

CYPE(5)-02-17 - Papur | Paper 2

TSANA : evidence for Children Young People and Education Committee on the Additional Learning Needs and Education Tribunal (Wales) Bill

1. The Third Sector Additional Needs Alliance, (TSANA) is a group of voluntary organisations which seek to promote and protect the rights of children with additional learning needs in Wales. We aim to work with the Welsh Government and other organisations to influence legislation, policy and practice in Wales to ensure that children with additional needs can access the support they need to reach their full potential. Members include:

Afasic Cymru
Barnardo's Cymru
Contact a Family
Children in Wales
Learning Disability Wales
Mencap Cymru
Mudiad Meithrin
National Autistic Society (NAS) Cymru
National Deaf Children's Society (NDCS) Cymru
RNIB Cymru
Sense Cymru
SNAP Cymru
The Down's Syndrome Association
Wales Pre-school Providers Association

2. TSANA welcomes the opportunity to contribute evidence to the National Assembly for Wales Children, Young People and Education Committee as part of its consultation on the Additional Learning Needs and Education Tribunal (Wales) Bill.

3. TSANA's evidence aims to inform scrutiny of the overarching principles of the Bill and how it will impact children and young people with Additional Learning Needs (ALN). TSANA member organisations may submit evidence which informs scrutiny of the Bill with that organisation's specialism in mind.

4. The Additional Learning Needs (Wales) Bill as tabled appears to respond in part to some of the concerns that TSANA highlighted following the publication of the draft Additional Learning Needs (Wales) Bill in 2015. However TSANA members are still digesting the Additional Learning Needs (Wales) Bill, so are unable to give a full and considered response to what the Bill contains at this early stage.

5. The remainder of this paper therefore lists the recommendations that TSANA made on the previous draft Additional Learning Needs (Wales) Bill which were contained in a briefing Paper which TSANA prepared for a meeting with the Minister for Lifelong Learning and the Welsh Language in September 2016. These concerns still remain and TSANA would like to use these as a basis for giving oral evidence to the Children and Young People Committee. We will also be submitting a response to the Committee's Consultation on the Additional Learning Needs and Education Tribunal (Wales) Bill in due course.

Key Recommendations and Concerns

- 6. The Definition of Additional Learning Needs.** A wide ranging definition of learning that spans the 0-25 age range should be adopted that recognises a child or young person's social and emotional development, the role of play in learning and importance of learning skills for life. This will reinforce the fact that the reforms don't just apply to formal curriculum based learning of school aged children.
- 7. Early Years.** Learning begins from birth and the reforms should consider the need of children from 0-3. The lack of detail about how the system will work in an early years context could result in this age group struggling to access appropriate support. Referral pathways for health visitors etc are required as is clarity on how the IDP process will operate in the early year's services.
- 8. Post Compulsory Education.** There are wide ranging implications for the delivery of support to young people with ALN in Further Education Institutions (FEIs). Clarity on how the IDP process will work in an FE context is required and what expectations will be placed on the FEIs in terms of planning etc, when the young people move on. TSANA is disappointed that the IDPs will be limited to further education settings and those young people accessing apprenticeships will not be afforded the same support as their peers who are in further education.
- 9. Transition to Adulthood.** The Bill gives little information about this and those young people who leave school, do not go onto further education but require the involvement of social services and health. They had previously been supported through the Welsh Government funded Transition Key Worker programme which ran from 2008 – 2013 and the convergence funded Regional SEN Transition to Employment Initiative from 2011 – 2014 and TSANA is concerned that learning from these programmes is being lost.
- 10. Multi agency working.** The duty placed on health is insufficient. However a duty to work in a multi-agency way and to deliver multi agency services still needs to be established. This should be underpinned by local protocols between health, social services and education to assess and deliver provision.
- 11. Individual Development Plan.** A mandatory IDP template is required to ensure that the IDP is consistent and portable, legally accountable, and transparent across Wales. TSANA would welcome the opportunity to work with the Welsh Government on the development of such a template. One of the points we are keen to retain within the IDP is the ability for families to name their preferred school.
- 12. Training.** In order to implement the reforms, professionals working with children and young people with ALN will require appropriate training. This must include general disability equality training as well as training on the specific disabilities of individual children and young people plus training on the IDP process. Initial teacher training must also include an increased focus on children with additional learning needs as well as including training on person centred planning.
- 13. Involvement of specialists.** Under the reformed system, schools will be responsible for identifying which specialist professionals need to be involved in a

learner's assessment and in determining whether or not the IDP should be the responsibility of a local authority. It is important that this does not become a barrier to children with low incidence disabilities accessing specialists like teachers of the deaf due to a lack of awareness on a school level. Therefore, we urge that IDPs for low incidence needs be clearly reserved as the responsibility of local authority. We would also recommend that the development of disability specific pathways would help schools to identify when to pass IDPs on to a local authority and also which specialist professionals should be involved.

14. The alignment with other legislation needs to be improved. The Social Services and Well-being Act talks about prevention and the social model of disability and "minimising the effect on disabled people of their disabilities." This is not picked up within the ALN reforms. Neither do the reforms fit with the local authority duty to carry out an assessment of need under The Act.

15. The provision of information, advice, assistance and dispute resolution. More detail is required on the advocacy and dispute resolution services. It is important for consistency and transparency that such standards operate to minimum national guidelines and that they independently represent the views of children young people and their parents through independent support being available from the outset of their concerns about the child or young person.

16. Estyn should have a role in monitoring ALN provision, assessment, IDPs, support systems, complaints and disputes framework

Further engagement with Welsh Government

TSANA welcomes the opportunity to continue working with Assembly Members and officials during the passage of the Bill in the Senedd and its implementation.

Catherine M. Lewis,
Chair of TSANA
Catherine.Lewis@childreninwales.org.uk