

The ALN Transformation Programme and The Additional Learning Needs and Education Tribunal (Wales) Bill

Setting the Scene:

Dec 2016 the ALNET Bill introduced into the Assembly.

The current SEN system based on a model introduced more than 30 years ago.

ALNET Wales Act 2018: A new statutory framework for supporting children and young people with ALN from birth, in school and while they are in further education.

New term: Additional learning Needs applied for all children and young people up to age 25, replacing the term SEN.

Purpose and Intended Effect

Three overarching objectives:

- A unified legislative framework
- An integrated collaborative process of assessment which facilitates early, timely and effective interventions
- A fair and transparent system for providing information and advice

Timescales

- Draft Code on WG website – consultation Autumn 2018 – view to final Code published end 2019
- The new ALN Code will provide both the mandatory requirements and statutory guidance underpinning the ALNET Act.
- Detailed implementation guidance Spring 2018. Roll out of training early 2020.
- 3 year implementation period, starting Sept 2020. Old system entirely phased out by 2023

Structure of the New Act

Part 1 – Overview of Act

Part 2 contains 5 chapters:

1. Defines key terms Additional Learning Needs (ALN) and Additional Learning Provision (ALP).
2. Provisions for identifying ALN and preparing and maintaining IDPS.
3. Further provisions including duty to favour mainstream, role of ALNCo and independent schools.
4. Avoiding and resolving disagreements
5. General provision

Part 3 – Education Tribunal for Wales

Part 4 – Miscellaneous and general provision

A Unified and Legislative Framework

Introduction of the term ALN:

Two step definition:

Does the child or young person have a learning difficulty or disability?

Does the learning difficulty or disability require additional learning provision (ALP)?

A child or young person has a learning difficulty or disability if they:

- Have a significantly greater difficulty in learning than the majority of others of the same age
- Have a disability for the purposes of the Equality Act 2010

0 to 25 Age Range

- A new single system for ALN
- All learners will have the same type of statutory plan (IDP) irrespective of age or setting.
- Improved transition between settings
- Transfer of responsibility of specialist post-16 provision from Welsh Government to LAs

A Unified Plan

- Same type of plan for all learners with ALN regardless of severity.
- All learners with ALN will have statutory IDP.
- Distinction between the more severe and complex cases where LA responsible and the majority of cases where school or FEI responsible for maintaining.
- Expected balance between SA, SA+ and statement expected to remain.
- GB may refer case to LA if it is 'beyond its capability to assess or provide for'
- LA can direct a school to implement and maintain an IDP
- Families can ask LA to intervene and LA must comply

Individual Development Plans

Draft timescales:

School have 2 weeks to refer case on to LA or 7 weeks to assess and produce IDP.

LA have 2 weeks to decide if case is within school's capability and direct them to produce an IDP or 10 weeks to produce an IDP (school has 5 weeks if directed by LA).

Families should have maximum wait of 12 weeks for outcome of their request for an assessment and IDP. (Currently 26 weeks).

An Integrated, Collaborative Process

- Where asked by a local authority, a health body 'must consider whether there is a relevant treatment or service that is likely to benefit in addressing the child's or young person's ALN'.
- If the health body identifies such a relevant treatment or service, it 'must secure' it for the child or young person.
- IDPs will contain an action plan clearly identifying which agency is responsible for delivering provision.

Duty on Health Boards

- Duty to comply with requests to assess
- Duty to comply with requests for information
- Requirement to notify parents and discretion to bring this to the attention of the LA
- Avoid duplication – IDPs and other plans to be prepared, reviewed or revised at the same time e.g. LAC plans
- Role of Designated Education Clinical Lead Officer (DECLO)

High Aspirations and Improved Outcomes

- Role of the ALNCO

The ALNCO will be the individual who at a strategic level will ensure the needs of all learners with ALN within the education setting are met. The role ought to be seen as a strategic one within the education setting, as significant as roles such as head teachers, principals, deputy head teachers. ALNCOs should therefore, form part of the senior leadership team or have a clear line of communication to the senior leadership team.

Role of ALNCO

- Regulations prescribing required qualifications and/or experience a person must have to be an ALNCO
- Draft Code: ALNCOs will need to be actively involved in decisions around budget and resources to help plan appropriate provision.
- ALNCOs are not expected to be directly involved in the day to day process of supporting every learner with ALN. This remains the responsibility of the class teacher.
- ALNCOs are not required to develop every IDP – any teacher can do so.
- All teaching practitioners have responsibility for their own professional learning and development. All should undertake regular professional learning in relation to ALN.

Welsh Language Provision

Provisions for learners with ALN to receive support through the medium of Welsh, if this is their chosen language, has been strengthened.

Governing Bodies and LAs have a duty to take all reasonable steps to secure the provision of any Welsh-medium provision stated in an IDP.

A Fair and Transparent System

The new system will focus on ensuring that where disagreements occur about an IDP or the provision it contains, the matter is considered and resolved at the most local level possible

- Independent Advocacy
- Role of a 'case friend'
- Education Tribunal for Wales

Increased Participation of Children and Young People

The Act requires we must have regard to:

- The views, wishes and feelings of the child and the child's parents or the young person
- The child, young person and parent participate as fully as possible in decision making
- The importance of the child, young person and parent being provided with the information and support necessary to participate in decisions.
- Duty to have regard to the United Nations Convention on the Rights of the Child.

How do we get ready?

- Ensuring all staff are aware of the ALNET Bill and implications
- Skilled workforce
- Planning in partnership
- Parent partnership and dispute resolution
- Communication
- Early identification and effective intervention
- Transition
- Leadership
- Provision