

Cynulliad Cenedlaethol Cymru | National Assembly for Wales  
 Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and  
 Education Committee  
 Y Bil Drafft Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg  
 (Cymru) | The Draft Additional Learning Needs and Education Tribunal  
 (Wales) Bill

ALN 15

Ymateb gan : ColegauCymru

Response from : Colegau Cymru

**Question 1 – The introduction of the term ALN and a 0–25 age range**

Do you agree that the definitions of ALN and ALP set out in the draft Bill appropriately reflect our intended focus on educational needs and do you agree that the draft Bill would deal properly with the age range it sets out to capture?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**

- The definitions in the draft Bill in relation to ALN and ALP appear to be reasonable and helpful.
- The draft Bill covers the appropriate age range for provision in this key area.

**Question 2 – A unified planning process with increased participation by children and young people**

Do you agree that the draft Bill would create a robust legal framework for the preparation, maintenance and review of Individual Development Plans (IDPs)?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**

- The legal framework proposed is clear and robust. The only caveat ColegauCymru would note relates to the way that Further Education Colleges are treated under the draft Bill, particularly in section 10. FE

colleges in this section have specified duties in relation to IDPs laid upon them. Similar duties are not placed on other post-16 establishments that people with additional learning needs may be placed, such as training providers or independent residential colleges.

- There is a case for a 'level playing field' between providers in this area, as all these providers are in the Third Sector rather than the public sector (unlike maintained schools which are in the public sector). One way of achieving this would be for the requirements on colleges in relation to IDPs to be instead included in the Welsh Government's conditions of grant sent to colleges each year, rather than via primary legislation in this Bill.
- Either way, FE colleges see their work with students with additional learning needs as a core part of their mission as open and inclusive institutions serving all people in their communities.
- Notwithstanding this unequivocal commitment, FE colleges have not been properly resourced to deal with the costs of ALN provision. SLDD funding from the government has not kept pace with the growth in their students' requirements for ALN support in colleges. This has put financial strain on colleges and made it difficult for colleges to provide the most appropriate level of service for students with these additional needs.
- The draft Bill does not clearly address this issue, but ColegauCymru would ask that a priority for the Welsh Government should be to address this point in parallel with the passage of the Bill.

### Question 3 – High aspirations and improved outcomes

Do you agree that the draft Bill would help to ensure that the interests of children and young people with ALN would be protected and promoted?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input checked="" type="checkbox"/>
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### Supporting comments

- Though the draft Bill, if enacted, would be helpful in modernising aspects of the legal framework surrounding ALN provision, we express some ambivalence in response to this question as many of the issues in relation to ALN are not based on legislative considerations.
- Strong and consistent multi-agency working is the key to the successful achievement of person-centred practice for students with additional learning needs. This is all too often lacking in the experience of many FE college staff supporting students with ALN. There are a variety of reasons why there are notable deficiencies in this multi-agency approach in some cases and these doubtless include financial or

staffing shortfalls in each agency.

- At the crucial transition points – learners leaving school being a crucial one – the imperative of seamless multi-agency working is all the more important. It is at these points however that there are (too) often shortcomings in prompt and comprehensive information sharing. Colleges often find that there are delays in schools passing all the relevant information on a student with an ALN to the college, making it all the more challenging for the college to make the right support available to the student on enrolment.
- At points of transition where IDPs may have to be reviewed, a fresh or updated professional diagnosis of conditions is also critical in ensuring that the most appropriate support is made available to the student. Professional input at this point is important but the costs of acquiring it can be high. Colleges too often find that health bodies or other partner bodies are not forthcoming in providing this professional input.

#### Question 4 – Increased collaboration

Do you agree that the draft Bill would provide the basis for an improvement in the way that agencies work together to deliver for children and young people with ALN?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input checked="" type="checkbox"/>
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#### Supporting comments

- The ambiguity in answering this question relates to the various points noted in response to question 3.
- It also relates to the difficulties that the various agencies have in their ability to share information easily across institutional boundaries. This is due to the lack of a single and secure IT system containing the relevant information on the student with additional learning needs.
- A new secure IT system or ‘extranet’ accessible to schools, LEAs and colleges, or clearer Information Sharing Protocols between agencies, will be critical in ensuring that multi-agency working is improved. (If a single accessible information portal is chosen, this would best be held by the LEA.) This is probably not a matter for legislation.
- There needs to be clearer accountability when one or more agency does not live up to reasonable expectations in relation to joint working on those students with additional learning needs.

**Question 5 – Avoiding disagreements, earlier disagreement resolution and clear and consistent rights of appeal**

Do you agree that the draft Bill would provide an appropriate framework to support disagreement avoidance and resolution, and that the provisions relating to appeals are properly founded?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**

- The appeals and Tribunal function appears to be clear and in line with legal norms. ColegauCymru’s view on the legal duties on FE governing bodies in relation to IDPs (e.g. section 10 of the draft Bill) may affect the applicability of these appellate arrangements in relation to FE colleges. We would welcome discussion with officials on how the final Bill might be amended to reflect this position.
- Legal appeals should be a last resort for all concerned, especially for the student affected. All agencies should therefore do everything in their power to ensure that issues are resolved at the earliest juncture.

**Question 6 – Supporting documents**

Please provide any feedback you think would be useful in relation to the supporting documents published alongside this consultation, i.e. draft Explanatory Memorandum (including the Regulatory Impact Assessment), all Impact Assessments and the draft ALN Code (which will be published in the autumn).

Our comments here relate to the draft ALN Code, which will be subject to consultation in due course in any event. The relevant points are that the draft Code needs to:

- Make a clearer and more consistent differentiation between the terminology of ‘child’ and ‘young person’. There are one or two places in the draft Code where this usage is unclear or imprecise.
- Spell out in more detail the role of parents of students with additional learning needs who are 16 or 17 years old. Though these students are still children in a legislative sense, they can expect a substantially greater degree of decision-making on their own education at this age. Some clarification on the role of parents for these students would be helpful.
- Clarify the meaning of para.168 compared to para.216, as there may

be some confusion as to the conflicting interpretation of the role of LEAs and colleges when the text of these paragraphs are read together.

- Note that while the ALNCo is an designated individual, in large colleges with many campuses there will be a team of staff working in this area.
- Benefit from direct engagement with managers in the FE sector to ensure that the 'further guidance' referred to on pg. 38 is developed in concert with the sector.
- Place centre-stage the issue of information sharing protocols or a single LEA maintained 'extranet' where information held on ALN students/pupils can be held. This would be key in facilitating multi-agency working.

#### **Question 7**

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

We have made all the pointed required in answer to the previous questions.