

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

ALN 09

Ymateb gan: Cyngor Bro Morgannwg – Swyddfa'r Cyfarwyddwr – Dysgu a Sgiliau
Response from: Vale of Glamorgan – Director's Office – Learning and Skills

GENERAL PRINCIPLES

The Vale of Glamorgan Learning and Skills Directorate support in principle the aims and objectives of the ALN+ET Bill. We recognise that there is a need to introduce new legislation that ensures that all pupils with ALN receive their entitlement to high quality education.

POTENTIAL BARRIERS/UNINTENDED CONSEQUENCE

Code of Practice

We welcome a new Code of Practice (CoP) as the current one is out of date. However, sufficient time has not been given to consider fully the latest version of the Code prior to completing this consultation. Initial assessment of the revised Code would indicate that significant additional work is required in order to address concerns expressed in previous consultations. In its current form the Code still does not provide common guidance criteria and thresholds of need. The consequence of this will be to create variation in practice across LAs which is highly problematic. Removing the graduated response system currently in place is seen as a backward step which will increase demand for support services.

Unified Legislative Framework

We agree that a unified legislative framework to support all children and young people (CYP) with ALN through an integrated collaborative process of assessment, planning and monitoring has the potential to improve provision and learning outcomes. However, our main concerns are based around the ability of local authorities (LA) to support an increased demand on services, pressure on schools to deliver the provision identified through the assessment process and increased financial demands on LAs and schools at a time when funding is being cut.

Post 16 specialist provision

The potential advantage to learners of transferring this duty from the Welsh Government (WG) to LAs is recognised. However, supporting pupils into post 16 specialist provision is based on individual need and as a result can be very expensive. Currently WG has responsibility for this but in the Bill this responsibility transfers to LAs. Funding for these placements will be allocated to LAs through a population distribution formula that does not allow fluctuations of need over time. The WG recognise that there is an “upward trend” in demand for such placements and an increase in numbers post transfer of funding could have significant financial implications for LAs.

Administering this process will also require LAs to fund additional staffing and training which will increase costs, this does not appear to be accounted for in WG financial calculation. Additionally, it will now be possible to appeal decisions made by LAs, whereas decisions currently made by WG cannot be appealed. Preparing for appeals is a lengthy, time consuming process which like many other aspects of the reform will require additional LA resource.

Post 16 non-specialist placements

There is still a lack of clarity on the respective responsibilities of LAs and Further Education Institutions (FEIs) both in terms of identifying which young people will need to be supported by LAs into FEIs and the duty on FEIs to develop provision for young people with ALN. The Bill has the potential to improve transition post 16 by encouraging stronger relationships between LAs and FEIs. However, the Bill needs to strengthen the duty on FEIs to develop provision for young people with ALN. Currently LAs receive no funding for and have no responsibility for governance of FEIs. The Bill therefore must clarify the expectations on FEIs more clearly otherwise LAs could be left with the responsibility for funding provision outside of the FE sector because the development of such provision has not been prioritised by local FEIs. LAs will have no power to influence this.

LA’s responsibilities for IDPs in early years

There needs to be clarity around the responsibilities of LAs to support children between 0 – 2. Currently health services have the greatest involvement with these children and their families. IDPs will be required for these children and there needs to be much clearer guidance on who supports these plans, who delivers the provision and how information is shared.

Disagreement avoidance/resolution and appeals

The aim of the Bill is to reduce the adversarial nature of the current system by enabling all CYP with ALN to have a statutory IDP. There is concern that an increased age range will inevitably bring an increase in disagreements and appeals to Tribunal as the Bill hugely expands the numbers of CYP, now 0–25, eligible for IDPs and therefore eligible to appeal. WG assumes that expanding the statutory right of all CYP with ALN to have an IDP will reduce the need for parents to appeal to Tribunal. This belief is misplaced, increasing statutory entitlement will inevitably increase the risk of disagreements not just for CYP with complex needs but for pupils with less significant difficulties. These disagreements could include refusing to revise or take over a school based IDP or a governing body's decision not to agree an IDP or to cease to maintain an IDP. Rather than reducing the adversarial nature of the current model the Bill increases the likelihood of disagreements at many different levels and not just between parents and LAs as is currently the case. The Bill could have the unintended consequence of increasing conflict between schools and parents, schools and LAs, LAs and FEIs. This has the potential to undermine the aims of the Bill and to significantly increase the workload and costs for all parties, particularly LAs.

ALNCo role

The Bill will undoubtedly increase the importance of the ALNCo within all educational settings and we recognise the need for further professional development of this role. Introducing a Master's qualification in the long term is a good idea but this will give rise to significant cost pressures on schools. In the short term current ALNCo's may not wish to take the Masters qualification and this could result in a shortage of appropriately qualified staff willing to take on the role. We agree that ALNCo's should have QTS as this ensures that ALN has the appropriate status in schools, however, all schools, particularly small schools, will find it extremely difficult to fund these posts adequately which may undermine the ability of schools to meet the requirements of the Bill.

Collaboration with Health

The attempt to strengthen the duty on the Health Boards to provide provision identified in the IDP is welcome. There is still a need, however, to gain a cross agency understanding regarding what is seen as a health need as against an educational need. This particularly relates to therapeutic interventions such as speech and language therapy and occupational therapy which are currently the

cause of many appeals to tribunal. The Bill only requires Health to provide provision that it agrees is required, this leaves LAs in a position where it is likely that providing and funding the therapies identified above will fall to them. It is still the case that the Bill does not clearly place statutory accountability on agencies other than education with regard to providing specialist provision. This is exacerbated by the fact that the Education Tribunal still has no role in appeals where they relate to the provision of health services. WG believe that the delivery/non delivery of health provision can be addressed by parents through NHS complaints procedures but how this will work in practice is very unclear and is a major weakness in the Bill as it stands.

We welcome the creation of the Designated Clinical Lead Officer (DECLO) and the clarification of the purpose of this role in the amended Bill. Concerns remain about how this officer will support the IDP process. It is unclear how one professional will have the capacity to undertake the co-ordination of the Health Boards functions and ensure effective multi agency working in future.

Funding

The Regulatory Impact Assessment (RIA) states that the Bill is expected to result in “cost savings” for schools and LAs. This is overly optimistic, and as stated throughout this response, many aspects of the Bill are likely to generate additional costs to all parties, particularly LAs.

CONCLUSION

Here in the Vale of Glamorgan we are committed to all our children and young people including those with ALN and would like to work with WG in the development of a system that is fair to all. To this end we support the principles of the Bill.