

Cynulliad Cenedlaethol Cymru | National Assembly for Wales

Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and Education Committee

Bil Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru)| Additional Learning Needs and Education Tribunal (Wales) Bill

ALN 12

Ymateb gan: Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

Response from: Bridgend County Borough Council

1. The following is a response from Bridgend County Borough Council. The reform is welcomed. We support in principle the aims and objectives of the Bill and its potential to improve life opportunities for learners with ALN and to put them at the heart of their learning.
2. The proposal for transition over four years is important. There will be a need for adequate funding and training in addition to time for all stakeholders to prepare and implement the new way of working. We propose that those CYP who have a statement should transition to IDPs in the first instance.
3. The timeframe between the requirement for this response and the publication of the recent edition of the Code of Practice is very short.
4. Bridgend County Borough Council agrees that the Bill may increase the number of IDP's and the wider Transformation Programme have the potential to develop and improve the way that the ALN system works and to make it more equitable for all learners.
 - The age range of 0–25 will increase pressure on capacity. LAs will require more Officer–time as a result of increased workload, for example an increase in IDPs and assessments. There would also be an increase in disagreements which could result in more appeals.
 - Potentially we do not yet fully understand the impact. This could have financial implications as LAs have delegated funding to schools. There are also implications should the LA take responsibility for FE funding.

- Introduction of statutory plans for all learners with ALN 0–25 inevitably increases expectations and puts additional pressure on education/social services at a time of change in other areas such as curriculum reform and when schools and local authority budgets are already under huge pressure. Schools/LAs need time to adapt and staff need to be adequately trained with appropriate funding to support the training needed.
- The statement that statutory IDPs for all children with ALN will remove all problems associated with the adversarial nature of the current system (and potentially lead to cost savings for LAs in future due to consequent reduction in disagreements/appeals) is overestimated. Where does the responsibility lie for an IDP? There could be tensions at the point that a LA takes responsibility from a FE – who will fund this?
- There will be financial pressures and ongoing costs for four organisations namely LHBs, FEIs, Estyn and WG.
- There should be a template for an IDP, a standard format. This will ensure consistency across Wales.

Post-16 specialist provision

5. If this duty passes to LAs there will be accompanying costs associated with supporting these pupils.

6. In addition, part of the rationale for moving post-16 assessment is to link the post- and pre- 16 assessments within the local authority. There is a proposal in the Local Government White Paper that aspects of ALN move into a regional education structure. This would mean either moving this service into a regional structure which is untested with regards to carrying out assessments or that post-16 remains in local authorities with aspects of pre-16 sitting at a regional level, against one of the main reasons for moving post-16 into local authorities. Whichever route is taken, this is not taken into account in the ALN Bill.

The LAs' responsibilities for IDPs in early years.

7. LAs will be responsible for this but most contact for children aged 0–2 will be with health services. There is the risk that some children may slip through the net. How will local authorities know if there is a 'child for whom it is responsible'? How does the LA engage with parents in developing and reviewing IDPs if most contact is with health services?

8. There is a need for more clarity on respective responsibilities/accountability of LAs and FEIs. LAs receive no funding for and have no responsibility for governance of FEIs.

9. It is not clear how LAs' responsibilities will work in relation to the 19–25 age group.

10. The Bill may increase the number of school-maintained IDPs for learners who go on to FE will end up with the LA; how the costs of those will be met given LAs receive no funding for post-16 and there is no provision for funding to transfer from FEIs to LAs.

11. There is no equivalent provision in the Bill for a LA to direct a FEI to prepare or maintain an IDP as there is for schools. So if an LA accepts transfer of an IDP from an FEI, the LA cannot require the FEI to take it back even if it is appropriate as a result of the young person's needs changing.

12. The Bill hugely expands the number of CYP who are eligible to appeal to the Education Tribunal. As statutory IDPs will be held both by schools and LAs, circumstances under which appeals may be made widen LAs' involvement beyond the IDPs for which they may be directly responsible to all CYP of compulsory school age. Those circumstances include (but are not restricted to) an LA's decision not to revise a school-based IDP if so requested; an LA's decision not to take over responsibility for an IDP following a request; and a governing body's decision to cease to maintain an IDP. This has workload and cost implications for LAs that don't currently exist and which are not considered in the RIA.

13. There will be an additional burden on LAs in reviewing a school-based IDP and deciding if it should be revised – if the LA didn't develop the IDP it will not have the same knowledge of the child and his/her ALN/ALP as the school. The LA will have to make disagreement resolution services available as part of this process. If the LA decides not to revise the plan the decision is appealable.

14. If CYP challenge a governing body's decision to cease an IDP, the LA has to review that decision and, if it upholds it, the decision is appealable. This could possibly have an impact not just on LAs but also on Tribunal workload with a resultant increase in costs.

ALNCo Role

15. There are concerns about the proposed statutory ALNCo role, in particular that all ALNCos should be QTS and acquire Masters Qualification. Not all school staff currently in a SENCo or SENCo type role are necessarily QTS. This would be a major cost implication for schools in addition to workforce implications. This role needs to be strategically linked into Successful Futures. There is recognition that although training is necessary for the ANLCOs we do not feel that a Masters qualification is necessarily the right pathway. Instead funding could be redirected to broader training and transition work.

16. The Bill proposes that there would be greater flexibility in deciding whether schools share an ALNCo as well as suggesting that there could be more than one ALNCo in a school. We feel that every school should have their own designated ALNCO who would know the pupils well, rather than a peripatetic service being offered.

Collaboration with health

17. We welcome strengthening the DECLO role in the Bill and also that an NHS body now has a statutory duty to consider if a relevant treatment or service is likely to be of benefit.

18. However, concerns remain that provision can be changed or removed at NHS body's request, and LA or school. More importantly, the Education Tribunal still has no role in appeals where they relate to the provision (or not) of relevant health treatments or services.

19. The New Bill is reported to be stronger in relation to Health provision. It states that if Health identifies that there is a treatment or service that would address the learner's ALN, it must secure the provision. However, this does not mean to say that Health will 'agree' to any additional provision and there is no arbitration service provided to resolve disputes early on in the process.

20. Clarification regarding the Educational Psychology Service is required. They are not named as professionals. They should be referred to in the Bill and written into the Code in a statutory way by the wording 'must', rather than 'should', or 'should consider', at key points.

21. Removal of ET from the title as this has an emphasis of being adversarial.

22. Capacity of SENTW

Looked After Children

23. The fact that the Bill requires the IDP to be incorporated into the personal education plan (PEP) of the child who is looked after and that the 'looking after local authority' becomes responsible for maintaining the IDP is a positive move. However, the Bill does not describe how the IDP is incorporated into the review processes and the level of importance that it holds within the PEP when it comes to decision making. What is the mechanism for disagreement / dispute relating to provision, for example?

Duty to favour education at mainstream maintained school

24. We are pleased that the Bill now provides further instances where educating the child at a mainstream maintained school is not appropriate.

Capacity of children and case friends

25. Where children are considered to lack sufficient understanding, the Bill includes a power to make regulations to provide for the appointment and removal of case friends by order of the Tribunal. However, we view this as being too late in the process in circumstances where removal of a case friend (who is not representing the case suitably) would be appropriate early on. There is no process of protecting the CYP from undue influence from a case friend.