

Online Advisory Group – Implementation of Education Reform

Meeting Notes Thursday 14 March 2024

Background

An online advisory group was set-up as part of the Committee's inquiry: *Do disabled children and young people have equal access to education and childcare?* The group consists of parents and young people who have lived experience of recently accessing education or childcare for themselves or their children.

From the online advisory group, five people (*participants* hereafter), and three Members of the Senedd attended the virtual meeting. Another participant added their comments in writing via email after the session.

The meeting focused on the implementation of two major education Acts passed in the last Senedd: the Curriculum and Assessment (Wales) Act 2021, and the Additional Learning Needs and Education Tribunal (Wales) Act 2018.

The conversation was based on a set of questions about these topics - the questions are in bold below. Following each question is a summary of the participants' answers.

This is not a transcript but aims to summarise what was discussed by the advisory group.



Where participants contributed in writing (via the chat box during the meeting or in email following the meeting) this can be seen in grey boxes.

Verbatim quotes are in italics.

1. Experiences of the Special Educational Needs (SEN) and Additional Learning Needs (ALN) systems

[1.1] What are participants' experiences of the SEN and ALN systems? What are the main challenges families face?

The assessment process is being sidelined:

"There is a narrative that you don't need a diagnosis to get provision, but you still need an assessment."

Health services are taking extensive amounts of time with some children having to wait years to be assessed.

In the interim, the ALN code allows in-school assessments by staff who are not trained to complete assessments and who don't necessarily have the expertise.

This was resulting in the application of inadequate and ineffective strategies to try to meet the children's needs. Following this, the child's needs were still described as being unmet.

"Without a diagnosis, the wrong strategies were used at detriment to my child's progress."

A participant felt that even with an assessment the schools would still apply incorrect strategies and this was due to a lack of mandatory ALN training:

“Even if you have the assessments, schools are still allowed to use their own judgement to do their own thing. Schools don’t have the necessary training. Training about ALN is not mandatory.”

Participants were surprised at the lack of control schools have on referrals given their daily contact with learners. This was described as a missed opportunity to improve the system:

“Schools and local authorities have unequal access to NHS provision under section 20 of the Act. Only local authorities can request help from the NHS, not schools. This needs looking at.”

Participants said schools and local authorities are interpreting the Code in different ways. One participant was even told by the educational psychologist the outcome of their child’s panel review would *depend how the panel INTERPRET the code against your child’s case*—

“They [schools and local authorities] don’t understand the new system themselves.”

“It says things that should be happening in legislation but it simply is not happening in practice.”

“The ALN code is written badly and is enabling local authorities and schools to misinterpret the law – this shouldn’t be allowed to happen.”

When comparing the new and the old system, a participant said Statements were process led and although difficult to get, *“they felt worth it—They were more robust.”*

“The new ALN system is terrifying – not robust, open to interpretation, Councils will argue that families are not correctly interpreting and understanding it. Legal advisers will confirm that the family was

correct but the Council still won't comply. Local authorities don't understand the system themselves."

"It's so much more complicated than the old system."

Also, another participant felt the old system was better at ensuring the school or local authority acted, the current system appeared to be more bureaucratic and lengthy:

"The new system is supposed to be easier but it's not. At least, with the old system you could go to the tribunal if local authority refused to assess."

A participant raised that there was a lack of accountability in the new system and this was causing mistreatment of parents:

"Accountability is the biggest difficulty in this system. No one holding anyone to account except parents it seems."

2. Provision to identify and then meet SEN / ALN

[2.1] From your experience, how effectively do schools and/or local authorities assess children's learning difficulties and decide whether they have SEN or ALN?

"My child was refused from 13 different settings because of his needs, he was denied a diagnosis and this went on for so long [...] The local authority denied he had ALN, saying a child coming up to age 4 with communication skills of 12 month old does not have ALN."

Participants describe schools and local authorities as ineffective when deciding if a child had SEN or ALN.

A participant's experience was that they struggled to even start a conversation with school staff about the possibility of ALN:

"Something that is really difficult is getting through the door for a conversation. It took my mum over a year to get a meeting regarding ALN provision for my brother as they simply would not reply to her many messages. The only reason that conversation occurred was because the staff were there for a parents evening and we cornered them."

[2.2] From your experience, how effectively do schools and/or local authorities then put in place provision to meet the learner's needs, which they have identified?

Participants felt that because schools have the autonomy to set up what they think is relevant to support undiagnosed children, they deem it as adequate however participants feel their children are still missing out on vital support.

"Schools and local authorities will do what they want."

"I've been very lucky because we have great schools for my children now, but I've seen bad schools too."

One participant also felt ignored by their local authority:

"I have a caseworker but they don't communicate."

3. Change in approach under the new ALN system

[3.1] Despite the definition remaining the same, there has been a shift towards schools meeting learners' needs through universal provision (provision ordinarily available to all pupils) rather than Additional Learning Provision, meaning they are not recognised as having ALN

and not given an Individual Development Plan (IDP). Is this something you have noticed or are aware of?

Participants were concerned about the apparent reduction of number of students with ALN compared to SEN even though the definition has not changed.

Participants said schools and teachers are being explicitly told in their ALN code training, to reduce the number of IDPs. One participant described this as a *deliberate attempt to reduce support*–

“We know training has been given to direct a reduction in ALN/SEN numbers of 40%.”

Participants felt the term universal provision was being used as a way to reduce numbers. However they said it was not necessarily appropriate for every child and furthermore where there should be provision for more common conditions that may affect learning, such as dyslexia, this isn't in place.

Participants felt that *universal provisions won't work if there's just one child in the whole school with a learning need [the school might not be able to invest in just that one child]*– Some participants argued that although the concept made some sense, in practice Universal Provision was allowing schools to blanket deal with disability and not focus on individual learners and what they require.

A participant felt strongly against Universal provision:

“‘Universal provision’ is a convenient excuse so the needs can be met in a school and without extra provision.”

“Universal provision’ is not a term used in the code or in the legislation and therefore should not be used as an excuse to deny ALN.”

[3.2] Are you aware of schools keeping a category of learners who need more than universal provision but not at the level which would constitute Additional Learning Provision? From your experience, how are schools meeting the needs of such pupils?

Participants feared that those with less profound disabilities would be left out.

“One of my children is 9 and she still can’t read. We suspect she is severely dyslexic but even getting that level of support is a nightmare.”

4. Provision of information and advice, and disagreement avoidance and resolution

[4.1] One of the Welsh Government’s stated aims of the new ALN system was to reduce the level of disagreement and conflict between schools and local authorities on the one hand, and parents on the other. How successful do you believe this has been to date?

[4.2] Under the legislation establishing the new ALN system, local authorities must arrange for relevant information and advice to be available to families and must have regard to the importance of this information and advice being provided in an impartial manner. How well is this working?

Participants felt that there was no new support for dispute resolution despite the amount of change that has occurred within the area of SEN / ALN. And what is available is now very overstretched.

“SNAP Cymru don’t have enough resources to cope with the demand.”

SNAP's advice isn't always consistent and appropriate - advising some parents to avoid them going to tribunal, when the parents felt it was in the child's best interest to do so.

“SNAP Cymru weren’t able to supply legal advice to the level I needed [...] I was told, just take the IDP and then push back on it later.”

It was highlighted that disputes can cost money and therefore this process is not financially accessible to all families:

“Parents also often have to pay for private assessments to provide evidence for mediation/appeals. This is expensive and not available to all.”

SNAP Cymru is not provided in all local authority areas, where it isn’t provided parents have struggled to find other advocacy support and have had to dispute issues without any support.

[4.3] Local authorities must also make arrangements aimed at avoiding and resolving disagreements between education bodies and families. From your experience, are these in place and are they having the desired effect?

“The parents and children’s voices have become so diluted in this act.”

A participant felt this way because the only way to provide her evidence to the panel deciding on her child’s future, was to do it

either via the school or via the caseworker. It disempowered the parent, not being able to present the evidence themselves.

Participants said they had asked for dispute resolution services before and haven't received any.

A participant flagged that the Public Services Ombudsman is not able to intervene when there is an active tribunal. This left the family waiting for longer before they could access support.

5. Collaboration between education and health

[5.1] Have you any experience you can share about how well education bodies (schools, colleges and local authorities) and health bodies are working together to support learners with their SEN/ALN?

“Collaborative working between health and education isn't working.”

A participant felt that health bodies would reject all first time applications for a diagnosis in order to delay the process and lesser the numbers on their waiting lists. They felt that sometimes schools then wouldn't want to reapply as they didn't have the time.

A participant who has a child with a sensory disability, had a “smooth” experience switching from a statement to an IDP. However their child requires a deaf blind signer and there is only a very small skilled workforce.

[5.2] There are currently considerable waits for neurodivergence assessments, which are intended to inform decisions about a

learner's needs and the necessary provision. The Welsh Government says schools and local authorities should not wait for a diagnosis before putting in place provision. Do you have any experience of, or do you have any comments about, such scenarios?

More comments under Q1.

A participant explained that because the waiting time for diagnosis is so long, almost 3 years for her child, their child will likely have had to complete their exams and possibly even left school before they will be able to be diagnosed or access the most suitable support.

6. Transition between phases of education and training

[6.1] Do you have any experience or comments about the transition for learners with ALN between phases of education, for example between primary and secondary school, or between school and post-16 education and training?

A participant commented in the chat:

"Learners are still being left without support at 16 where their statements are being removed and they are being left without choice for their further education."

"Post 16 learners are being refused support on the idea that the 'ALN' process has not been rolled out in their area. Meaning learners are being left without choice for their further education and their ability for career choices."

One participant who contributed in writing, said they were concerned that despite meeting with the school they plan to send their disabled child to, to get a feel for whether they'd be able to meet their child's needs (the child is in a nursery currently and will be joining a school in years' time), the parent felt the meeting wasn't positive or reassuring from their perspective:

"I feel there is a lack of understanding and training. I just got the impression they felt they knew more than I did, which is perhaps true for other additional needs and abilities, but not where my child is concerned [...] I was made to feel as though I had no idea about additional needs, despite the fact I have firsthand experience of living with someone with ALN, which is unlikely for most of the teachers at the school. I have been left with a bitter taste in my mouth, having been happy with the school for my eldest, but I just don't feel they will do what is necessary for my younger child, as I get the impression they are happy with how they do things and don't feel the need to make improvements (they are "coasting")."

7. The Curriculum for Wales

[7.1] What are your experiences of the new Curriculum for Wales, which has been introduced in primary schools and is being rolled out in secondary schools by year group?

A participant felt that the new curriculum is failing ALN however another felt that the openness of the new curriculum had potential, *"there could be some positives for ALN students."*

[7.2] The Welsh Government has emphasised the 'inclusive' and 'learner-centred' nature of the new curriculum and how this is enabling schools to better meet the needs of all learners, including

those with ALN. Is this something you recognise and do you have any comments about the connections between the approach of the Curriculum for Wales and the way the education system meets the needs of children and young people with ALN?

Participants said they were concerned that a disconnect could grow between schools in relation to the way they are delivering the new curriculum.

Some schools are using the new curriculum as an excuse to not provide provision adapted to children with ALN.

“The new curriculum is being used as an excuse for 'universal provision' and not to identify learners as ALN.”

One participant who was contributing in writing, said they recently felt there was a big opportunity missed to include and celebrate disability at their eldest non-disabled child's school. The parent had asked the head of the school if their child could wear mismatched socks for World Down syndrome Day.

“His response was that they are only supporting three charities (1 local, 1 national, 1 international) this year, so they wouldn't consider supporting any other charities or causes, because they were aware of the financial and emotional burden this can cause. But I really can't see how this request is a burden to anyone, especially as odd socks are about the easiest thing to organise. Needless to say, plenty of other children had worn them on the day anyway, as there had been no communication from the school about not celebrating WDSD, apart from their communication with me directly [...] It felt discriminatory. The school are aware that my youngest has the condition and therefore I thought it would be

good to prepare the school for her arrival. I am also upset as I feel this sends the wrong message to my eldest who wanted to celebrate her sister and friends we know with Down syndrome. It feels that they are sending a message that they don't want my youngest at their school as they are unwilling to celebrate her for my eldest daughter."

The parent would have liked the school to be more understanding and aware of how this came across as they felt there were big benefits to highlighting differences within communities, so that society normalise these differences and reduce the chances of stereotyping, misunderstanding and bullying.

8. Any other issues and comments

Please feel free to share any other relevant views related to the ALN Reform and this inquiry.

A participant explained how they and their partner had lost their careers due to insufficient support to meet the needs of their children in education settings. They explained that so many more families that they now informally support through a parent network are *desperate to see a change in the education system*–

"I was a nurse, my partner lost his business, all because we needed to meet the needs of our children."

A participant felt that even though they were involved in the consultation stages prior to the education reform, they, and other families predicted that these problems would happen. Therefore they felt that some of the problems raised today could have been avoided had they been listened to already.

It was considered a draw back that parents can't now name which school they'd like their child to attend.

Uniform moderation was discussed as a huge issue for ALN students and something that very few schools would be flexible on.

Participants felt that only if you've got experience can you navigate the new system.

"The reforms have good intentions but it's made everything worse [...] It's every parent on their own, every parent has to be an army of one."