

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 63

Ymateb gan: Afasic Cymru
Response from: Afasic Cymru

1. About Afasic Cymru

- 1.1** Afasic is the UK charity representing children and young people with speech, language and communication needs, working for their inclusion in society and supporting their parents and carers.
- 1.2** Afasic is a member organisation that includes parents, young people with speech and language and communication needs, professionals and others who support us. Afasic Cymru was launched in response to devolution and celebrates its fifteenth anniversary this year.
- 1.3** Our vision is of a society which embraces 'communication' as a basic human right, and where all children and young people up to the age of 25, with speech, language and communication needs, get the support they require to achieve their potential and participate fully in society.

2. Information about speech, language and communication needs

2.1 Why are speech, language and communication important?

Speech, language and communication are fundamental life skills and key to the fostering of life chances from an early age. Speech, language and communication skills underpin literacy, learning in school and college, socialising and making friends, and are crucial for employment prospects and understanding and regulating emotions or feelings.

2.2 What causes SLCN?

Many young children struggle to communicate. Some individuals have temporary or transient communication needs, and others have more persisting needs. A speech, language and communication need (SLCN) may be associated with environmental factors, general developmental needs, medical needs, learning disability, or be unexplained without an obvious cause in an individual where other skills are developing in a typical pattern.

UK wide population studies have shown that approximately 10% of all children have persisting speech, language and communication needs (SLCN) which may present as a child's main difficulty or it may be associated with other conditions¹.

Where difficulties with acquiring speech and language skills arise due to reduced developmental opportunities limiting the child's learning of language, these reduced developmental opportunities are commonly linked to social disadvantage. The links between social disadvantage and speech, language and communication needs run in both directions. Reducing the impact of speech, language and communication needs (SLCN) reduces the impact of poverty²

2.3 What type of support is needed?

A child with SLCN may need support to:

- understand what they hear/read

¹ A Generation Adrift (January 2013) The Communication Trust.

<https://www.thecommunicationtrust.org.uk/resources/resources/resources-for-practitioners/a-generation-adrift.aspx>

² The links between speech, language and communication needs and social disadvantage (February 2013) The All Party Parliamentary Group on speech and language difficulties.

https://www.rcslt.org/governments/docs/all_party_parliamentary_group_on_slcn_inquiry_report

- learn and remember words, and put words together to make sentences
- be understood and articulate speech clearly
- talk and interact appropriately in social contexts

A child with SLCN may have some or all of the above needs; each individual is different.

2.4 Identification

Speech, language and communication needs (SLCN) may be difficult to spot at an early stage and the nature of the difficulties can change over time. If parents, carers and professionals are not sure what to look out for, instead of recognising the underlying SLCN, people may see children showing poor behaviour, or having difficulties learning or socialising.

2.5 Impact of SLCN

A speech, language and communication need (SLCN) may affect a child or young person's ability to understand, take part in conversations, manage their emotions, ask questions, learn and develop reasoning skills.

Children with SLCN typically experience emotional and behavioural difficulties. Some children and young people may become withdrawn or isolated.

Persisting SLCN, particularly when severe, and/or undiagnosed or not receiving appropriate support can cut across the whole of an individual's development, taking its toll on the individual, the family and the nation.

There is evidence from population-based studies that SLCN puts children at risk of a wide range of long term consequences in terms of literacy, school performance, mental health, employment and independence³.

Speech, language and communication skills are fundamental to the wellbeing of all children. The Welsh Government need to adopt a cohesive approach that cuts across policy areas, to enable a meaningful impact on the life chances of children and young people with speech, language and communication needs in Wales.

3. Consultation response

3.1 Welsh Government's overarching objectives

³ The links between speech, language and communication needs and social disadvantage (February 2013) The All Party Parliamentary Group on speech and language difficulties. https://www.rcslt.org/governments/docs/all_party_parliamentary_group_on_slcn_inquiry_report

3.1.1 **Firs objective:** “ *unifie legislativ framewor*”

3.1.2 Second objective: to create *“an integrated, collaborative process of assessment, planning and monitoring which facilitates early, timely and effective interventions.”*

Actively developing a culture of due regard for the United Nations Convention on the Rights of the Child (UNCRC) across statutory agencies would transform collaborative working in the best interests of the child (Article 3 UNCRC) in accordance with existing legislation and the aspirations of this Bill. Placing a duty of due regard for the (UNCRC) on the face of this Bill seems fundamental to such an important and far-reaching piece of legislation.

The strengthened duties on Health do not reassure us that all children and young people with speech, language and communication needs will access proper health assessments, including specialist assessments, to determine whether there is a treatment that can appropriately support their needs in accordance with their rights.

Early, timely and effective *identification* underpins early, timely and effective interventions⁷. We are concerned about the current capacity of the workforce across health, educational and childcare provisions to identify speech, language and communication needs effectively. A professional’s recognition, understanding and labeling of a child’s needs may affect their expectations and assessment of progress and the accuracy of any subsequent identification of an additional learning need.

Some of the young people that we represent endorse our concern: *“Give teachers additional training about learning needs.”*⁸

3.1.3 Third objective: to create *“a fair and transparent system for providing information and advice, and for resolving concerns and appeals.”*

Whilst the right to access independent advocacy is welcomed, it is only mentioned in relation to avoiding and resolving disagreements (section 62). More detail is required throughout the Bill, in relation to accessing independent advocacy services. Informed by our work supporting and representing parents, access to independent advocacy is required at an early (anticipatory) and on-going basis to ensure that the processes are clearly understood and the views, wishes and feelings of all children, children’s parents/carers and young people, whatever their circumstances are genuinely listened to in accordance with their rights. This should be on the face of the Bill.

Young people state *“Young people with additional learning disabilities should be involved in the decisions made about them and they should be able to ask for support through teachers and lecturers”*⁹

⁷Law J, Todd L, (2014). Early Language Delays in the UK. Save the Children:London <http://www.ncl.ac.uk/cflat/news/documents/Lawetal2013EarlyLanguageDelaysintheUK.pdf>

⁸ Recent ALN consultations with young people from Afasic youth clubs

3.2 Welsh Government Core Aims

3.2.1 Introduction of the term Additional Learning Needs (ALN)

We welcome the new terminology ALN; indeed, young people tell us that they prefer/like the new term and do not like “*to be called special.*” However as previously stated, the lack of detail in relation to Early Years and the definition of ALN in that age range is concerning.

3.2.2 0-25 age range

The focus on educational needs is too narrow to adequately reflect the entire 0-25 age range, in particular the early years 0-2 and the older age range of 16-25. Learning begins from birth and the ALN reforms should consider the implications for children from 0-2 in particular, who are likely to be supported primarily by colleagues in health rather than the local authority. A broader definition of learning that spans the 0-25 age range should be adopted that recognises a child’s social and emotional development, including the importance of play in learning and life skills.

For young people in the 16-25 age range, more detail is required in terms of the transition between children’s and adult’s health services, for example: speech and language therapy and mental health services. There needs to be improved collaboration between health, social care, and education

Whilst we are aware of Welsh Government’s Transformation Programme and the subsequent pilot projects, we are concerned about the capacity of the workforce to deliver the new arrangements.

3.2.3 A unified plan

We welcome the introduction of a statutory unified individual development plan (IDP) with a statutory template that should improve consistency, evaluation, and accountability. It must contain key information that is legally enforceable to ensure portability and transparency across Wales.

However the resources required to implement the processes involved in a genuinely person centred way that listens to parents, children and young people cannot be underestimated.

We are concerned that there is nothing in the Bill to facilitate an enforceable multi-agency approach to speech and language needs.

Where a Local Authority (LA) take-over the responsibility of an IDP initially issued by schools, there does not appear to be a requirement for LA’s to then carry out a full statutory assessment/re-assessment; consequently

⁹ Recent ALN consultations with young people from Afasic youth clubs

there is nothing to prevent LAs from simply continuing with a poorly written, and inadequate plan.

3.2.4 Increased participation of children and young people

This is welcome, critical to the success of the reforms and needs to be an intrinsic part of the meeting the ALN of children and young people. We reiterate the importance of placing a duty of due regard for the (UNCRC) on the face of this Bill to underpin the genuine achievement of this core aim.

Young people concur: “I think young people should have a say in if they want help with school and other needs”¹⁰

Children and young people with speech, language, and communication needs, may require particular conditions to enable their understanding and the expression of their views, wishes and feelings, such as extended time, and multiple sessions.

Advocates and case friends should possess the necessary specialist skills for communicating with a child or young person with speech, language and communication needs. This has implications for workforce development.

Speech, language and communication aware advocates and case friends need to be available from the onset prior to any potential disagreements or appeal processes to ensure children and young people participate fully, understand the well documented impact of their needs on social participation, literacy, attainments and employment and therefore make genuinely informed choices. We are particularly concerned about this for young people aged 16-25.

3.2.5 High aspirations and improved outcomes

The extension of the ALN framework for the 16-25 age range, generates a number of implications for the delivery of support to young people with ALN, not least the capacity of the workforce to deliver the new arrangements. Young people with ALN should have access to all educational opportunities. ALP should be extended to apprenticeships, work based learning and other learning contexts eg: Higher Education.

To implement the reforms, professionals across the workforce, settings and age range of children and young people with ALN, will require appropriate education and training. This should include disability equality training, training on the specific disabilities of children and young people, person centred planning and the Individual Development Plan process.

We agree that the role of ALNCo should be appropriately qualified to Masters level and experienced in Special Educational Needs; form part of

¹⁰ Recent ALN consultations with young people from Afasic youth clubs

the senior leadership team; and have sufficient time and resource to undertake their responsibilities effectively. The workload, expectations, roles and responsibilities of the ALNCo are onerous so we believe this should be a designated non-teaching role within schools.

The way that speech, language and communication crosses policy areas and portfolios was recognised by the People and Work Unit in (as yet unpublished) research commissioned in 2016 by the Welsh Government. This research sought to map the various speech, language and communication support initiatives and developments across education, health and social services in Wales. The report may enable an evidence-based way forward to improve outcomes for children and young people with SLCN in Wales.

We understand that LAs should make arrangements to keep ALN and ALP under review but we are not clear about the review and monitoring processes, as there is a lack of detail in the Bill. This could be strengthened to improve accountability and transparency.

3.2.6 A simpler less adversarial system

We are extremely concerned that under this Bill, the local authority is now not required to secure parental choice if that indicates otherwise than in mainstream school (section 45 subsection 4). The rights of parents to name a school for their child are being eroded. There is a lack of balance between the local authority's consideration of what is in the best interests of the child and parental choice, including the importance of timely access to specialist interventions and provisions (Articles 18, 23 and 29 UNCRC).

We are not reassured that the proposed duties on Health and the inability of the Educational Tribunal for Wales to direct Health, will increase parents' confidence that their child's speech, language and communication needs will be met.

A child or young person with speech, language and communication needs may require specialist provision to meet their additional learning needs. Clarity is needed on what constitutes ALP and the distinction with specialist provision for meeting speech and language needs including what is expected in detail from universal provision across the 0-25 age range.

Parents talk to us and other third sector organisations about the struggles and confrontations they face to gain timely specialist provision. Parents talk to us of the value of a specialist provision to their child and to the whole family, describing the relief of finally being offered a tailored intensive approach in smaller classes and through specialist staff that prioritise their child's needs and enable accelerated progress.

Children and young people with speech and language needs may require a specialist learning environments with the curriculum content specifically adapted and taught using specialist strategies tailored to their needs. In our view, the current definition of ALP does not appear to value specialist provision and does not explain how children/young people will receive effective specialist support in a mainstream context.

3.2.7 Increased collaboration

We are very concerned about the lack of duties in this Bill to ensure multi-agency collaboration, combined with no new resources and the lack of jurisdiction that the Education Tribunal for Wales has over Health.

Parents and carers commonly report to us their frustrations about a lack of joined up working between health, education and social services and the impact that this has on achievement. Speech, language and communication needs affects children and young people's life chances.¹¹

We fear that the lack of duties to ensure multi-agency collaboration will perpetuate or even worsen a resource driven system where children and young people best interests will be lost. Speech and Language Therapy services are crucial for a child or young person with speech, language and communication needs *in addition to* the support that can be offered in schools where their speech, language and communication needs are impacting on their ability to access learning, education and training.

Existing therapy services across Wales are already overstretched and we seek assurances that through partnership working between Education and Health, there is increasing investment to enable the required collaboration and improved multi-agency working.

Successful collaboration requires many prerequisites including allocated time, clear communication, knowledge, flexibility in service delivery and statutory duties, not just information sharing. The statutory duties for multi-agency working need to be strengthened. There must be a duty to deliver multi-agency services, underpinned by local protocols between Health, Social Services and Education to ensure a practical joined up approach.

3.2.8 Avoiding disagreements and earlier disagreement resolution

It is not clear when an IDP should be referred from the governing body to the LA. This could lead to huge inconsistencies with how the IDP is planned, implemented and monitored.

¹¹ A Generation Adrift (January 2013) The Communication Trust.

<https://www.thecomunicationtrust.org.uk/resources/resources/resources-for-practitioners/a-generation-adrift.aspx>

Families need reassurance that *in reality* there will be consistent consequences if statutory bodies and others do not comply to fulfil their obligations to effectively provide ALP to meet identified needs. Will the Local Authority closely monitor and enforce compliance every time for each and every component of agreed provision? This may be costly. What will happen to provision for the child/young person during any dispute/dispute resolution?

The roles of the Additional Learning Needs Co-ordinator (ALNCo) and the Designated Education Clinical Lead Officer (DECLO) need to be clarified to include their respective roles in ensuring and monitoring of compliance in delivery of ALP.

Effectively supporting early dispute resolution will support the interests of a child or young person. However, as previously stated, informed and SLCN trained advocates need to be accessed at a much earlier stage to underpin this approach.

Children and young people with ALN may wish and should be able to appeal and engage with dispute resolution services (DRS).

DRS need to be robust, specialised and bilingual, must be available for parents, children and young people when it is needed and clearly streamlined with Putting Things Right. We are concerned that there may not be the required capacity and consistency across Wales.

3.2.9 Clear and consistent rights of appeal

We are extremely concerned on behalf of parents who contact us, that if Health does not agree to assess and/or provide for identified speech and language needs that impact on learning, the proposed systems for redress are disconnected without an overseeing authority and will therefore not protect the interests of the child.

Clear accessible information is critical.

Afasic Cymru is currently examining the information that is available about speech, language and communication on Local Authority and Local Health Board websites across Wales. Information about speech, language and communication is not currently included as standard despite it being the most common special educational need.¹² These initial results are extremely disappointing. Parents and carers emphasise the need for clear accessible information to be easily and universally available to them without the need to request it. Afasic Cymru is keen to work with Statutory Bodies to develop an all Wales approach to this.

3.2.10 A mandatory code

We welcome a mandatory ALN code of practice that supports the rights of children and young people. A mandatory code needs to be unambiguous and made accessible to all children, young people and families.

¹² A Generation Adrift (January 2013) The Communication Trust.

<https://www.thecommunicationtrust.org.uk/resources/resources/resources-for-practitioners/a-generation-adrift.aspx>