

SCRUTINY COMMITTEE Template Report

**SUBJECT: ADDITIONAL LEARNING NEEDS AND EDUCATIONAL
TRIBUNAL (ALN ET) ACT AND REFORM**

REPORT BY: HEAD OF INCLUSION

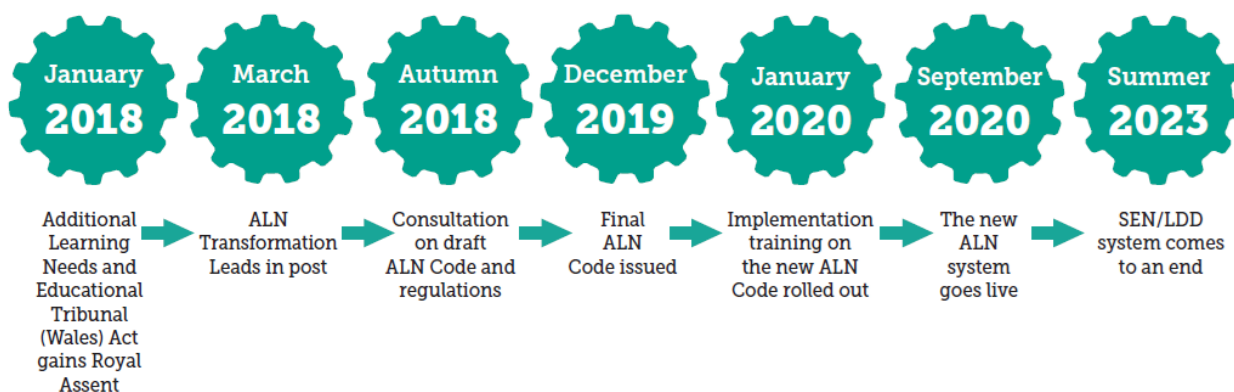
1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to update members regarding the current status of the Additional Learning Needs (ALN) and Tribunal (Wales) Act (2018) and implications.

2. SUMMARY

- 2.1 The Additional Learning Needs and Education Tribunal (Wales) Act (2018) was passed by the National Assembly for Wales in December 2017 and given Royal assent in January 2018. The aim of the Act is to create a unified process for children and young people 0-25 that will improve outcomes with a single statutory framework.
- 2.2 The Act will create the legislative framework to improve the planning and delivery of additional learning provision, through a person-centred approach to identifying needs early, putting in place effective support and monitoring, and adapting interventions to ensure they deliver desired outcomes.
- 2.3 The Act will be supported by secondary legislation and an Additional Learning Needs Code (statutory guidance and mandatory requirements) which will be subject to consultation this year.
- 2.4 Welsh Government have appointed five transformation leads to support the process and made an investment of £20m over 4 years.
The ALN Transformation Programme will be delivered through 5 work strands:
1. Legislation and statutory guidance
 2. Workforce development
 3. Implementation/ transition support
 4. Awareness-raising
 5. Supporting policy
- 2.5 LAs have a responsibility to ensure that the requirements of the Act and Code are in place to support learners aged 0-25 and that they work effectively with other agencies such as Health and Social Services to deliver improved outcomes for children and young people
- 2.6 The reforms will come into force in September 2020 and be introduced over a three year period. For the time being, local authorities and all those who work with children and young people with SEN, must ensure that they continue to comply with the duties placed upon them by the Education Act 1996. They must also continue to have regard to the SEN Code of Practice for Wales. (2002)

ALN implementation timeline



3. LINKS TO STRATEGY

- 3.1 Additional Learning Needs and Educational Tribunal (Wales) Act (2018)
- 3.2 The Wellbeing of Future Generations Act (Wales) (2015)
- 3.3 Social Services and Wellbeing Act (2014)
- 3.4 United Convention on the Rights of the Child (UNCRC) (1989)
- 3.5 Welsh Language Act (2011/2018)
- 3.6 The Equalities Act (2010)

4. REPORT

4.1 Core Aspects of the reform:

- New terminology-Additional Learning Needs (ALN) to replace term Special Educational Needs SEN
- Act to cover 0-25 year olds- age range will be extended from 0-25 years
- A unified statutory plan – the individual development plan (IDP). Role of LA in maintaining more complex plans
- Increased participation of children and young people [\[person centred practice\]](#)
- High aspirations and improved outcomes for young people
- A simpler less adversarial system
- Increased collaboration- role of Health and Social Services
- Avoiding disagreements and earlier disagreement resolution- duty to consider learners views
- Clear and consistent rights of appeal
- A mandatory ALN Code
- Welsh language duties-promoting a bilingual system

4.2. The Welsh Government has introduced a transformation programme in order to support the process with a focus on five key areas:

- Legislation and guidance
- Workforce development (Core skills development for all, Specialist skills development for Advisory Teacher's and Educational Psychologists, ALNCo role)
- Implementation and transition support
- Awareness raising

- Supporting policy

- 4.3. Financial Implications. Presently feedback indicates that there are predicted to be savings associated with a more effective system over time, however there is likely to be an increased cost over the three year implementation.
- 4.4. Implementation guidance for transition into the new system has been released by the Welsh Government in July 18, taking into account the views of various stakeholder groups. It is expected the ALN system set out in the Act will be fully implemented over a three year period. The implementation period is expected to run from September 2020 to August 2023. This will be done by mandating the conversion of particular age based cohorts (for children under compulsory school age) or academic-based cohorts (for those of compulsory school age) in each of the years of implementation. Local authorities (LAs) and school governing bodies will be required to move learners in these cohorts to the new system in each of the three academic years - 2020/21, 2021/22, and 2022/23 - of the implementation period. In the case of LAs, implementation will take place over the first two years.
- 4.5. Presently LAs and the school improvement consortium, the EAS, have been working with the ALN Transformation Lead for the region, developing a regional implementation plan. This plan focuses on partnerships to deliver on the key requirements of the Act, using an LA readiness survey tool to complete a base-line assessment which has identified strategic priorities. In the SEWC region the focus is on four priority areas that further develops work that has been supported for the last two years through the ALN innovation Grant provided by the Welsh Government.
- These are:
- Add capacity to the region by identifying practitioners with experience of multiagency practice to identify current Early Years (EY) ALN good practice across agencies with a particular focus on effective multi-agency assessment and excellence in transition to school/nursery.
 - Add capacity to the region by identifying practitioners who can support the identification of excellent ALN practice in mainstream and special school settings which will support the transition from the current to the new statutory framework
 - Add capacity to the region by identifying practitioners who have experience of post 16 provisions and in working in a multi-agency / multi-disciplinary context. The focus of their work would be to identify excellent practice particularly in relation to effective transition from school / educational providers to Further Education (FE) or other providers.
 - Provide the existing SEWC ALN regional group, with a budget to allow them to work collaboratively on awareness raising and on a communication strategy to ensure that all stakeholders are aware of the reforms and support services available to learners with ALN and their families, and facilitate the development of a common set of ALN related processes / procedures and systems. Also to develop bilingual responses to resources, training and additional learning provision(ALP) across the region

5. Implications

- 5.1 The ALN Act has implications for Local Authorities (LAs), schools, Further Education institutions (FEIs) non-maintained early education providers, Social Services and Health
- 5.2 LAs are responsible for providing strategic oversight of the system. We will be responsible for supporting our maintained schools to fulfil their duties. The LA has a role in the identification of ALN and providing expertise where necessary to meet the needs of learners and support education institutions to deliver their functions
- 5.3 Individual development plans (IDPs) will replace statements of special educational needs (SEN) and individual education plans (IEPs) for learners currently supported through Early Years Action/School Action or Early Years Action Plus/School Action Plus.

Where required, the school will decide whether the child or young person has additional learning needs (ALN) and, if so, put an IDP in place. Schools can refer such decisions to the local authority if:

- determining the extent and nature of the young person's ALN, or the additional learning provision (ALP) that they require, is beyond the school's capability
- it would not be reasonable for the school itself to secure the required provision.

LAs will be responsible for learners with additional learning needs (ALN) from 0 to 25, ensuring they can access suitable education and/or training, including compulsory education and specialist post-16 education where necessary. Further education institutions can refer back to the LA if the provision required is beyond the capability of the institution or if the provision cannot be secured.

- 5.4 LAs will also be directly responsible for meeting the needs of children and young people with the most complex and/or severe needs, those who do not attend a maintained school or FEI (including those below school age) and children who are looked after by them.

The ALN Code will impose **mandatory requirements** on LAs in accordance with the following general principles;

- identification and intervention in relation to ALN should take place at the earliest possible opportunity
- all those involved in providing support to children and young people with ALN should work together in the best interests of the child or young person
- transitions should be planned in advance and consideration given to supporting transition into adulthood
- the views, wishes and feelings of the child, child's parent or young person should be at the heart of all the decision making processes
- meeting the needs of learners with ALN should be part of a whole school approach to school improvement
- learners must be supported to participate in mainstream education and in the curriculum as fully as possible wherever this is feasible
- where a child or young person has a need for ALP in Welsh all reasonable steps must be taken to provide it

Some of the principles of the Code are statutory requirements under the Act for LAs

- providing information and advice services
- the avoidance and resolution of disagreements
- providing independent advocacy services
- preparing the content, form, review and revision of IDPs
- ceasing to maintain IDPs.

LAs must provide information to children to ensure they have an awareness and understanding of the new system; ensure there is clear information available regarding rights of appeal and make arrangements for dispute resolution

LAs should also consider designating an Early Years Additional Learning Needs Lead Officer role to ensure robust planning and transition for early year's pupils.

The ALN Code will impose mandatory requirements on the governing body of a maintained school in Wales in respect of:

- decisions on whether a pupil has additional learning needs

- the preparation, content, form, review and provision of IDPs
- ceasing to maintain IDPs

- 5.5 In relation to Social Services it will be essential that departments work together to plan changes and transitions particularly where children have an IDP that would form part of the Personal Education Plan (PEP) for a looked after child.
- 5.6 Local authorities and further education institutions (FEIs) can request that the health service considers whether there's a relevant treatment or service likely to be of benefit in addressing the learner's ALN. If there is, the health service must secure it.

Where the health service believes that a child has (or probably has) ALN, they must bring this to the attention of the appropriate local authority, if they believe that is in the child's best interests.

The statutory Designated Education Clinical Lead Officer (DECLO), appointed by the Health Board (ABUHB) in July 18, will promote consistency and equity; ensure evidence-based interventions; promote better outcomes and reduce inequalities.

6. Next Steps

- 6.1 LAs must be prepared to implement the new system. As outlined above LAs and some schools will move towards this process in September 2020, with the complete system becoming operational from September 2023. It is essential that the LA adopts a person centred approach and develops systems and plans that mirror the principles of the Act without compromising the current systems. There will be two systems operating from 2020-2023, therefore the LA must ensure effective work with colleagues, parents and children in order that the implications of the Act are understood.
- 6.2 Priorities for the SEWC region are outlined above and the focus is on seeking to secure coherent and collaborative regional working in relation to key developments. In relation to **<INSERT LA>** the focus is on:
- ensuring there is a clear understanding of the implications of the Act and Code
 - promoting effective joint working with other agencies; taking account of good practice; using resources efficiently; encouraging flexibility and creativity and being solution focussed.
 - ensuring effective working relationships with parents and carers
 - developing services flexibly to meet needs and keeping under review the arrangements made both by the LA and governing bodies of maintained schools in our area, for pupils with ALN, in order to assess and respond to future needs.
 - ensuring processes and procedures are developed in advance of implementation date(s).
 - ensuring any other developments within the LA re: ALN services/provision will be compliant with the Act.
- 6.3 The SEWC ALN group, the SEWC education directors and school improvement consortium, the EAS, will work together over the next 3 years (to March 2021) in partnership with the Welsh Government and the ALN transformation lead to prepare all stakeholders.
- 6.4 The second draft of the ALN Code was released for consultation on 10th December 2018

7. WELL-BEING OF FUTURE GENERATIONS

- 7.1 The well-being goals and principles prescribed for within the 2015 Act connect directly to the objectives of the ALN ET Act and Code. It is consistent with the five ways of working as defined within the sustainable development principle and more specifically for the principles

noted below.

Collaboration – a fundamental principal of the Act focuses on improving collaboration and creating a unified system.

Involvement- ensuring that pupils, parents and carers are at the heart of the system

Long term – the Act focuses on meeting the needs of children from 0-25

Prevention – the focus of the Act on early identification of need and ensuring appropriate provision to meet needs.

8. EQUALITIES IMPLICATIONS

8.1 The Act and Code clearly articulate the Equalities Act (2010) statutory requirements. The Council's full Equalities Impact Assessment (EIA) process is adhered to at all times

9. FINANCIAL IMPLICATIONS

9.1 There are no financial implications associated with this report.

10. PERSONNEL IMPLICATIONS

10.1 There are no personnel implications associated with this report

11. CONSULTATIONS

11.1 The report reflects the views of the consultees.

12. RECOMMENDATIONS

It is recommended that members note the contents of the report

13. STATUTORY POWERS

Additional Learning Needs and Education Tribunal Act Wales (2018)

Additional Learning Needs Code (draft) (February 2017)

Special Educational Needs Code of Practice (2002)

Well-being of Future Generations (Wales) Act (2015)

Social Services and Well-being Act (2014)

Education Act (1996)

Equality Act (2010)

United Nations Convention on the Rights of the Child (1989)

Welsh Language Act (2011/2018)

CONSULTEES

Chief Executive

Corporate Director Social Services

Head of Human Resources

Head of Corporate Finance

Corporate Solicitor

Chief Education Officer

Head of Planning and Strategy

Strategic Lead for School Improvement

Early Years Manager

Youth and Progression Pathway Lead

ALN Transformation Lead for SEWC -Welsh Government

ALN Transformation Lead for FEIs -Welsh Government
Parental engagement groups
Pupil voice-participation rights