



CABINET WRITTEN STATEMENT

TITLE: Written response of the Welsh Assembly Government to the Education, Lifelong Learning and Skills Committee's Policy Review of Special Educational Needs. Part 2: Statutory Assessment Framework (Statementing)

DATE: 28 June 2006

BY: Jane Davidson, Minister for Education, Lifelong Learning and Skills

Responses to the Report's recommendations are set out below. The recommendations follow the Report's headings and numbering.

Consideration of Issues

The Committee recommends that:

1. The Assembly Government should carry out a wide-ranging consultation with parents and other stakeholders to build consensus and confidence before any fundamental changes are made to the statutory assessment framework.

Accept

In 2004, Estyn were commissioned to undertake a review of Statements in Wales "Best Practice in the Development of Statements of Special Educational Needs (SEN)". In addition the Welsh Assembly Government and the Association of Directors of Education in Wales (ADEW) jointly commissioned research into the "Management of SEN in Wales," conducted by Cambridge Education Associates.

As a result of this research, in 2005 the Welsh Assembly Government announced its intention to develop an Inclusion Policy and Performance Framework for Wales. This framework would build on the findings of these commissioned reports and provide a strategy for Wales that would support the needs of learners with additional needs and disadvantaged groups. In 2005 a consultation document, "Inclusion and Pupil Support" was published as part of this strategy development. This consultation document emphasises the need for an inclusive approach to education in Wales within the context of a whole school approach to support all pupils including those with additional learning needs. Additional learning needs is a term used in this guidance to encompass a range of learners who require additional individual support, including those with SEN, to ensure they reach their full potential and barriers to learning are overcome. Final guidance will be available by the end of the summer 2006.

From the research available some common themes emerged specifically in relation to meeting the needs of pupils with SEN such as, the need to review the current statutory assessment framework; to improve data in relation to outcomes for learners; to provide guidance on SEN funding; and to ensure teachers are equipped with the knowledge and skills to meet a diverse range of learners needs.

In April 2005 and in response to these identified themes, four stakeholder groups were established, as sub groups of the Welsh Advisory Group for SEN, one of which was given the remit to fully review the statutory assessment and statementing framework in Wales and suggest options for the future delivery of services. Members of the group represent stakeholders from across Wales including Local Education Authority (LEA) officers, primary, secondary and special school representatives, an SEN co-ordinator (SENCO), a Chief Executive of a Local Health Board (LHB), a Speech and Language Therapy (SLT) Manager representing the NHS Trust, the Special Needs Advisory Project Cymru, ESTYN, Social Services, Careers Wales and Assembly Officials.

The aim of the group is to review the statutory assessment framework including national and local policies; the SEN Code of Practice for Wales and related guidance; and to recommend ways in which the current assessment framework could be improved to ensure early identification, appropriate assessment and intervention for pupils with SEN.

The group reported to the Education Lifelong Learning and Skills Committee at their meeting in November 2005 on the options currently under consideration. These options were further discussed with all LEAs in Wales at an SEN Conference in December 2005.

The options are currently undergoing further refinement and it has been agreed to appoint a secondee to work with the Assembly Government in taking forward a series of consultation events across Wales in order to engage all interested

parties and to seek their views before any fundamental changes are made to the current statutory assessment framework. It is envisaged that consultation events will take place during the Autumn/Spring term 2006/07 following this appointment.

Financial Implications

I have agreed to meet the associated costs of appointing a secondee to the post and these costs will be met from within the Additional Needs and Inclusion (ANI) SPA. Consultation events including the preparation of materials are likely to cost in the region of £20,000 and can also be met from the ANI SPA.

The Committee recommends that:

2. The Assembly Government should seek the necessary powers for the Assembly to have full legal competence for statutory assessment arrangements for children with special or additional educational needs.

Accept in principle

Part 3 of the Government of Wales Bill introduces a new category to legislation called Measures of the National Assembly for Wales. This means that the Assembly Government will be able to legislate by Measure in relation to specified Matters within the fields of devolved government. Schedule 5 of the Bill sets out twenty fields within which legislative competence can be sought to make Measures relating to specified Matters. Field 5 relates to education and training.

The Assembly Government will need to agree with Whitehall the scope of the legislative competence to make Measures relating to a specified Matter and the legislative competence must be approved by Parliament.

Whilst I accept this recommendation, it will clearly be necessary to consult widely with all key stakeholders before any fundamental changes to the current legislative framework are made. It will be important to ensure that the interests of pupils with SEN are safeguarded and that their needs are central to any recommended changes in the future. This recommendation will receive further consideration following consultation.

Financial Implications

None at present. Financial implications will be dependant on a wide ranging consultation with key stakeholders as to the future statutory assessment framework. This will almost certainly include a revised Code of Practice for

Wales, associated information and guidance materials and training costs for professionals.

The Committee recommends that:

3. The Assembly Government should no longer use the term, 'special educational needs,' and that they give consideration to the term, 'additional educational needs,' in future.

Accept

For internal administrative purposes this change has already been made. We need, however, to be conscious and have already acknowledged that changing terminology at this stage will cause confusion as to the provision for pupils with SEN as defined in the Education Act 1996. In adopting the phrase, "additional learning needs" in its policies, it will need to be clear that this cannot in anyway alter statutory rights and responsibilities in relation to children with "special educational needs" as defined in the Education Act 1996.

In developing our strategy for "Inclusion and Pupil Support," the term additional learning needs has been used throughout to identify learners with a diverse range of learning needs in the context of a whole school inclusive approach to learning and specifically to meeting, identifying and providing a range of support for those who require additional support. This will form part of the consultation with stakeholders across Wales on the most appropriate terminology that should be used.

Financial Implications:

None.

The Committee recommends that:

4. The Assembly Government ensure Statements continue to be available for those parents that wish to use them to help clarify provision and process but should be limited to those children with the most severe complex needs.

Accept in principle

This recommendation is dependent on the result of the consultation exercise with parents and other key stakeholders. Whilst in principle we accept this recommendation the Committee has taken evidence from a range of stakeholders who have expressed concerns that removal of statements this could marginalise other groups of learners with additional/special needs.

I do accept that there is a need to ensure that the interests of some of our most vulnerable children in Wales and those with the most complex needs are safeguarded.

Financial Implications:

None

The Committee recommends that:

5. The Assembly Government should consult on a clear, unambiguous and widely understood definition of the most severe and complex needs that affect between 0.5% - 1% of children.

Accept in principle

This will be considered as part of the wider consultation exercise with parents and other key stakeholders to be undertaken during the Autumn/spring terms 2006/07.

Financial implications:

None

The Committee recommends that:

6. Whilst there is a need to retain Statements as a safety net (including a legally enforceable right of appeal) and as a guarantee of access to special provision for children with severe and complex needs, Statements should be gradually replaced for most children.

Accept in principle

Whilst I accept that there needs to be a progressive reduction in the number of statements issued by LEAs and that the target proposed in recommendation 5 is a reasonable one. There are, as with any change management process, the need for necessary reassurances to be in place to ensure that the required outcomes are nonetheless being achieved. This cannot be achieved overnight. It will, though, form part of the envisaged consultation with parents and other key stakeholders.

We will need to ensure that appropriate support mechanisms are in place for all pupils with additional learning/special educational needs. As suggested in the review parents will need to have trust in LEAs and other professionals that any

provision required by their child is put in place in order to meet their needs currently offered through the legally binding contract of a statement.

Financial implications:

None

The Committee recommends that:

7. The Assembly Government should consider new statutory assessment arrangements based on a continuously assessed record of need. This should be allied closely with arrangements encouraging a whole school improvement approach to meeting additional educational needs.

Accept in principle

This is one of the options that was presented to the ELLS Committee in November 2006 on behalf of the Statutory Assessment and Statementing Group of WAGSEN and, importantly, requires further consultation with parents and other stakeholders. In this context, an option which is receiving favourable consideration in that group is that all pupils have a “passport approach” to meeting needs. This option recommends that all children with ongoing additional learning needs are provided with a passport, which defines their needs, the context in which they are learning, how these needs are being met and the child’s rate of progress. I am, in principle, well disposed to such an approach since it ensures that all pupils’ needs are identified as part of an ongoing continuing assessment process, identifying strengths and future provision that will meet their changing needs.

Financial Implications:

None at present

The Committee recommends that:

8. The Minister give very serious consideration to the main features of the ‘passport’ approach to SEN assessment as outlined in the presentation from WAGSEN.

Accept in principle

Please see my response to the preceding recommendation. This will form part of the consultation with parents and other key stakeholders.

Financial Implications:

None at present

The Committee recommends that:

9. The Minister considers issuing revised guidance to local authorities aimed at ensuring a more consistent application of the current statementing arrangements across Wales.

Accept in part

In 2002, the Welsh Assembly Government published a revised Code of Practice for SEN, the first such distinct Code for Wales. A “SEN handbook of good practice for schools” was distributed to all schools and LEAs in 2003. A section of the handbook is dedicated to the application of the statutory assessment and statementing process and gives practical advice to schools and LEAs on how to execute their responsibilities in this regard. Further work is ongoing with the development of the Inclusion Policy and Performance Framework for Wales in ensuring a consistent approach to meeting needs across Wales, with revised guidance in data collection through PLASC (consultation September 2006), the development of quality standards for meeting low incidence needs (ongoing), and advice on outcomes for learners based on the common inspection framework (to be completed by 2007).

Under the provisions of the Education Act 1996 and SEN and Disability Act 2001, LEAs have a statutory responsibility to have regard to the SEN Code of Practice for Wales and in complying with legislation in meeting the needs of pupils with SEN. Estyn monitor how LEAs and schools discharge their functions as part of the Common Inspection Framework. Whilst I accept that there is a need to ensure a consistent approach to statutory assessment, a significant amount of guidance is already available.

In providing guidance we would not wish to encourage blanket policies in the delivery of LEA duties as this would not be consistent to meeting a diverse range of individual pupil's needs. It is envisaged that our current approach and forthcoming guidance, as outlined above, will aid consistency of approach across LEAs in Wales.

Financial Implications:

None

The Committee recommends that:

10. The Assembly Government together with local authorities considers how the following approaches might be better facilitated for more people:
 - Assessments being held at a single venue, such as a children's centre or other multi-disciplinary support facilities;
 - Multi-agency meetings similar to annual reviews both before and during formal assessment; and
 - Greater use of the disagreement resolution service

Accept in part

Multi-disciplinary assessment of children and young people with ongoing complex needs are often undertaken at children centres across Wales. It will depend on the nature of a child's needs as to the appropriateness of conducting assessments at a single venue. For example, should a child or young person need access to sophisticated assessment equipment, due to a medical need, the assessments may need to take place at a variety of venues. However, as suggested all authorities have multi disciplinary assessment teams that will meet to discuss individual pupils, with the most complex needs, both before during and after formal assessment.

The SEN Code of Practice for Wales, the Children Act 2005, the children and young people partnerships, the National Service Framework for Wales and the move towards Children and Young People's Plans re-enforce the need for statutory agencies to work together and provide a holistic approach to meeting needs.

The SEN and Disability Act 2001 required all LEAs to offer parents the right to access disagreement resolution services (DRS). Until 2004 this was undertaken on a relatively ad-hoc basis by LEAs in Wales often through existing parent partnership arrangements. In 2004 the Association of Directors of Education in Wales (ADEW) agreed to develop an all Wales Service for DRS in SEN, with the exception of two LEAs who use their local Citizen Advice Bureau (CAB) to undertake this role on their behalf. In 2005 NCH Cymru was awarded the contract to deliver DRS for SEN across Wales. The service has been operational for just over a year. In the spring of 2006 I commissioned Trinity College Carmarthen to undertake a full review of the operations of the DRS operating across Wales. An interim report is due in July 2006 and a full report by September 2006. The aim of this evaluation is to ensure compliance with the relevant legislation, provide an analysis of trends in its use, assess user's views of the service and highlight the benefits and any shortcomings in service delivery both at an all Wales level and through the CABs.

Financial Implications:

The contract to evaluate the DRS, £20,000 was met from within existing resources available within the Additional Needs and Inclusion SPA for 2006/2007.

The Committee recommends that:

11. The LEAs appoint key workers as a way of supporting parents and ensuring a more genuinely multi-disciplinary approach.

Accept

Evidence shows that key workers provide a valuable service for families with disabled children, they collaborate with other agencies and professionals and schools to facilitate access to appropriate support for disabled children and their families.

The Assembly Government through its National Service Framework for Children, Young people and Maternity Service has committed to make key working services available to all disabled children with complex needs requiring support from two or more agencies. Progress in developing the NSF is monitored nationally and locally through a Self-Assessment Audit Tool (SAAT) and through the NHS Self-Assessment Framework (SAF) Services targets.

We know that many local authorities are already making good progress in this area. To advance key working services in Wales the Assembly funds a Wales development worker within the Care Co-ordination Network (CCN). The assembly has also jointly funded with DFES a study in different key working models across England and Wales. The study was published in July 2005. The CCNUK have developed standards for care-co-ordination and these have been adopted by the Assembly Government and promoted as best practice in the NSF.

It should be noted that key workers are not necessarily employed by an LEA; the nominated key worker will depend on the nature of the child's needs and family preference.

Financial Implications

Agencies are expected to deliver early flagged actions in the NSF within existing budgets.

The Committee recommends that:

12. The LEAs do more to explain and publicise alternative mechanisms for supporting children with additional needs.

Accept in Principle

The Welsh Assembly Government publication, “Information for Parents and Carers of Children and Young People with SEN” and the SEN Code of Practice for Wales denotes a graduated response to meeting needs as suggested within the report that leads to this recommendation. Both documents identify alternative mechanisms for support at early years/school action and action plus stages and the purpose of notes in lieu.

Many authorities have also developed their own information and guidance materials for parents in this context, much of which is of a very high standard. This year we aim to audit all information currently available to both parents and pupils at a local level and establish exactly what information is given and when. This audit will inform the need for any further information requirements and enable us to share good practice across Wales.

Financial Implications:

Financial implications are likely to become clear following the audit of LEA and school information for parents and pupils, to be conducted in 2006/07.

The Committee recommends that:

13. The Assembly Government and local authorities, in consultation with the Children’s Commissioner, consider how children can best be supported through the statementing process.

Accept

The Welsh Assembly Government is committed to following the United Nations Convention on the Rights of The Child to guide its work with children and young people of Wales. The Assembly Government has also set out its aims in this respect in ‘The Dragon’s Dialogue – Issues for discussion with Children and Young People in Wales’. Central to the aims of the initiative is the belief that children and young people should have a say in the decisions that affect them.

To achieve this objective, the Assembly Government, has introduced a number of initiatives in which children and young people can participate across the range of policy making. These include children and young people's forums in all local authorities, and school councils in primary, secondary and special schools.

Local Education Authorities are required by regulation to seek the views of children and young people as part of the statutory assessment process. The SEN handbook for schools section on Pupil Participation and the SEN Code of Practice for Wales provides advice on how this can best be achieved.

In the Children's Commissioner's Report 2003/04, it was suggested that children should be given the right of appeal to the SEN tribunal for Wales. At present only parents have this right of appeal. Whilst we accept this recommendation in principle, we are currently in discussion with various statutory, voluntary and SEN tribunal user groups on the practical implications of such a change in legislation.

The Welsh Assembly Government is also considering how best to support pupils through the delivery of integrated advocacy services across Wales. It is envisaged that Local Authorities commission services for all children and young people to enable them to have their voices heard and to specifically support groups of children and young people who have additional needs. We will be consulting on the future of advocacy services in Wales for children and young people in the autumn, 2006.

Financial Implications:

To be considered following consultation on the advocacy strategy for children and young people in Wales.

The Committee recommends that:

14. The Assembly Government sets aside a sum of money centrally to pump-prime initiatives aimed at improving regional and specialist provision, including Welsh language and Welsh medium provision.

Accept

We recognise that maintaining a range of services for pupils with low incidence SEN can be difficult for some smaller LEAs. Wales only provisions were made in the Education Act 2002 to allow regional collaboration for the delivery of SEN goods and services, including the use of peripatetic teachers.

Since 2004/05 over £6m has been made available by the Assembly to assist LEAs develop regional facilities through a top slice of the Schools Building Improvement Grant. One specific example of this is the grant of £2.8 million for the redevelopment of Ysgol Plas Brondyffryn as part of the development of regional provision for Autistic Spectrum Disorder (ASD) in North Wales.

For 2006-07, following a competitive bidding round during which all 22 LEAs were invited to bid, £2.8m has been allocated for the development of regional projects throughout Wales. These include the development of, the primary phase of Ysgol Plas Brondyffryn, three outreach support facilities for pupils with multi-sensory impairments operating across Wales and the enhancement of Heronsbridge School, Bridgend which acts as a regional facility for pupils with severe and profound learning difficulties. A further bidding round for SBIG regional SEN funding for 2007-08 is expected to commence in September 2006. The Assembly has recently appointed a secondee with considerable experience of planning regional SEN provision to take this initiative forward. The secondee's role will be to assist in the development of a strategy to promote and plan collaborative arrangements for the delivery of SEN provision and services on a regional basis.

In 2005 pilot projects were established under the auspices of the Health Act 1999 (Partnership Arrangements) to encourage collaborative working across health and education in the delivery of speech and language services to children and young people across Wales. Over £3m is to be invested over a three year period to 2007/08 in the development of pilot projects, which will bring Speech and Language Therapists (SLTs), teachers and specialist support staff together as part of an integrated team. An external evaluation of the pilot projects will take place early next year.

In 2004/05, the SEN capital funding for Specialist Equipment/resources for Learners with Additional Needs grant (known as SELAN) was established to provide funding to authorities to purchase specialist equipment for pupils with SEN to enable them to access the curriculum and remove barriers to learning. Since its launch in 2004-05 £500,000 has been made available on an annual basis. Released as part of a competitive bidding process, the grant is used by LEAs in a variety of ways such as, the purchase of technological aids, to support services in the purchase of training materials for staff and parents, in providing highly specialist equipment needed by children with profound and multiple learning difficulties; specialist play materials and; other learning aids. The grant is, however, intended to encompass more than purely technological aids: rather its intention is to provide support to individual learners in the most appropriate and effective manner through access to a range of resources.

See also my response to recommendation 20 which relates specifically to progress in support of Welsh Medium SEN initiatives and recommendation 18 in relation to special school pilot projects.

Financial Implications

The initiatives listed above have been met from within existing resources. To date over £6m has been allocated from the School Buildings Improvement Grant (SBIG) for regional provision. Funding of the speech and language pilot projects and SELAN grant has been met from existing resources within the Additional Needs and Inclusion SPA.

The Committee recommends that:

15. The Assembly Government considers providing SEN funding to school clusters and mechanisms for encouraging funding to be shared among schools in clusters.

Reject

The regulations governing school funding permit local authorities to retain centrally funding for SEN provision of a specialised nature, including funding to encourage collaboration between special schools and primary and secondary schools. Funding for such collaboration has recently been enhanced by the provision of £5.1m special grant for 'Unlocking the Potential' of Special Schools – Pilot Projects.

Local authorities are required to delegate funding for other special needs provision to schools as part of schools' delegated budgets. The regulations do not permit delegation of funding to a 'school cluster', which has no legal basis, only to individual schools.

However it is common practice for clusters of schools to work together on a range of issues, accompanied by sharing of resources. Examples include work on planning and delivering improved transition between key stages 2 and 3 and on continuing professional development of staff. A key part of the 14-19 agenda is to encourage collaboration between schools and other providers; and schools in receipt of the recently announced RAISE grant are expected to work together to provide support for pupils from disadvantaged backgrounds and in danger of failing in school.

A subgroup of WAGSEN has been established to consider SEN funding across Wales and we are in discussion with Estyn and the Wales Audit Office about an audit of this funding to identify best practice. This is due to be completed by the end of 2007. In light of the audit findings and building on existing practice on school collaboration in other fields, we will promote collaboration between schools on SEN provision.

Financial Implications:

Funding to conduct the audit can be met from existing resources within the additional needs and inclusion SPA.

The Committee recommends that:

16. The Assembly Government considers how school clusters can play a greater role in supporting special unit provision within the mainstream.

Accept in principle

See my response to recommendation 15. This will be considered as part of further consultation with parents and other stakeholders on the future of statutory assessment and statementing.

In developing this approach there would be a need to ensure a range of provision is available to meet a diverse range of pupils needs. This may need to be developed on a regional basis as opposed to school cluster arrangements as small schools; small clusters and small authorities, particularly those of a rural nature are unlikely to be able to meet the full spectrum of needs. However, we would agree that sharing expertise at a local, regional and national level is fundamental to developing good practice in provision and support for pupils with SEN.

Financial Implications

See response to recommendation 15.

The Committee recommends that:

17. Special units within clusters should be developed as centres of excellence for SEN teaching.

Accept in principle

See recommendation 18. This recommendation will need to be considered in the context of all available SEN provision including the role of special schools as centres of excellence.

Financial Implications

None

The Committee recommends that:

18. The Assembly Government considers mechanisms for encouraging the exchange of expertise and knowledge between teachers in mainstream and special education settings.

Accept

The Green Paper, "The BEST for Special Education" (1997) and subsequent action programme, "Shaping the Future for Special Education – An Action Programme for Wales" (1999) began to address the changing role of special schools against the backdrop of an increasingly inclusive approach to special education. It was recognised that special schools would play a far more interactive role, primarily with schools in the mainstream sector and in supporting auxiliary services to support children and young people with special educational needs.

Despite evidence of good practice as demonstrated through Estyn inspections of special schools, it appears that still more flexibility, strategic planning and multi-agency coordination is required in order to unlock the undoubted potential of special schools in Wales and to redefine their position within the wider educational agenda.

I intend that special schools and SEN units/resource bases should play a more proactive role in becoming flexible learner bases that address the needs not only of children but of the broader community. Flexibility should extend to the further development of carefully considered entry and exit strategies that take account of learners' continued need to be educated in the sector and the ongoing benefits that accrue from them.

As part of the Assembly's wider strategy to RAISE standards for disadvantaged groups and the complementary pilot "Unlocking the Potential of Special Schools," combined they will meet the required action proposed by the ELLS Committee and promote the use of special schools as a community focussed resource base. £5.1 million has been made available over 3 years, as from September 2006, to all 22 LEAs in Wales to establish Special School Pilot Projects.

We will seek bids from LEAs in collaboration with special schools on proposals relating to a range of outreach practices including:

- Support for individuals in mainstream settings – advice and guidance for mainstream schools
- Delivering training – formal and informal to a range of settings and services

- Modelling and coaching – mainstream and specialist staff working together to enhance their skills and knowledge
- Sharing specialist resources – such as specialist equipment and communication aids to enable pupils to access the curriculum
- Working with parents and Carers – providing support, advice and guidance
- Multi-agency support and provision – working with the statutory and voluntary agencies to increase capacity and meet the holistic needs of their pupils
- Improved transition arrangements post 16 – working with FE institutions and developing work based learning opportunities in collaboration with local businesses.

Whilst pilot projects can be developed in collaboration with special schools in one authority, local authorities are also asked to consider the benefits of developing services of this nature on a regional basis, thereby increasing their capacity and specialisms in different areas of SEN. For example one school may specialise in Autistic Spectrum Disorders whilst another may have expertise in the area of Emotional Behavioural Difficulties.

It is vital that the projects are seen as part of the LEAs wider school improvement agenda. The development of the pilot projects aim to support an inclusive education system in Wales thereby ensuring wherever possible and appropriate pupils needs are met within their local mainstream school but where access to specialist provision is required it is of the highest standard and works in partnership with other providers.

Financial Implications

The £5.1m for the special school pilot projects is being met from within the Additional Needs and Inclusion SPA.

The Committee recommends that:

19. That LEAs adapt their recruitment policies and staff training to ensure sufficient qualified staff able to carry out assessments through the medium of Welsh and bilingually.

Accept

The Welsh Language Act 1993 enshrines the fundamental principle that the Welsh and English languages should be treated equally in relation to the provision of services to the public in Wales. In their dealings with children and their parents all statutory bodies must fulfil any requirements imposed on them by

the Act, and adhere to the policies contained in their Welsh Language Schemes and Welsh Education Schemes.

'Iaith Pawb' a National Action Plan for a Bilingual Wales (2003) provides the Welsh Assembly's overriding strategy and vision for the Welsh language. It acknowledges the right of pupils and parents of pupils with additional learning needs to receive educational provision in the language of their choice.

LEAs must have regard to meeting the needs of pupils with SEN in accordance with parental preference for Welsh medium or English medium education and educational support provision. Parents who wish their children to receive their education through the medium of Welsh have the right to express their preference under the Education Act 1996. LEAs and Governing Bodies are under a duty to have regard to any preference expressed by parents. When assessing a child's needs it is appropriate to assess the child in the preferred language of either English or Welsh, and steps should be taken to ensure that all those involved in this process are made aware of the pupil's language needs.

We are currently developing a bi-lingual e-learning course for SEN that will operate across Wales allowing both English and Welsh speaking teachers to access the course and gain a six unit accreditation towards a Master's certificate in SEN. This course will be available from January 2007.

We are also encouraging HEIs to work collaboratively so that core modules in specific courses can be undertaken closer to a teacher's home and through the medium of Welsh without the need for travelling and residential weeks.

In 2004, the "Iechyd Da" Training Pack and video was launched by the Minister for Health and Social Services, intended to raise language awareness and sensitivity, and assist healthcare staff in understanding the importance of language choice as a factor in the provision of healthcare.

I would also refer you to the Action Plan to deliver on "Acknowledging Need" the Welsh Language Board's report into SEN through the medium of Welsh (2002). Copies of the Action Plan are available on the Learning Wales web site.

Financial Implications

The costs of developing the e-learning course for SEN £130k, including project management costs, have already been met from resources held within the additional needs and inclusion SPA (over 2004/05 and 2005/06).

The Committee recommends that:

20. Within the next 12 months the Assembly Government carries out an audit of Welsh medium and Welsh language expertise to establish where gaps exist and to inform future provision.

Accept in part

It is unlikely that such an audit could be conducted in enough detail to inform future provision within the next 12 months. As the Committee will appreciate there are a range of professionals involved with supporting pupils with SEN, including teachers, specialist teachers with recognised qualifications, learning support assistants (LSAs), educational psychologists, doctors, clinical psychiatrists, therapists, audiologists, ophthalmists and so on. Whilst not all professionals could be considered in the first stage, an audit by school of qualifications of existing school support staff could be conducted. The precise training and qualification of teachers and LSAs could be established and schools and LEAs could be asked to specify any shortfalls in current provision.

We will be establishing a further course for SLTs by November 2007 at a University in North Wales that will be able to provide training through the medium of Welsh and hence increase the number of Welsh speaking SLTs in Wales.

Please also refer to preceding recommendation on training opportunities.

Financial Implications

The costs of developing a further training facility for SLTs in North Wales will be met from existing budgets within Health and Social Care. The cost is dependant on the award of the tender to deliver this training.

The Committee recommends that:

21. The Assembly Government review provision for additional needs education in initial teacher training courses, including Welsh-medium and Welsh language teachers.

Accept

The Assembly Government has proposed revised Qualified Teacher Status Standards which would require students – and therefore require initial teacher training (ITT) providers to cover this in courses – to demonstrate that they understand their responsibilities under the SEN Code of Practice, and know how

to seek advice from specialists on less common types of special educational needs.

ITT is designed to equip newly qualified teachers with the necessary skills and expertise to enable them to teach their phase and subject competently. It is, however, only the starting point of a process of professional development throughout a teacher's career. We take the view that specialising in SEN is better done once a teacher has completed their initial teacher training and their induction year, and a number of opportunities to do this are available to them at a postgraduate level within institutions across Wales. ITT is not designed to provide detailed SEN skills and training.

The Assembly Government recently announced how it intends to take forward changes in ITT provision in the light of the Furlong review of ITT provision in Wales. As part of this, we have said that we will be looking in the medium term (work needed in the next 5 years) at a review of longer-term and systematic issues in Welsh medium ITT provision. This would look at matters such as what developments might be needed to ITT to take account of policy changes and to improve Welsh language skills and numbers of teachers. We will ensure that this review included SEN coverage in ITT.

A secondee was appointed in late 2005 on a part-time basis to review all aspects of SEN training for teachers, support staff and school governors. The secondee has been charged with reviewing the application of QTS standards within HEIs in relation to SEN to ensure consistency of approach and identify gaps in training opportunities. The secondee, the author acknowledging need and a senior lecturer and Bangor University will also be considering Welsh medium and Bilingual training opportunities in this context.

The secondee reports to the WAGSEN sub group, "Empowering Teachers", established as part of the development of the Inclusion Policy Performance Framework. The review will also consider aspects of SEN training including ITT, Early Professional Development and Continuing Professional Development to ensure all teachers have the necessary skills on entering the classroom to identify and meet a range of learner's needs. A first draft interim report will be discussed by the group in August 2006.

Financial Implications:

Not known but likely to be minimal in relation to SEN issues, on the basis that the proposed review will be undertaken in any event.

The Committee recommends that:

22. The Assembly Government consider providing funding to ensure that there is a full range of Welsh-medium diagnostic tests available for use in the statementing process.

Accept

We are aware that the majority of the tests currently in use in Wales are only available through the medium of English. The consequence of this is that Welsh-speaking children's abilities are in danger of being underestimated because they are being tested in their potentially weaker language.

In 2005 we seconded an LEA Welsh adviser for a term to gather information on the availability and use of resources and assessment materials in Welsh medium SEN for both first and second language users. It is intended, subject to the author's agreement and any copyright conditions that the information obtained through this audit will be made available to all teachers in Wales through the National Grid for Learning. Furthermore in 2004, the University of Wales, Aberystwyth, launched a website: www.drws.co.uk specifically to enable sharing of Welsh language and bilingual education information.

Also, in 2005 I announced a grant of £90,000 to be made available to the School of Psychology at Bangor University, over a three year period to 2008/09, for the development of Welsh specific resources. This is ground breaking work in the development of specific Welsh language assessment tests in speech, language and verbal reasoning skills which are language specific not merely a translation of English materials. Language receptive vocabulary tests are often used as a diagnostic tool to identify specific areas in a child's learning that will require specific support. Bangor University aims to develop valid language measures for Welsh-speaking children and adults. These measures will be available for use by educational psychologists, by researchers, by teachers, by speech and language therapists, and by health professionals.

Since 2004, I have also released funding of £16k for the translation of Swansea LEAs "All Wales Reading Test," the development of a Welsh medium corpus of texts and the adaptation of materials in large print for visually impaired learners. These were launched in February 2005 and are available to all local authorities in Wales.

See also my response to recommendation 20.

Financial Implications

The £90,000 to support Bangor University in the development of test materials through the medium of Welsh and the all Wales reading test materials (16k) was met from within existing resources held within the Additional Needs and Inclusion SPA.

The Committee recommends that:

23. The Assembly Government should make statementing tests available in a child's first language as this should be a fundamental right in Wales.

Reject

Statementing tests as recommended here do not exist. Specialist teachers, educational psychologists and other professionals use a range of diagnostic tools dependant on the child's needs to enable them to identify areas of concern. There would be no such test that could meet all children's needs. However there is a need to ensure a range of testing materials are available in a child's first language. See also my response to Recommendation 22.

Financial Implications:

None

The Committee recommends that:

24. The Assembly Government, along with the General Teaching Council for Wales and teaching unions, considers whether guidance and support for teachers and pupils in relation to the administering of medicines is appropriate.

Accept

We are currently in the process of updating Welsh Office Circulars 57/94 (The Education of Sick Children) and 34/97 (Supporting Pupils with Medical Needs: A Good Practice Guide) to provide improved guidance to schools and LEAs in support of pupils with medical needs. The revised document will incorporate extant guidance relating to the administration of medicines in schools.

An external reference group, comprising representatives of all statutory and voluntary organisations was established in early 2006 to review the current draft guidance; "Access to Education and Support for Pupils with Medical Needs," which will be issued for consultation in September 2006.

The General Teaching Council for Wales and teaching unions will be consulted as part of this process.

Financial Implications:

None at present, although we are aware that further training for schools may be required which will need to be considered in forthcoming guidance as part of better schools fund.

The Committee recommends that:

25. The Assembly Government considers guidance on how best to support children and parents whose first language is neither Welsh nor English through the statementing process.

Accept

The SEN Code of Practice for Wales requires LEAs to ensure information is available in a range of appropriate languages and variety of media; so that all parents for whom English or Welsh is not their first language, and those with a disability or learning difficulty can access the information.

The Race Relations (Amendment) Act 2000 imposes a general duty on public authorities, including schools, in performing their public function to have due regard for the need to: promote equality of opportunity; promote good relations between persons of different racial groups; and eliminate unlawful racial discrimination.

The legislation requires schools and colleges to have a race equality policy that covers staff, pupils, parents and carers, and the wider community.

This recommendation will be given due consideration as part of the audit of information and guidance for parents of pupils with SEN to be undertaken during 2006/07 (see response to recommendation 12). Following this audit best practice guidance will be issued to all LEAs in Wales.

Financial Implications

See recommendation 12

The Committee recommends that:

26. The Assembly Government considers best practice in supporting parents who have special health or educational needs during the statementing process.

Accept

See my response to recommendations 12 and 25. This will be considered as part of the audit of information and guidance for parents of pupils with SEN to be undertaken during 2006/07. Following this audit best practice guidance will be issued to all LEAs in Wales.

Financial Implications:

See recommendation 12 and 25

The Committee recommends that:

27. The Assembly Government, in conjunction with the Children's Commissioner, considers best practice in supporting looked-after children who have special educational needs, including how they access the statutory assessment arrangements.

Accept

Later this summer the Assembly will consult on a range of measures to improve the arrangements for placements, health and education of looked after children. This will include requirement for local authority to have regard to the special education need of a child as part of the placement decision. In addition, an education-working group has been established to look at improving education of all looked after children. A representative of the Children's Commissioner's Office is a member of the stakeholder group.

The group will also consider measures to improve the educational attainment and access to further /higher education for care leavers including those with additional, special education needs.

Financial Implications:

Resourcing for any new measures will be considered as part of the developing work and wider consultation.

The Committee recommends that:

28. The Minister for Education Lifelong Learning and Skills should give an initial response to this report within six weeks, in accordance with the protocol and should report to Committee on progress in implementing improved arrangements, including a further update on those recommendations in Part 1 of this inquiry, within twelve months.

Accept

This Cabinet Written Statement meets this recommendation. I also provided an update on progress on Part 1 of this inquiry in May 2006 and am content to continue to provide a further updates to the Committee at regular intervals and certainly within 12 months.

Financial Implications:

None