

**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 01**

**Ymateb gan : Coleg Therapyddion Galwedigaethol**

**Response from : College of Occupational Therapists**

What are your views on the draft Bill? Please outline below any concerns you have, or areas that you think the Committee should explore further before the Bill is formally introduced.

The College of Occupational Therapists will be submitting a response to the Welsh government consultation and the points raised in that response are replicated in question 2 on this response. In particular, the College would suggest the committee could further explore the following.

- The definitions of ALD and ALP could create a situation where children and young people are left without support until they are 'severe' enough to meet the threshold, rather than focusing on prevention and early intervention.
- The Bill separates educational needs from health and social care needs which is likely to promote disagreements between the funding organisations. This does not facilitate a whole person approach to the young person. Please see point 4 below. How will this Bill support other public service policy to increase collaboration, meet the expectation to promote wellbeing in the Social Services and Wellbeing (Wales) Act and improve integration for a seamless service for citizens in Wales? The supporting documentation sets out clearer intentions than is evident in the draft Bill. For example, there appears to be a focus in the adjunct documentation on improved outcomes and a person centred focus which is not clearly represented in the draft Bill.
- A significant responsibility for decision making is placed on governing bodies. Is this appropriate and how will conflicts of interest be balanced? For example, meeting the needs of the child and balancing the budget?
- It is unclear throughout the document how a child's health needs might be met or if it is just the education needs which

would be documented in the child's plan. The Bill acknowledges the additional skills and expertise required but does not acknowledge the range of professionals who might provide that expertise. Currently most occupational therapists for children and young people are employed by LHBs and education needs may equally not be prioritised by health bodies. Again, this fails to deliver an expectation of integrated child-centred service provision.

Please highlight below your main concerns in relation to the Additional Learning Needs system. Let us know whether, in your view, the Bill addresses these concerns or if further work is needed.

1. The College of Occupational Therapists do not feel the definitions of ALD and ALP adequately set out the discrepancy required for a child or young person to be classified as having an additional learning need. It could also create a situation where children and young people are left without support until they are 'severe' enough to meet that threshold, rather than focusing on prevention and early intervention.
2. While the College of Occupational Therapists supports the intentions of a unified planning process and increased participation of children and young people, we do not feel that this has been adequately undertaken by the current draft Bill. In particular, the draft Bill does not improve the context for children and young people sufficiently beyond the existing legislation.
3. The College of Occupational Therapists welcomes the high aspirations and improved outcomes promoted as intentions within this draft Bill. To strengthen this within the document it is recommended that:

\* Throughout the document it refers to children, young people and their parents. Should this read parents/carers? (e.g. point 6)

\* Point 29.1: The wishes of the child/young person should also be taken into consideration in the school placement.

4. The Bill separates educational needs from health and social care needs which is likely to promote disagreements between the funding organisations. For example, if a child is challenged with toileting and this means they cannot access their classes, would this be considered a health or education issue? There are many other examples of where the distinction between a health need and an education need are unclear and this is particularly unhelpful for children, young people and their families accessing services. This does not appear to support other public service policy to increase and improve integration for a seamless service for citizens in Wales

5. The College of Occupational Therapists commends the intention for avoiding disagreements, earlier disagreement resolution and

clear and consistent rights of appeal. We do not feel, however, that the draft Bill will promote this within its current form.

Specific areas which are remain unclear include:

- \* Point 9: The governing body decides if a child has ALN and secure provision. Would governing bodies have the skills and capacity to do this? Would there be a conflict of interest? (e.g. budget implications)
- \* Point 11.5: Who decides if it is beyond the capability of the governing body to determine a child's ALN?
- \* It is unclear throughout the document how a child's health needs might be met or if it is just the education needs which would be documented in the child's plan. If this is the case then it may be confusing for families if they require separate documents depending on the classification of their child's need as either health or education. It is likely to cause conflict if the Local Health Board does not agree any provision (as is specified in Point 14.1).
- \* Point 14.2: Funding conflicts may pressurise occupational therapists to not specify the involvement required for a child if there is no provision to meet that need.
- \* Point 40.1: The provisions for appeals for health needs are unclear.

Do you have any other comments or issues you wish to raise that have not been covered above?

None. The College is happy to provide any further information should that be useful. Please contact the Wales Policy Officer.