost of moving from the existing system to the new system will be covered by the £20m implementation funding package made available by the Welsh Government. The package goes beyond simply funding the move from one statutory system to another. It invests in skills and professional development to

ensure we not only deliver the legislation but that we genuinely change practice on the ground and improve outcomes for children and young people.

Once implemented, the new system is 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 administrative costs were always intended to be reinvested in supporting children and young people and that has not changed.

1.6 *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 was made available between 2016/17 and 2017/18. The fund targeted regional, partnership projects to support delivery partners to prepare for the changes ahead.

We have also funded 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. 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. The work of the transformation leads will be supported by ALN Transformation Grants, which will be allocated to each of the regional transformation leads on a formula basis; this will allow each of the regions to target the money as identified in their regional implementation plan.

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

The first in a series of detailed implementation guides was published in July 2018 to help practitioners move from one statutory system to another. This [guide](#) focuses on implementing IDPs for children of compulsory school age and under.

1.8 *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.

1.9 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, 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.

1.10 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.

1.11 Will ALN replace any terminology recognised for learning difficulties such as SpLD?

No, ALN will not replace any terminology recognised for learning difficulties such as SpLD. ALN simply replaces SEN and LDD

2 Participation of children, young people and parents

2.1 *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.

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.

During February and March 2017, 8 regional stakeholder events were delivered. Each event was attended by parents and feedback during the sessions has been used to draft the first in a series of implementation guides.

Engagement with children, their parents and young people will continue during the scrutiny process of the Code and regulations and throughout the implementation period.

2.2 *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.

2.3 *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.

2.4 *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 must 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 provide more detail of how these duties should be delivered.

2.5 *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 communication 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.

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

One of the core aims of the Act is to 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.

In addition to this, local authorities must draft, consult on and publish Welsh in Education Strategic Plans (WESPs) demonstrating how they will aim to achieve the outcomes and targets for Welsh-medium provision in their area, including for learners with ALN.

3 Individual Development Plans (IDPs)

3.1 *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.

3.2 *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.

The mandatory content of IDPs will be consulted on as part of the Code consultation.

3.3 *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?*

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 provides for consideration of cases by the Education Tribunal for Wales.

3.4 *Will removing the boundary between school action plus and statements make it more complicated to determine 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.

3.5 *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.

3.6 *What is the role of the local authority in creating and maintaining 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.

3.7 *What work will be required to develop an IDP?*

The nature and extent of the work required to develop an IDP will vary significantly. Preparing a concise IDP for a child or young person with less severe or complex needs should be a relatively simple and quick process. Such IDPs should form a large majority of those that are prepared. An IDP for a child or young person with severe, complex or low incidence needs is likely to require specialist input and advice and detail a much wider range of interventions. This will necessarily require greater time and effort to prepare but should only be required in a minority of cases.

3.8 *How long will it take to produce an IDP and a one page profile?*

This will vary based on the nature and extent of the child or young person's ALN, and the ALP required to meet their ALN. The IDP is intended to be a flexible document with its length, and therefore the time required to produce it, being determined by the circumstances of the child or young person.

4 Tribunals

4.1 *What is the purpose/jurisdiction of the Education Tribunal?*

The Education Tribunal ('the Tribunal') for Wales will replace the Special Educational Needs Tribunal for Wales which exists under the current SEN system. The Tribunal will hear and decide appeals and applications in relation to children and young people who have or may have ALN. Specifically, it will hear and decide appeals about the decisions of an FEI or a local authority in Wales. It will also hear disability discrimination claims in relation to schools.

The Tribunal will be able to make decisions about a child's ability to understand matters relating to the ALN system, including what it means to bring an appeal to the Tribunal. Where it declares that a child lacks such capacity to understand, the Tribunal will be able to appoint a case friend for that child.

The Tribunal will be independent of government, local authorities, schools and FEIs; and its decisions are legally binding on local authorities and FEIs. It will also be able to require an NHS body to provide evidence about the exercise of the body's functions and make recommendations to an NHS body about the exercise of the body's functions.

5 Early Years

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

During the development of the Bill we set up an Early Years Expert group who looked specifically at the impact of the reforms on children in the early years and the early years workforce. The group advised us of operational and practical considerations relating to early years, including the early years workforce, which supported the development of the Bill, draft ALN Code and support for implementation. The group was made up of representatives from CWLWM, the Foundation Phase, Flying Start, health practitioners, schools, non-maintained nursery education, Care Council Wales, local authority early years staff and Welsh Government.

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

The Welsh Government invested £2.1m in innovation fund projects aimed at developing effective multi-agency working practices, some of which looked specifically at best practice in early years. The Early Years Expert Group reflected on the findings of the projects and identified how the findings could be used to improve multi-agency and partnership working across Wales.

The statutory Early Years ALN Lead Officer role will play a critical part in raising awareness of ALN amongst multi-agency partners and ensuring the early years workforce has the appropriate skills, mechanisms and tools for preventing the development of ALN and supporting young children with ALN. The Early Years ALN Lead Officer will be a key link between the local authority and other agencies.

In addition, the Designated Educational Clinical Lead Officer (also a statutory role set out in the Act) and the Early Years ALN Lead Officer will have a key role in ensuring that different agencies work together effectively to identify young children with ALN at the earliest opportunity and put in place the appropriate provision to meet the child's needs. These roles are particularly important for ensuring multi-agency working between health boards and local authorities.

5.3 *What does ALN mean for children under compulsory school age, specifically the 0-2 age range?*

A learner has ALN if he or she has a learning difficulty or disability which calls for additional learning provision (ALP).

A child under compulsory school age has a learning difficulty or disability if he or she is likely to (or would be likely to if no ALP were made) have significantly greater difficulty in learning than the majority of their peers when they reach compulsory school age.

ALP for a learner aged over 3 years means educational or training provision that is additional to, or different from, that made generally for other of the same age in mainstream schools.

For those under 3 years old it means educational provision of any kind.

Including children from birth upwards ensures that, where necessary, intervention and ALP is put in place as early as possible. Early identification of ALN and putting in place timely interventions will support children with ALN to achieve their full potential. This is a key aim of the ALN system.

5.4 Why would a child under compulsory school age need an individual development plan?

An IDP will outline the ALP required by a child or young person to support their learning and education. Whilst a child under the age of 3 may not need such provision until they start nursery education, an IDP can be developed early to ensure the setting can plan and prepare well for the child's arrival and aid smooth transition for the child into the setting. There may be instances where the ALP may be required by a child under the age of 3, for example to support their learning at a setting which provides childcare.

There may also be instances where a child's ALN is identifiable before they attend nursery. For example, a child may have severe and complex needs from birth and the local authority identifies that the child is likely to have significantly greater difficulty in learning than the majority of their peers when they reach compulsory school age.

What ALN is, and what it is not.

Some children may have a disability or medical condition that does not require ALP. The following examples provide clarity on what ALN is and what it is not.

- If a child under compulsory school age had a significant speech, language and communication delay, and it was considered (by the local authority or maintained nursery in which they are registered) that ALP was required, and it was decided that the child has ALN, an IDP would be put in place.
- Some disabilities may affect a child's access to a setting that provides childcare or nursery education, but their disability would not affect their learning, e.g. if they required use of a wheelchair or required PEG feeding. Once the necessary arrangements were put in place to allow the child to access the setting they would not necessarily need ALP and would not, therefore, have ALN.

5.5 Who will have responsibility for IDPs of children under 3 years old?

If a child under compulsory school age is identified as having ALN by the local authority (for those in non-maintained settings) or the maintained school in which they are registered, an IDP must be secured by the local authority or maintained school respectively. The only exception is where the ALP is a relevant treatment or service identified by an NHS body, in which case the NHS body must secure the ALP.

For children under compulsory school age who are attending a maintained school (nursery education), the school would be responsible for preparing an IDP and securing the provision contained in the IDP. However, there are limited circumstances in which the school may refer the case to the local authority for consideration, such as:

- if the school considers that a child's ALN calls for ALP which would not be reasonable for the school to secure; or
- if the school cannot adequately determine the nature or extent of a child's ALN.

Depending on the local authority's decision following their consideration of the case, it may take on responsibility for maintaining the IDP instead of the school.

5.6 Will there be additional funding specifically for the Early Years ALN Lead Officer (ALNLO) role?

Engagement with key stakeholders during the development of the Bill, including colleagues across Welsh Government and local authorities, indicated that roles similar to the Early Years ALNLO role already exist in many local authorities. These roles include responsibilities, for example, for managing referrals received by the authority including from the NHS.

As such, we were advised that the Early Years ALNLO role could be covered by local authorities using existing funding. The then Minister for Lifelong Learning and Welsh Language subsequently took the decision to place the role on a statutory footing.

The Code will provide guidance on the role.

6 Education other than at school (EOTAS)

6.1 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 who 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.

The Welsh Government has begun liaising with the sector via the EOTAS Delivery Group to develop proposals on how the ALN transformation will support EOTAS learners (including those who attend pupil referral units), with ALN, to help ensure that they reach their full potential.

Further details of these proposals will form part of the consultation on the ALN Code later this year.

7 Post-16 Education

7.1 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.

7.2 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.

7.3 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.

7.4 *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.

7.5 *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?*

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.

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. 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.

7.6 *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.

7.7 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.

8 Health

8.1 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. Local authorities may request information and other help from health bodies which could include an assessment or specialist advice to help inform a child or young person's IDP. Following a referral from a local authority or FEI, the health body may identify a relevant treatment or service that is likely to be of benefit in addressing the child or young person's ALN. When a treatment or service has been identified, it will be captured in the child or young person's IDP as additional learning provision.

8.2 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.

8.3 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?

Each health board will be under a statutory duty to appoint an individual to act as their Designated Education Clinical Lead Officer (DECLO). Their role will be to co-ordinate the functions of local health boards under the Act. This will include:

- enabling the Local Health Board to discharge its duty to cooperate with other services to promote better outcomes for children and young people with ALN;
- operating strategically to champion ALN within the Local Health Board and promoting new ways of working and sharing best practice;
- ensuring a consistent strategic approach to identification, assessment, planning, implementation and monitoring of IDPs;

- managing and monitoring compliance with Local Health Board’s ALN duties, and
- measuring success of the Local Health Board’s interventions.

8.4 *What jurisdiction does the Education Tribunal have in relation to the NHS?*

The Tribunal does not have jurisdiction over the health service. However, the Tribunal can require an NHS body to provide evidence regarding health related aspects of an appeal and can make recommendations to an NHS body about the exercise of its functions under the Act. If a local authority makes a recommendation to an NHS body, that body must report back to the Tribunal stating:

- the action it has taken or proposes to take in response to the Tribunal’s recommendation; or
- why it has not taken and does not propose to take any action in response to the recommendation.

The Tribunal may make an Order which is binding on the local authority in relation to additional learning provision of any sort, including provision normally provided by a health body. This approach ensures the health body’s integrity with regards to professional clinical judgements, whilst ensuring the rights of appeal are maintained and that decisions made by the Tribunal are binding. Where the health body has decided it is not appropriate for it to deliver that particular provision, we would expect the local authority and the health body to work together to resolve the issue. The DECLO will play a crucial role in such matters.

8.5 *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.

8.6 *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.

8.7 *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.

8.8 *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.

8.9 *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.

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

The Act will not change the responsibilities that local authorities and governing bodies already have to support learners who have healthcare needs. In March 2017 the Welsh Government published 'Support for Learners with Healthcare Needs' guidance which makes clear the existing requirements and expectations. This guidance 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. Social Services

8.11 *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.

8.12 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.

8.13 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.

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), which will replace the current SENCo role; 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 from January 2020.

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?

To assist local authority workforce planning we have published a report of a data collection we commissioned from Data Unit Wales on staff employed by local authority specialist services. We are also 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.

To ensure a continued supply of educational psychologists, we are continuing to fund Cardiff University's Doctorate in Educational Psychology (DEdPsy) professional training programme. The arrangement has been strengthened to reflect the need for more educational psychologists able to work through the medium of Welsh and to encourage DEdPsy graduates to work in Wales.

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

The broad responsibilities we envisage for ALNCo's have been developed with existing SENCo's 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. ALNCo's 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.

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.

9.7 *Will there be an ALN Professional Learning Model*

Work is currently underway to develop a professional learning offer for teachers that will support them in being able to meet the needs of all of their learners. Alongside a professional learning offer for all teachers we are developing a specific professional learning offer for Additional Learning Needs Co-ordinators (ALNCOs) who will provide a strategic leadership role and be the first port of call for professional advice and guidance.

The ALN professional learning offer will subscribe to the National Professional Learning Model (NPLM) and will align with the professional standards for teaching and leadership.

10 The Code

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

A version of the draft Code was published on 14 February 2017 to support scrutiny of the Bill and is available via the National Assembly for Wales' website:

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

However, that version of the draft Code has no legal status. It will have undergone significant alteration by the time it is published for consultation purposes.

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

A new draft of 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.