

**Response to National Assembly for
Wales' Children, Young People and
Education Committee:**

**Consultation on Additional
Learning Needs and Education
Tribunal (Wales) Bill**

Mawrth/March 2017



Introduction

ColegauCymru welcomes the opportunity to respond to the National Assembly for Wales' Children, Young People and Education Committee inquiry into the Additional Learning Needs and Education Tribunal (Wales) Bill. ColegauCymru is a charity and limited company that represents the 14 Further Education (FE) colleges and FE institutions in Wales and exists to promote the public benefit of post compulsory education and learning.

ColegauCymru undertakes extensive research, develops policy and provides responses based on the best available evidence, utilising its network of educators and policy experts. It is the designated National Contact Point for Skills, a role which it discharges on behalf of the Welsh Government.

Its policy is informed by regular exchange of ideas and experiences facilitated by the European Commission's Erasmus+ programme and through participation in the British Council's International Education Programme.

Colleges are major providers of general education provision in Wales, helping to produce some of the best learner outcomes. Colleges are the predominant providers of funded vocational and technical education in Wales, providing about 85% of the total provision.

Additional Learning Needs and Education Tribunal (Wales) Bill

1. Principles and need for legislation

ColegauCymru supports the general principles of the Additional Learning Needs and Education Tribunal (Wales) Bill and considers that there is a definite and long overdue need for an update to legislation and supports the need for effective collaboration, where provision should be planned well in advance and where 'learners must be supported to participate in mainstream education.... As fully as possible wherever this is feasible'. To deliver the Bill's stated policy objectives, new legislation is necessary.

2. Potential barriers to the implementation of the key provisions and whether the Bill takes account of them

In a written statement, the Minister for Lifelong Learning and Welsh Language announced a £20m support package for ALN. However, at strategic and ministerial level meetings, there is little mention or consideration of FE and the impact of the ALN Bill and Code on FE.

The significant lack of knowledge and understanding of Further Education Institutions (FEIs) and their role, capacity and limitations in educating and supporting learners with complex needs cannot be overlooked;

Awareness of the FE sector in preparing for changes in legislation – key provisions within this legislation will present new duties for FEIs and major change which will require considerable preparation. Many of those who are instrumental in implementing this new legislation have a background of working with pre-16 learners and associate special educational needs (SEN) work with school provision. Local Authorities and Regional Consortia are not currently in the habit of including FEIs in planning and in their training and project work. This needs to change both in preparation for legislation and for effective multi-agency working;

Effective information sharing between schools, colleges and other multi-agency partners. There is a need for much improved information sharing across all stakeholders to establish an efficient and effective partnership working;

Misunderstandings surrounding ALN terminology; there is a need for WG to review this and establish a standard terminology for all parties involved (e.g. moderate learning difficulties, general learning difficulties, complex needs);

Lack of consistency across Wales regarding entitlement to specialist/residential provision. There is a need to aim for greater consistency in the decision making about those learners that are going to residential when FE could accommodate, whilst recognising the core group that will require residential provision;

Uncertainties about who pays for what in terms of specialist services for learners needs to be resolved; there is a need to strengthen the role of health – including Health Boards and healthcare professionals working with learners – and to ensure that the health sector takes full account of the needs identified by FE;

Late transition processes and a poor flow of information regarding learners with ALN enrolling at FEIs. This has an impact on curriculum planning and timetabling. The current view that transition cannot be done earlier is not tenable and there has to be more flexibility. Consideration should be given to the sharing of classrooms and physical space, as well as staff, between schools and FE as part of the transition. Planning ahead without time tied into review too early is essential with a stipulation that specialist equipment follows the learner.

Local Authorities ensuring that they can bring all partners to the table to avoid agencies not understanding the decision-making process or contributing to it;

Lack of consistency regarding out of county issues and process. Although this affects only small numbers clarification is required.

3. Unintended consequences arising from the Bill

With the extension of the age range covered by the legislation, transition to FE post-16 and provision to the age of 25 may be seen by learners and their parents as a right. Avoiding this will require clear communication by multi-agency professionals, as well as some consistency of decision making, to avoid disagreement, resolution, time and costs;

Increases that will be required in ALN staffing in FEIs. Colleges face the challenge of staff who have skills, qualifications and experience retiring and thus losing their

expertise. The large number of learners will require more specialist staff, including transition specialist staff, requiring the necessary training, mentoring and support;

The risks of the impact of differences in the processes, data and paperwork, including Individual Development Plans (IDPs), between authorities for colleges working across more than one Local Authority and the impact on equality of opportunity for learners. This does recognise that there will be different IDPs relating both to learners' age and level of disability but a common electronic format would ease data recording, storage, security and transfer at the transition stages. This would require a data sharing protocol (DSP) and again the case is made for a common approach. The IDP storage and the demands and complexity of maintaining IDPs was highlighted. There needs to be a decision made about the time limit of IDP retention after a learner has left FE, recognising that some might return to education;

Impact on processes at the end of the journey. There is a need for clarity about Higher Education progression, resolution of the specific role of work-based learning and catering for support needs. Clarity will be required regarding the IDP, whether these are held by the learner, transferred to social services or whether colleges have a responsibility to retain them for a set period;

The need to maintain adult appropriate responses for FE by ensuring that the rights to exclude or include parents from the process and to opt out of having an IDP if they wish to, are protected;

The transition process needs to understand the profile of FE timetabling and how ALN learners' time in college is over four days. This enables some preparation for the purpose of the programme to be explored by spending the other day doing this (community activities, volunteering, independent living etc).

4. Financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum

Table 5 of the Explanatory Memorandum indicates an implementation grant that will be available to the FE sector. It details £70,000 for the current year and further funding for future years.¹ However, at present there has been no information given to FEIs with details of this funding. FEIs need to have time to plan – details of the allocation of funding.

FE will be required to carry out additional tasks and duties with a large (as yet unconfirmed) number of ALN learners. Most assessments carried out by FEIs suggest additional staff will need to be employed and trained to complete the work and while there may be grants available to cope with the transition, the lack of funding long-term will mean colleges are unlikely to be able to meet the requirements;

¹ *Additional Learning Needs and Education Tribunal (Wales) Bill: Explanatory Memorandum Incorporating the Regulatory Impact Assessment and Explanatory Notes* (December 2016), Table 5 – Welsh Government transition costs, page 124 [accessed 21 February 2017].

The amount of work and time required to participate in the reviews, with many colleges working across more than one authority. Colleges can struggle to sustain strong relationship with all their local schools at present and with this additional layer of work, colleges may require a ALNCO team working across schools clusters, led by an ALNCO, who is an overarching senior manager;

The costs of new staffing structure including the new ALNCO role and the need for more staff, administration, increased data storage exchanges / processing / reporting, staff training and qualification (managers, teaching, support staff and administration etc.). This is borne out by the experiences in England;

The need for some synergy of roles and structures within colleges with the funded training linked to these professional ALN roles. This must recognise the differences between ILS and mainstream provision for ALN learners. Colleges should undertake a skills audit and share training making effective use of the trainers already in the FE sector;

The case for joint training with partners was made quoting the examples of Educational Psychology training with FE (NPTC Group) and PATOSS (Professional Association of Teachers of Students with Specific Learning Difficulties) on areas including specific learning difficulty/dyslexia training using a cascading training model;

There are some uncertainties about who pays for what in terms of specialist services for learners and the potential costs to FE;

The need for adaptation to the physical environment and equipment to accommodate more complex needs.

5. The appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)

ColegauCymru considers that the powers in the Bill to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum) are appropriate.

In particular:

- The decision that the ALN Code, as the principal document used by those responsible for delivering the new system at the operational level is included. Provisions included within the code should be laid out before the National Assembly so that the Assembly has the opportunity to accept or reject them;
- The regulations surrounding transfer of IDPs – as these may need amending;
- The regulations surrounding the ALNCo qualifications, experience and duties – as these may need amending.
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Conclusion

The ALN profile of FEIs needs to be raised to highlight what FE can and is already doing for ALN learners. FEIs full involvement is intrinsic to this ALN reform and it

requires commitment and collaboration by all partners to secure the best possible service for all ALN learners in Wales.

Dr Rachel Bowen
Cyfarwyddwr Polisi a Datblygu
ColegauCymru
Uned 7 Cae Gwyrdd
Greenmeadow Springs
Tongwynlais
Caerdydd CF15 7AB
T: +44 (0)29 2052 2500
(switsfwrdd)
S: 07376 065 731
www.colegaucymru.ac.uk
Rhif Elusen Gofrestredig 1060182

Dr Rachel Bowen
Director of Policy and Development
CollegesWales
Unit 7 Cae Gwyrdd
Greenmeadow Springs
Tongwynlais
Cardiff CF15 7AB
T: +44 (0)29 2052 2500
(switchboard)
M: 07376 065 731
www.collegeswales.ac.uk
Registered Charity No: 1060182