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Minister for Health and Social Services  
National Assembly for Wales

10 December 2015

## **Draft Additional Learning Needs and Education Tribunal (Wales) Bill**

Dear Minister

The Children, Young People and Education Committee has recently undertaken pre-legislative scrutiny of the draft Additional Learning Needs and Education Tribunal (Wales) Bill.

The pre-legislative scrutiny focussed on a number of key themes, which were clearly identifiable within the draft Bill and the Additional Learning Needs system more widely:

**Theme 1:** Multi-agency working and collaboration between local government and health

**Theme 2:** Benefits and challenges of a graduated system of support

**Theme 3:** Dispute resolution and creating a fairer, more transparent system

**Theme 4:** Establishing a 0-25 system



The Committee held informal roundtable discussions with stakeholders based on these themes, and took formal oral evidence from the Minister for Education and Skills, Third Sector Additional Needs Alliance (TSANA) and SNAP Cymru, WLGA / ADEW and the Aneurin Bevan University Health Board / Royal College of Speech and Language Therapists.

The Committee also issued a call for evidence, to which 23 responses were received. The responses have been published and are available on the Committee's web-page.

### **Pre-legislative scrutiny: outcomes**

Evidence received by the Committee was generally positive about the aims and objectives of the draft Bill. However, all those responding raised some concern on the practicalities of the proposed reforms, highlighting many areas of uncertainty, including in some of the key elements of the draft Bill.

The Committee has responded to the Minister for Education and Skill's formal consultation highlighting the findings of the pre-legislative scrutiny, and a copy of this response is attached.

Unfortunately, due to the time available, the Committee was not able to invite you to provide oral evidence on the draft Bill. The Committee would, however, be very grateful to receive your views on the provisions of the draft Bill generally, but more specifically about the issue of multi-agency working / collaboration.

### **Multi-agency working and collaboration between local government and health**

As you will be aware, one of the three main aims of the draft Bill is to provide for an integrated, collaborative process of assessment and intervention. There has been widespread agreement from stakeholders that this is vital to help ensure the successful delivery of ALN provision.

However, strong concerns have been expressed that the draft Bill does not ensure sufficient engagement with or collaboration between the bodies responsible for the delivery of services, and that the statutory duties in the Bill for multi-agency working need to be strengthened.



Evidence received by the Committee also welcomed the introduction of the DMO / DCO role. Again, while this is seen as a positive step forward, the Bill and the Code are not sufficiently clear about what the role actually would be, what the post holder would do, and how this would aid collaboration with education.

There is general agreement that Section 14 of the draft Bill will not work in practice. The concerns raised relates to the implication from section 14 that a Local Health Board or NHS Trust must agree to secure specific ALN provision before that provision can be included in an Individual Development Plan. The Committee believes this could lead to uncertainty in the delivery of ALN provision, should such agreement not be given. There is also a lack of detail within the Bill to clarify how any disagreement between local authorities and health bodies would or could be resolved.

The Committee accepts that health professionals must decide if there is a specific health need, and believes that where a health need has been identified, that need must be secured and delivered. The Bill should therefore provide a duty on those health bodies to ensure that appropriate ALN provision is secured and delivered in both a timely and effective manner, where such a need has been identified, rather than only in circumstances where health bodies agree to make the provision. This would address the perceived imbalance in the duties and responsibilities on local government and health respectively, which evidence suggested is present in the draft Bill.

A number of stakeholders also raised the potential cross-over between the assessment of ALN and the assessment provisions set out in other legislation, including the Social Services and Well-being (Wales) Act 2014. The Committee believes that coherence and compatibility with other legislation should be fully considered in the development of the ALN Bill.

## **Conclusions**

There remains cross-party support for delivering an improved ALN system, and the Committee looks forward to working with Welsh Government to deliver a Bill that secures reform in the most effective way possible.



The Committee believes that pre-legislative scrutiny can help secure real improvements in legislative proposals, and as such we welcome the opportunity to feed into the formal consultation on the draft Bill. The Committee looks forward to receiving your views on the matters falling under your remit, as this will help shape the Committee's scrutiny of the draft Bill ahead of formal introduction in the next Assembly, should that remain the aim of the Welsh Government.

I look forward to your response.

Yours sincerely.

A handwritten signature in black ink that reads "Ann Jones". The signature is written in a cursive, flowing style.

Cadeirydd / Chair

