

Alun Davies, AM
Minister for Lifelong Learning and Welsh Language

22 March 2017

Dear Alun

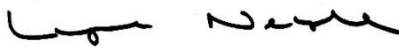
Additional Learning Needs and Education Tribunal (Wales) Bill

Thank you for attending Committee today to give your response to evidence received during Stage 1 of the Additional Learning Needs and Education Tribunal (Wales) Bill.

As I set out at the meeting, there were a number of areas / questions that the Committee did not have time to cover during the evidence session. In order to help inform the Stage 1 report, it is important that the Committee knows your views on these areas, and I would be grateful if you could respond to the attached list of written questions.

Given the reporting deadline of 12 May, it would be extremely helpful if you could respond to these questions by 14 April, so that your response can be considered as part of our Stage 1 scrutiny.

Yours sincerely



Lynne Neagle AC / AM
Cadeirydd / Chair



Additional Learning Needs and Education Tribunal (Wales) Bill

Additional Questions from Children, Young People and Education Committee

Healthcare needs

1. Could the Minister comment on evidence the Committee has received that funding mechanisms under the current SEN framework are used to support healthcare needs even where the learner does not actually have SEN. How does he respond to the concerns of some stakeholders that the Bill will make things worse as such opportunities for flexibility may no longer be available?

Individual Development Plans

2. Will the final version of the Code contain any more detail than the current draft?

3. Under the new framework, an extra 90,000 learners will be entitled to a statutory IDP. How confident is the Minister about the capacity of the system to deliver such an additional level of provision? Would the Minister consider placing any detail regarding transitional arrangements on the face of the Bill?

4. To what extent is there a risk that local authorities will use their power under section 12 to direct schools to maintain IDP due to the pressure on their own resources rather than because it is reasonable for schools to take responsibility?

5. The draft Code provides indicative timescales for the outcome of referrals for assessment, decisions about ALN and the preparation of IDPs. Would the Minister consider placing these on the face of the Bill?

Duties on health bodies

6. How does the Minister respond to the views of health boards (Aneurin Bevan) that the RIA underestimates the costs and resource implications of the DECLO role and that they are concerned it is in the Bill before it has been adequately explored and tested?



7. What impact will the Bill have on ALN learners' access to specialist health professionals, such as Speech and Language Therapists? Will it be easier to gain access as a result of a more integrated system with more earlier interventions (the Welsh Government's second overarching objective for the Bill) or more difficult because of greater demands on professionals' time due to the sheer number of IDPs they might potentially need to be involved with?

8. Does the Minister have any comments on the suggestion from the Royal College of Nursing that there could be a duty within the Bill requiring health boards to consider ALN workforce implications in the workforce planning requirements they submit to the Welsh Government? Are there any other ways he and the Cabinet Secretary for Health have considered factoring in ALN workforce requirements into general NHS workforce planning?

Disagreement and appeals

9. How does the Minister respond to the evidence of the WLGA and of SNAP Cymru that the RIA over-estimates the extent to which the new system will reduce disagreement and conflict and therefore the savings identified in the Regulatory Impact Assessment?

10. What does the Welsh Government project will happen to the number of cases reaching the Tribunal in the run-up to the new system being implemented, immediately after its introduction and subsequently thereafter in the long-term? What lessons are being taken from the experiences of the tribunal system in England following the introduction of the SEN system in 2014?

11. Can the Minister tell the Committee how many cases directly relating to SEN/ALN have been pursued by families through the 'Putting it Right's NHS redress procedure?



Financial and resource implications

12. The Minister has informed the Committee of corrections needed to the figures within the Regulatory Impact Assessment. How confident is he that the latest figures he has provided the Committee with are robust and accurate?

13. Can the Minister clarify whether the Welsh Government still projects a net administrative saving from the Bill. How much will this be?

14. To what extent does the £20 million the Minister announced on 7 February for implementation reflect an underestimate of the costs when the Bill and the RIA were published? Or is the £20 million separate to the implementation of the Bill? How much is for the Bill itself and how much for the wider ALN transformation project?

15. How will any additional funding be allocated to local authorities – through ring-fenced grants or through the Revenue Support Grant?

Duty to presume mainstream provision

16. Does subsection 45(4), which states a local authority does not have to comply with a parental request for their child to be placed in a special school change the current law rather than clarify the existing position? Will parents who particularly want their child to be educated in a special school have more difficulty in achieving this than under the current system?

Disabled children's rights

17. Would the Minister consider placing a duty on the face of the Bill on relevant bodies to have due regard to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)? If he does not think this is needed, why not?



The ALN Code

18. What degree of change does the Welsh Government anticipate making to the Code before a final version is published for consultation after the legislation is made? To what extent will the general principles remain the same? What types of changes will be made?

