



EDUCATION FOR LIFE SCRUTINY COMMITTEE – 3RD JULY 2018

SUBJECT: ADDITIONAL LEARNING NEEDS (ALN) ACT AND REFORM

REPORT BY: CHIEF EDUCATION OFFICER

1. PURPOSE OF REPORT

- 1.1 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.
- 2.4 Process of introduction of the Act is also subject of consultation. Welsh Government (WG) have appointed five transformation leads to support the process (in the South Wales consortia area this is Tracey Pead).
- 2.5 Local authorities (Las) have a responsibility to ensure that the crucial elements 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.
- 2.6 The expectation is that the system will come into force in September 2020 and introduced over a two to three year period.

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.

4. REPORT

4.1 Core Aspects of the reform

- Improved outcomes for young people
- New terminology
- Single statutory plan
- Person Centred Practice
- Age range 0-25 years
- Duty to consider learners views
- Welsh language duties promoting bilingual system
- Role of LA in maintaining more complex plans
- Role of Health and Social Services
- Simpler less adversarial system

4.2 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 Presently feedback from WG indicates that there are predicted to be savings associated with a more effective system; however, there is likely to be an increased cost over the three year implementation. The timeframe for implementation is expected to last 3 years (2020 – 2023) and WG has committed £20m to funding the transformation programme across Wales.

4.4 There is ongoing consultation regarding the implementation which relates to how this can be achieved, for example with one start date for all, phased by those with current Statements, by phase - early years and school then post 16, by Key Stage, at times of transition, by pilot authorities then all others.

4.5 Presently LAs are working with the 'ALN transformation fund' developing regional partnerships to focus on key areas of the reform. In the SEWC region the focus is on building capacity in the Early years, developing the role of the ALNco, developing post 16 work, developing common processes, sharing best practice.

4.6 Welsh Government has produced a self-evaluation toolkit for schools and LAs to support them in identifying readiness for the reform and areas for development.

5. IMPLICATIONS

5.1 The ALN Act has implications for Local Authorities (LAs), schools, Further Education institutions, non maintained early education providers, Social Services and Health.

5.2 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 or training where necessary.

The ALN Code will impose mandatory requirements on (LAs in respect of:

- information and advice services
- independent advocacy services
- the preparation, content, form, review and revision of IDPs
- ceasing to maintain IDPs.

- 5.3 LAs must provide information to children to ensure they have information about the new system, ensure there is clear information available regarding rights of appeal, and make arrangements for dispute resolution
- 5.4 LAs should also consider an Early Years Additional Learning Needs Lead Officer role to ensure robust planning.
- 5.5 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.
- 5.6 The ALN Code will impose mandatory requirements on the governing body of a maintained school in Wales in respect of decisions about ALN, the preparation, content, form, review and revision of IDPs, and ceasing to maintain IDPs.
- 5.7 This also applies to further education and 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.
- 5.8 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.
- 5.9 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.
- 5.10 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.
- 5.11 The statutory Designated Education Clinical Lead Officer (DECLO) (appointed by Health) will promote consistency and equity to ensure evidence-based interventions to promote better outcomes and reduce inequalities.

6. NEXT STEPS

- 6.1 LAs must be prepared to implement new systems; however, WG decide the transition will take place. It is expected that 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 move towards a person centred approach and develop systems and plans that mirror the principles of the Act without compromising the current systems. The LA must ensure effective work with colleagues and 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 Caerphilly the focus is on:
- ensuring there is clear understanding of the implications and promoting more effective joint
 - working with other agencies
 - ensuring effective working relationships with parents and carers
 - developing services flexibly to meet needs (EPS)

- ensuring processes and procedures are developed in advance of implementation date(s) e.g. new paper work
- ensuring any other developments within the LA (additional support delegation, funding of SRB's) are in line with the Act.

6.3 The Education Achievement Service (EAS) are supporting LAs by raising awareness of the ALN Act in Governing Training with the ALN transformation lead.

7. WELL-BEING OF FUTURE GENERATIONS

7.1 The ALN Act contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act and more specifically for the principles noted below.

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

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

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

8. EQUALITIES IMPLICATIONS

8.1 Council's full Equalities Impact Assessment (EIA) process is adhered to at all times.

9. FINANCIAL IMPLICATIONS

9.1 Whilst there are no immediate financial implications associated with the report itself there may be costs associated with the reform and its implementation, for example workforce development, increased age ranges, provision for placements and The Special Educational Needs Tribunal for Wales (SENTW). Until the (SEN) Code of Practice is issued, and further details are known, costs over the implementation period and how these can be funded, cannot be estimated.

10. PERSONNEL IMPLICATIONS

10.1 There are no personnel implications directly associated with this report. WG has indicated that LAs should consider an early years role to support planning, and there may be implications in terms of work force development associated with statutory responsibilities.

11. CONSULTATIONS

11.1 The report reflects the views of the consultees.

12. RECOMMENDATIONS

12.1 That Members note the content of the report.

13. STATUTORY POWER

13.1 Additional Learning Needs and Tribunal Act (Wales) 2018.
Well-being of Future Generations (Wales) Act 2015.
Education Act 1996.
Equality Act 2010.
United Nations Convention on The Rights Of The Child.

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