



Welsh Government White Paper

Legislative proposals for additional learning needs

Date of issue: 22 May 2014

Responses by 25 July 2014 to www.wales.gov.uk/consultations

Background to Statutory Reform

- ▶ Recommendation by ESTYN (2003), Audit Commission (2002)
- ▶ WAG Task Group: Statutory Assessment/ ELLS Committee Policy Review(2007)
- ▶ Legislative Competence Order secured (2007)
- ▶ Parent consultation (2007)
- ▶ Robust trial phase
- ▶ 2012 WG Green Paper-pre-legislative formal consultation
- ▶ 2013-summary of responses



- Current terminology stigmatises children and young people
 - Unclear divide between those requiring statements of SEN and those not.
 - Assessment process which is inefficient, bureaucratic and costly
 - Lack of clear criteria about who should have a statement
 - Inconsistent approach between local authorities
 - Existing SEN Code of Practice is not always applied rigorously and interpreted differently
 - Unfair that provision to address more complex needs is protected through a statement but the provision for less complex needs is not protected.
 - Unfair that some children and young people have a right of appeal
 - Arrangements for information and advice giving vary across Wales, in terms of both their nature and their effectiveness.
 - Insufficient robust systems of disagreement resolution
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Who's Involved in the Robust Pilot Phase?

Local Authority	Pilot Project
Cardiff	Role of the ALNCo
Newport	Role of the ALNCo
Torfaen	Complex Needs /Less Complex Needs
Carmarthenshire	Complex Needs
Pembrokeshire	Less Complex Needs
Bridgend	Less Complex Needs
Caerphilly	Quality Assurance
Flintshire	Quality Assurance
SNAP Cymru	Partnership with Families



Pilot and workshop reports

A summary of discussions from a series of workshops held with stakeholders in September and October 2013

<http://wales.gov.uk/topics/educationandskills/schoolshome/curriculuminwales/additionaleducationalneeds/additional-learning-needs-reform/?lang=en>

Final report on the Additional Learning Needs Pilot can be accessed from our website at

www.new.wales.gov.uk/statistics-and-research/programme-action-research-additional-learning-needs-pilot/?lang=en



The White Paper June 2014

- ▶ **Green paper 2012-** discussion document-first step in undertaking a change in policy
- ▶ **White paper 2014-** broad statement of government policy.
- ▶ **A Bill is a draft law.** The Bill will be formally introduced into the Assembly. The First Minister will announce his **Welsh Legislative Programme in July.** www.assemblywales.org.
- ▶ Once a Bill has been considered and passed by the Assembly, and given Royal Assent, it becomes an Act of the Assembly and replaces the existing legislation
- ▶ the earliest that a Bill would be introduced into the National Assembly for Wales is **2015**



ALN White Paper 2014 Principles

- ▶ the best interests of learners must be a primary consideration; learners' opinions should always be considered, along with those of their parents;
- ▶ learners should expect to have their needs identified and met;
- ▶ agreeing assessment and provision for learners should be simpler and less adversarial;
- ▶ disagreements should be resolved as quickly and easily as possible;
- ▶ all those involved in providing support to learners should work together to provide a seamless service.



ALN White Paper - Aims

1. a unified legislative framework to support children and young people aged 0 to 25 with additional learning needs;
2. an integrated, collaborative process of assessment, planning and monitoring which facilitates early, timely and effective interventions;
3. a fair and transparent system for providing information and advice, and for resolving concerns and appeals



Summary of proposals

- ▶ The White Paper takes the above aims as its chapter headings
- ▶ Within each there is an:
 - ▶ What is the current position?
 - ▶ Why are the WG proposing change?
 - ▶ What changes are proposed to make through a Bill?
- ▶ These changes will create a new legislative framework for children and young people with ALN and **replace the existing statutory SEN framework and provisions for the assessment for post-16 education and training of children and young people with LDD.**



Individual Development Plans

- ▶ Single plan for child / young person
- ▶ Common format
- ▶ Person centred planning approach
- ▶ Involvement of learner & parents
- ▶ Action planning approach
- ▶ Key-working where needed
- ▶ Flexible processes & IT system
- ▶ Support Coordinator
- ▶ LA overall responsibility of ensuring plan is in place where appropriate



Section 1

- ▶ terms ‘additional learning needs’ and ‘additional learning provision’ to replace the existing terms ‘special educational needs’ and ‘special educational provision’.
- ▶ **Individual Development Plans (IDPs)** to replace statements of SEN, post 16 assessments(140)
- ▶ COP with mandatory requirements and guidance
- ▶ **Minimum requirements for IDP**
- ▶ **Require LA’s to prepare an IDP and ensure that provision is put in place for all C/YP with ALN**
- ▶ schools, FE’s, and PRUs to use **their best endeavours** to secure the provision set out in an IDP
- ▶ **LA’s to secure** specialist education provision for **post-16** learners



Section 2

- ▶ LA's to ensure C/YP and parents are **involved and consulted**
- ▶ IDPs to be **reviewed on an annual basis**, earlier or more often where this is appropriate.
- ▶ COP to provide guidance to professionals on **the early identification** of C/YP with ALN including those aged below compulsory school
- ▶ Require LA's, local health boards and FE's to **co-operate and share information** in assessing, planning and delivering provision 0-25
- ▶ COP to provide guidance to support effective multi-agency working
- ▶ Require mainstream schools to designate an ALN Co-ordinator
- ▶ IDPs to replace of Personal Education Plans (PEPs) for LAC.



Section 3

- ▶ Require LA's to put in place arrangements for information and advice and require WG to set out guidance including mandatory requirements where necessary.
- ▶ Require LA's to put in place disagreement resolution arrangements and require the use of local complaints processes prior to appeal to the Tribunal.
- ▶ Require LA's to appoint an independent person to facilitate the resolution of disagreements



Section 3 continued.....

- ▶ right of appeal to the Tribunal against:
 - a decision not to put an IDP in place; a refusal of a request to review an IDP; the content of an IDP, including the description of the child or young person's needs or the educational provision required to meet those needs; a failure to make available the provision identified through the IDP; a decision to cease to continue an IDP
- ▶ right of appeal to any C/YP of school age -25.
- ▶ Restate the existing provisions in relation to independent advocacy services and case friends, with guidance



Next steps

- ▶ a summary of responses to the White Paper will be published on the Welsh Government website.
- ▶ The earliest that any proposals could come into force would be in the academic year 2016/17
- ▶ The Code of Practice will be developed in advance of the introduction of legislation. The WG will engage with stakeholders .
- ▶ Formal production and consultation of the COP will not happen in advance of the Bill being introduced to the National Assembly.





Thank you for participating

SNAP Cymru