Cynulliad Cenedlaethol Cymru | National Assembly for Wales
Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and Education Committee
Y Bil Drafft Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) | The Draft Additional Learning Needs and Education Tribunal (Wales) Bill

ALN 14
Ymateb gan : Cymdeithas Athrawon a Darlithwyr Cymru
Response from : Association of Teachers and Lecturers (ATL) Cymru

About ATL Cymru – the education union

The Association of Teachers and Lecturers represents over 160,000 education professionals across the four constituent parts of the United Kingdom. It draws its membership from teachers and lecturers, leaders and support staff in maintained and independent schools, and Further Education Colleges. As well as campaigning vigorously to protect and enhance members' pay and conditions ATL also believes that the education profession has a key role in developing education strategy and policy. ATL Cymru represents over 6,500 education professionals in colleges and schools across the whole of Wales.

Our response

We welcome the opportunity to respond to the proposals set out in the draft Bill.

We recognise that there are challenges with the current arrangements for children and young people with additional learning needs (ALN) in Wales. The current model can be process led and needs to focus more on the needs and outcomes for children and young people in order to insure that they reach their potential.

However, we believe the current proposals set out by Welsh Government in the draft Bill would be difficult to implement in practice. We have included within our response our concerns and also have illustrated some of the challenges posed by the recent reforms in England.

We believe that Welsh Government must closely examine some of the challenges which the English system is facing. Learning from the English system givers Wales the opportunity to create a system which makes best use of our expertise in order to support children and young people with ALN to fulfil their potential.

We have shaped our concerns around your questions, set out below.

What are your views on the draft Bill? Please outline below any concerns you have, or areas that you think the Committee should explore further before the Bill is formally introduced.
The proposed system Whilst there are some good intentions around the draft Bill, there appear, however, to be some issues with the proposals. **Graduated system** Whilst there could be merit in a 'graduated system' more children being entitled to 'enforceable' action from the school, could lead to greater conflict. Clear indication of how the system is expected to work in terms of funding is needed. **Governing Bodies** The precise role of the Governing Body remains unclear. When does the governing body have responsibilities and when are these handed to the local authority? The proposed system could mean a quicker reaction to less complex issues. However, the expectation of a multi-disciplinary team involved in each case could mean greater cost as Governing Bodies will have to buy in the expertise in order to assess each individual as to whether they have an ALN and need ALP. The expectation that each education institution will be accessible to all children remains unclear. **Transitions** Transition arrangements remain unclear. If an education setting is named in an IDP before the child or young person enter that education setting, will the school have

adequate resources available to meet the needs and outcomes expected for that child or young person?

There is also a question mark over what to do if that school is full? Not every child gets into their local school. Will children with a named school in their IDP be entitled to attend a school ahead of those who may live more closely?

ALNCo
We have concerns that there is too much expectation placed upon the ALNCo role in the proposals as drafted. With the possibility that ALNCos will have to be suitably qualified, there is a real risk this post is unmanageable and therefore unsustainable.

Some schools which are very small may not be able to appoint a teacher as an ALNCo, and all schools may find it hard to find the time and resources needed to meet the expectations of the draft Bill.

Larger schools will have a challenge in undertaking an IDP for each child involving a multi-disciplinary team, if the ALNCo is expected to teach as well. This workload is potentially unmanageable, without proper time and resources to undertake it properly.

Training
We have concerns that the expectation is that all schools and teachers will be expected to undertake training as part of normal CPD. However, with a new curriculum expected, there is unlikely to be the resources and time available to train to a level to be able to teach a fully accessible curriculum.

Individual teachers and ALNCos will not be able to replace the expert knowledge and practical skills that specialist teachers have. The role of specialist teachers remains unclear. Without a local authority system to offer specialist advice and assistance, some children may be unable to access specialist provision in their local school or education setting.

Funding
Funding remains the biggest unknown of the draft Bill. Were there an unlimited amount of funding the Bill could potentially work well, with children and young people having their needs met, according

to a set of agreed outcomes. However, in the current financial climate it is difficult to envisage a system which works in that way.

The cost for schools could be massive, as the Governing Body will be expected to meet needs – or additional learning provision (ALP), potentially without adequate resources.

Higher Education and Early years
The situation for those in Higher Education remains unclear. If this legislation is for 0-25 there needs to be a clearer indication of how Higher Education and 0-3 year olds will benefit.

Please highlight below your main concerns in relation to the Additional Learning Needs system. Let us know whether, in your view, the Bill addresses these concerns or if further work is needed.

The current system
There can be problems with the current system. For example, using multi-disciplinary teams, where LA and LHB boundaries don't meet, can be a challenge.

The current system can be process heavy – immediate interventions are limited by resources and it is a system led process.

There are examples of good working, where schools are working with local services such as CAMHS, speech and language therapy, occupational therapy and Paediatricians.

School Action, School Action Plus and Statements are currently three levels which attract different levels of funding. Statements are increasingly difficult to obtain and are the only legally enforceable level.

We have commented on our concerns about the draft Bill, above.

Do you have any other comments or issues you wish to raise that have not been covered above?

The England situation
We note that reform to ALN/ SEN provision in England is largely in place and feel the Welsh Government should take this opportunity to learn some lessons from the situation for those involved there.

In England there it is clear that the legal duty sits with the local authority, not with the school as it appears in Wales.

The IDP (or EHCP as it is called in England) can act as a barrier. Although it is positive that the Plan in England is more outcome focused than the proposals for Wales, it has become a data-driven process, which means schools are spending time justifying what they are doing. There are also challenges for children and young people moving between provision. Some educational institutions can claim they cannot meet the needs of the child and therefore they can be forced to go elsewhere.

Although there is implicitly a stronger expectation for health to be involved as the Plan is an Education and Health Care Plan, health inclusion is not uniform. Each EHCP is costing around £3,000 to create. With only £6,000 allocated per child with additional needs, creating the Plan is using a disproportionate amount of the money.

SENCos in England have an unmanageable workload with the usual expectation is that they are the ‘key worker’ liaising between the family and all agencies involved.

There have been no checks and balances built into the system. In England the CQC and Ofsted are joining forces to inspect the system.

Many local authorities are using the opportunity to review the EHCP as a chance to make cost savings, especially in terms of school transport, which is considered non-statutory provision.