

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 52

Ymateb gan: Cyngor Bwrdeistref Sirol Caerffili

Response from: Caerphilly County Borough Council

General Principals and the need for legislation

- The Bill and wider Transformation Programme have potential to develop and improve the way the ALN system works and to make it more equitable for all learners.
- LAs are only required to be involved in assessment or review of an IDP where the learners' needs could not reasonably be met by a maintained nursery, school or FEI or where there is a need to reconsider a decision taken by a maintained nursery, school or FEI on a learner's ALN or ALP.
- It is positive that there is a strengthening in the Bill of the DECLO role and also that an NHS body now has a statutory duty to consider if a relevant treatment or service likely to be of benefit in addressing a C or YP's ALN.
- It is positive that involving children and young people is integral to the process.
- The focus on person centred planning is excellent, and the possibilities of how this informs IDP's is very positive.
- There is an opportunity to strengthen collaboration.

However:

- Greater transparency and clarity is needed.

- More clarification of the roles of those involved in delivering the new system is needed.
- The current definition of SEN is not sufficiently clear. There needs to be greater clarity regarding thresholds and pathways.
- Generally the IDP proforma is considered to be a good idea in order to ensure consistency but there would be questions regarding the example in the draft Code
- There is a need for further information regarding monitoring arrangements.
- Information sharing protocols are needed (health and other partners)
- There is a need for a clear Code (this is currently out in draft Feb 2017)

Potential barriers to implementation of the key provisions

General

- Workforce implications.
- Workload implications.
- Training needs
- There needs to be a stronger focus on outcomes.
- A non-graduated system, covering pupils with a range of severity in their conditions, risks leading to those with the greatest needs missing out on the support they need.
- Insufficient resources (time and money)
- Parent's will not have confidence in IDP's
- Potential for more challenge not less.
- Not enough focus / explanation regarding transition to adulthood

Statutory plans

Introduction of statutory plans for all learners with ALN 0–25 inevitably increases expectations (and puts additional pressure on education/social services at a time of change in other areas (notably curriculum reform) and when schools and local authority budgets are already under huge pressure. Schools/LAs need time to adapt and staff need to be adequately trained with appropriate funding to support the training needed.

Early years

LA's responsibilities for IDPs in early years? Most contact 0–2 years will be with health services. Health bodies may bring to the attention of local authorities any child under compulsory school age they believe may have ALN if it's 'in the best interests of the child'. In this age group how will local authorities know if there is a 'child for whom it is responsible'? How does the LA engage with the parents in developing and reviewing the IDP if most contact is with health services?

ALNCO Role

Not all school staff currently in a SENCO or SENCO type role necessarily have QTS

Post 16

Part of the rationale for moving post–16 assessment is to link the post and pre 16 assessments within the local authority. There is a proposal in the Local Government White Paper that aspects of ALN move into a regional education structure. This would mean either moving this service into a regional structure which is untested in carrying out assessments or that post–16 remains in local authorities with aspects of pre–16 sitting at a regional level, against one of the main reasons for moving post–16 into local authorities. This is not taken into account in the ALN Bill.

There is a need more clarity on respective responsibilities/accountability of LAs and FEIs. LAs receive no funding for and have no responsibility for governance of FEIs.

It is not clear how LAs' responsibilities will work in relation to 19–25 age group.

Disagreement avoidance / resolution / appeals

The predication that statutory IDPs for all with ALN will remove all problems associated with adversarial nature of current system (and lead to cost savings for LAs in future due to consequent reduction in disagreements/appeals) is overestimated.

The Bill fails to consider possibility of additional costs resulting from extending the statutory entitlement to an IDP to all of compulsory school age with ALN.

It is not as straightforward as saying as there will be no disagreements/appeals about not having a statement in future.

Any unintended consequences

- Issues may appear in a different guise, e.g. risk of contention between schools or FEIs and LAs over where responsibility for a learner's IDP/ALP lies and/or parents wanting a local authority to take over an IDP from a school. This gives rise to the potential for tensions which do not currently exist, and possible unintended consequences.
- There is an additional burden on LAs in reviewing a school-based IDP and deciding if it should be revised.
- There is potential for LAs to have to maintain more IDPs than the impact assessment suggests. Consequences for workload and funding. Issue for FEI is that there is no funding/no responsibility for governance. There is no clarity regarding how to meet the costs of IDPs taken on from FEIs. It is not known how many of the FEI's have ALN that may need to be met by the LA rather than FEI.

- There is no provision in Bill for an LA to direct a FEI to prepare or maintain an IDP. If an LA accepts transfer of an IDP from an FEI, the LA cannot require the FEI to take it back even if the young person's needs change and it would be appropriate.
- Increased age range – potential impacts in terms of advice and information LAs are required to provide.
- The need for increased disagreement avoidance/resolution services especially in relation to LA reconsideration of decisions by governing bodies about school-based IDPs (e.g. decision to cease an IDP). Some of these risks, and assessment of additional workload/costs on LAs (and others, especially the Tribunal) are not fully considered.
- Decisions by LAs on post-16 learners will be appealable to the Tribunal.
- In relation to collaboration with Health, provision can be changed or removed at NHS body's request. Education Tribunal still has no role in appeals where they relate to the provision (or not) of relevant health treatments or services.
- Tensions may arise between schools/LAs and FEIs/LAs that do not currently exist.
- Children and young people missing out on appropriate support because parents don't want them to have an IDP. Parents who want their child to have an IDP where ALN are not identified can appeal.
- Impact on admissions if parents seek out schools they know are better at meeting ALN needs than others.
- Implication for SENTW.
- Levels of accountability in schools.

Financial implications

Overall the Bill is expected to result in 'cost savings' but that there will be additional ongoing costs for organisations, namely LHBs, FEIs, Estyn and WG.

The majority of estimated transition costs fall on schools.

Available Grants do not cover costs and estimated savings are unlikely to be realistic in the context of the potential for increased adversarial issues rather than the suggestion that this will decrease.

Transfer of the duty in relation to Post 16 from WG to LA's. It is unclear how many school-maintained IDPs for learners who go on to FEI will end up with the LA; There is no clarity on how the costs of those will be met given LAs receive no funding for post-16 and there is no provision for funding to transfer from FEIs to LAs.

Costs to schools regarding ALNCO role. There is no guarantee enough QTS SENCOs will want to become ALNCOs and take the Masters: or if they commence it that they will complete it; or if they do qualify, that they will remain in post with the school that met the costs long enough for that school to recoup the benefit.