

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 35

Ymateb gan: Cyngor Bwrdeistref Sirol Conwy

Response from: Conwy County Borough Council

Conwy agree with the change of terminology to additional learning needs and additional learning provision, and believe the definitions of these terms as laid out in the Bill are helpful in providing further clarification as to these definitions. However, we believe that there is still some potential for differences in interpretation and disagreement which could lead to appeals, and there needs to be greater consistency in terminology across different agencies and educational settings.

We believe in the positive philosophy underpinning Person Centred Planning and maintaining the views/needs of the child/young person at the core, and are committed to ensuring that this philosophy is embedded in practise. We welcome the emphasis on this in the Bill, as it is something that we believe Education Services and Local Authorities have been committed to and striving to achieve for many years.

We believe that there is a need for legislation to enable Local Authorities to effectively deliver the Bill's stated policy objectives.

The Social Services Wellbeing Act and Future Generations Act do directly connect to the objectives within this Bill. Collaboration, improved working relationships, person centred planning, should result in more seamless, fluid provision and support and improved joint working to support young people and their families.

Section 23 replicates Section 54 of the SSWB in that it allows Individual Development Plans to be prepared, reviewed or revised at the same time as other plans.

As a Local Authority which has always aimed to have Inclusion as a core philosophy, we welcome the support for inclusion into mainstream schools; however, we believe that in order to achieve this ALN needs to be considered as a whole school approach, and we have some reservations about the 'Expert in School' model of the ALNCO. We would like to have seen more evidence about the impact on learners with ALN of the Masters training for ALNCOs. While not adverse to the opportunity for

professional development, this seems a costly proposition that is not currently supported by any evidence of improved outcomes for learners with ALN. Rather, we believe that it may have greater impact for the responsibility for ALN to lie within the senior leadership of a school, with a clear remit to promote the commitment to inclusion and a graduated response to supporting learners with ALN. We also strongly believe that inclusion should be a fundamental part of the schools' categorisations in order to maintain a clear incentive to schools to focus on inclusion and ALN as a key part of their responsibilities.

While, there are many core philosophies and aims of the Bill that we welcome and subscribe to, we feel that the Bill appears somewhat adversarial from the outset as it implies that practise around SEN/ALN up to this point has been poor, and we would argue that this has not been the case.

The increased responsibility for governing bodies does highlight training implications and the need to ensure that parents and young people fully understand this change in responsibility. In addition, the potential for increased workload and responsibility for schools is perhaps not fully accounted for in the Bill.

How do we ensure consistency in understanding and application of responsibilities across different governing bodies and when these bodies should refer on to the local authority? With flexibility in whether schools/FE settings choose to take on accountability or whether they hand this responsibility back to Local Authorities, how do we effectively plan and manage this? The hope is that this is made clearer in the Code of Practice.

Local additional learning needs provision post 19. Availability and resourcing. There is a significant need to improve/extend local provision according to the Bill and how will this be resourced? In addition, who takes on responsibility for the approximately 3000 assessments that Careers Wales currently carry out?

We feel that the Bill does not fully recognise or guide the challenges in working with Health Services and offering clarity around provision funding. We would welcome further clarification around the tribunal role with regards to Health provision, and how the two separate systems for Health and Education tribunals will be joined up/clearly defined in terms of responsibility.

3.90 (Section 42) We anticipate that there will continue to be difficulties in terms of pressures on local ALN provision from out of county. The Appeals process and focus on parental preference could contribute to maintaining this pressure.

3.321 If any additional learning provision (including that provided by Health) cannot be provided in Welsh, despite “reasonable steps” being taken – option rather duty – how is that equitable for children and young people? How can they be fully supported if the identified provision can’t been provided in the child/young person’s first language?

We feel that many steps continue to be a little disjointed in places, open to interpretation and may lead to in-equitability of provision – will further clarification and guidance be given on terms such as “reasonable steps” etc in the Code of Practice?

Section 50 – Specialist College placements. We do have concerns about the amount that is currently spent in Conwy on specialist placements, and the need to ensure that distribution of funds is based on existing data and realistic future projections. Conwy is currently the 3rd highest authority in Wales in terms of number and cost of specialist placements post 16.

Section 63 – The Code of Practice will need to clarify the Mental Capacity Act 2005 and parents’ right of appeal post 16. We must assume a person has capacity unless Mental Health Capacity Assessment indicates otherwise. If the young person is deemed as having capacity, parents have no rights of appeal, if they don’t have capacity (as identified through Assessment), a Best Interests Meeting would need to be convened. Decision would be made on the basis of Best Interests Meeting – is this clearly explained in Appeals process?

Currently local authority core services are at capacity for 3–19 – meaning that the workforce would need to be extended accordingly to be able to provide equitable services from 0–25 which has significant cost implications. We feel that the Bill significantly over-estimates the potential savings and has not given due consideration to the increase in potential costs for Local Authorities. We don’t feel that we have clear understanding of the rationale of the proposed costs and savings described in the Bill; we believe that there may have been an over-estimation of savings and under-estimation of costs.