

# **Draft Additional Learning Needs Code**

**February 2017**

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# Chapter 1: Introduction

## Our Vision for the Additional Learning Needs System

- 1.1 Our vision for Wales is for a fully inclusive education system where all learners have equity of access to education that meets their needs and enables them to participate, benefit from, and enjoy learning.
- 1.2 The Additional Learning Needs and Education Tribunal (Wales) Act creates a legal framework to ensure that learners' needs are identified early, addressed quickly, and their views, wishes and feelings are at the heart of the planning processes to support them to overcome barriers to learning and achieve their full potential.
- 1.3 In particular, part 2 of the Act contains the substantive provision on ALN and includes the duties imposed on public bodies.

## *The Code*

- 1.4 Section 4 of the Act provides for a Code on Additional Learning Needs (ALN) to be issued.

(i) The Code includes guidance to which the following 'relevant persons' **must** have regard when exercising functions under Part 2 of the Act:

- a local authority in Wales or England;
- the governing body of a maintained school in Wales or England;
- the governing body of an institution in the further education sector<sup>1</sup> in Wales or England;
- a person providing funded nursery education under arrangements made by a local authority in pursuance of the duty in section 118 of the School Standards and Framework Act 1998;
- the proprietor of an Academy
- a youth offending team for an area in Wales or England;
- a person in charge of relevant youth accommodation in Wales or England;
- a Local Health Board;
- an NHS Trust;
- the National Health Service Commissioning Board;
- a clinical commissioning group;
- an NHS Foundation Trust;
- a Special Health Authority

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<sup>1</sup> An institution within the further education sector (FEI) means an institution falling within section 91(3) of the Further and Higher Education Act (1992).



(ii) This Code imposes requirements on a local authority in respect of its duties under the Act to provide:

- advice and information;
- avoidance and resolution of disagreements; and
- independent advocacy services.

(iii) This Code imposes requirements on the governing body of a maintained school in Wales, or an institution in the further education (FE) sector in Wales, or a local authority in respect of:

- decisions on whether a child or young person has additional learning needs;
- the preparation, content, form, review and revision of individual development plans (IDPs); and
- ceasing to maintain IDPs.

1.5 The Act requires that the Education Tribunal for Wales (“the Tribunal”) must have regard to any provision of this Code that appears to it to be relevant to a question arising on an appeal<sup>2</sup>.

1.6 Where requirements are imposed by the Code, the Act or regulations, or by any other statute or statutory instrument, it is stated that the relevant body **must** comply with the particular requirement. Where it states that practices are prohibited, the relevant body **must not** use this practice.

1.7 This Code also includes guidance on good practice which the relevant bodies should follow unless they can demonstrate that they are justified in not doing so. It also refers to actions normally regarded as poor practice, indicating that these should not be used, although there may be exceptional circumstances when doing so justified.

1.8 Failure of a relevant public body to comply with any of the requirements included in this Code could result in a decision being overturned by the Tribunal, a successful complaint to the Welsh Ministers, the exercise of local authority or Welsh Ministers’ intervention powers<sup>3</sup>, a complaint to the Public Services Ombudsman or to a successful judicial review claim.

1.9 Failure to adhere to guidance within this Code could lead to the same result if relevant persons are unable to justify departing from the guidance.

1.10 The Code will replace the existing Special Educational Needs Code of Practice for Wales (2002).

1.11 The Code does not aim to provide exhaustive guidance on all aspects of the proposed new legislative system. Relevant persons will need to

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<sup>2</sup> Section 4(8)

<sup>3</sup> School Standards and Organisation (Wales) Act 2013



ensure that in carrying out their functions they act in accordance with the law, including primary and secondary legislation.

- 1.12 The Act requires those bodies listed above to have regard to the Code and, therefore, it has been primarily designed for their purposes, however others (e.g. parents, specialist advisers or advocates) might find it useful.
- 1.13 Where the Act imposes a duty on the governing bodies of maintained schools or FEIs, or this Code imposes a requirement on or provides guidance to those governing bodies, the Code set out the duty, requirement or guidance as though it applied the maintained school or FEI as a whole. This better reflects the practical operation of the system where for the most part, the functions of governing bodies will be undertaken by staff members acting in the name of the governing body.
- 1.14 Under section 86 of the Act, Local Health Board means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006. Throughout the Code, a Local Health Board is referred to as a Health Board.
- 1.15 Section 86 of the Act defines both child and young person. A child is anyone not over compulsory school age and a young person means a person over compulsory school age, but under 25 years old. References in the Code to children and young people reflect the definitions in the Act.

## **Partners in Delivery – Role of individual organisations in the ALN system**

- 1.16 The statutory individual development plan (“IDP”) will outline what the needs of the child or young person are and how those needs are going to be met. There are a number of key partners and settings whose contribution will facilitate the development of the IDP and delivery of the associated Additional Learning Provision (ALP), as described below.

### **Welsh Government**

- 1.17 The Welsh Government is responsible for setting the strategic direction and statutory landscape of education within Wales. The Welsh Government is responsible for enabling the delivery bodies listed below to meet the needs of all children and young people, including those with ALN.
- 1.18 The Welsh Government has a specific role to ensure that the total FEI provision is adequate to meet the total learning needs of those above compulsory school age.



## **Local Authorities**

- 1.19 The local authorities are responsible for providing strategic oversight of the system. They will be responsible for supporting the maintained schools they are responsible for to fulfil their duties. They have a role in the identification of ALN and providing expertise where necessary to meet the needs of learners and support education institutions to deliver their functions.
- 1.20 Local authorities will also be directly responsible for meeting the needs of children and young people with the most complex and/or severe needs, those who do not attend a maintained school or FEI (including those below school age) and those children who are looked after by them (see Chapter 20).

## **Education Consortia**

- 1.21 The regional education Consortia will coordinate school improvement across a region and support local authorities to provide strategic oversight in light of school improvement. Whilst ALN does not form part of the National Model<sup>4</sup>, ALN is an essential element of school and system improvement. If we get support right for ALN learners we will get it right for all learners, and outcomes will improve.

## **Maintained Schools**

- 1.22 Maintained schools will be responsible for meeting the needs of children and young people on a day to day basis. They have a role in the identification of ALN and providing ALP to meet those needs. They will be directly responsible for meeting the needs of the majority of children and young people who attend school who have ALN (although in the case of children looked after by a Welsh local authority, the duty to secure provision will fall to the local authority that looks after the child) Good relationships with the relevant local authority and other agencies will help schools fulfil their duties.

## **Non-maintained nursery education providers**

- 1.23 Non-maintained nursery education providers have a role to meet the needs of children on a day to day basis. They also have a role in supporting local authorities to identify ALN and helping local authorities to meet those needs.

## **FEIs**

- 1.24 FEIs will usually be responsible for meeting the needs of their learners on a day to day basis. They have a role in the identification of ALN and

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<sup>4</sup> National Model for School Improvement released by Welsh Government in February 2014, outlining the Welsh Government's vision of regional school improvement consortia



securing ALP to meet those needs. They will be directly responsible for meeting the needs of the majority of young people who attend FEI who have ALN.

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## Chapter 2: Principles of the Code

### Summary

2.1 This Chapter sets out the general principles which should underpin the planning and provision of support for children and young people with ALN. These principles are reflected in guidance and mandatory requirements contained in the Code.

### Principles

2.2 In accordance with their duties under the Rights of Children and Young Persons (Wales) Measure 2011, the Code has been developed by the Welsh Ministers with due regard to the obligations and rights set out in the United Nations Convention on the Rights of the Child (UNCRC) and its Optional Protocols.

2.3 The other, general, principles upon which the Code has been based, are set out below. Some of the principles below are statutory requirements under the Act:

- identification and intervention in relation to ALN should take place at the earliest possible opportunity;
- all those involved in providing support to children and young people with ALN should work together in the best interests of the child or young person;
- transitions should be planned in advance and consideration given to supporting transition into adulthood;
- the views, wishes and feelings of the child, child's parent or young person should be at the heart of all decision making processes;
- the child, child's parent or young person should be enabled to participate as fully as possible in decision making processes;
- meeting the needs of learners with ALN should be part of a whole school approach to school improvement;
- learners **must** be supported to participate in mainstream education and in the National Curriculum as fully as possible wherever this is feasible; and,
- where a child or young person has a need for ALP in Welsh, all reasonable steps **must** be taken to provide it.

2.4 *Identification and intervention in relation to ALN should take place at the earliest possible opportunity*

2.5 All those providing services for children and young people with ALN need to focus on addressing the needs of children and young people through timely identification and providing the right support to enable the child or young person to reach their potential.

2.6 The importance of timely identification and providing the appropriate



provision as soon as possible for a child or young person with ALN cannot be over-emphasised. The earlier action is taken, the more responsive the child or young person is likely to be. Identifying ALN at an early stage and making the appropriate interventions can also prevent more costly and less effective interventions later. The child or young person's ALN and the provision made for them should be continually reviewed to ensure that interventions remain appropriate.

2.7 *All those involved in providing support to children and young people with ALN should work together in the best interests of the child or young person*

2.8 Meeting the ALN of individual children and young people will often require flexibility and joint-working on the part of professionals and statutory bodies. Those involved need to communicate and agree policies and protocols to work together in the best interests of the child or young person.

2.9 All statutory agencies should recognise the need for effective collaboration between services involved with the child, child's parents or young person. Consultative responsibilities and effective communication systems at management and practitioner levels should be clearly identified as critical to effective multi-agency working. Developments in organisational structures and working practices should reflect this principle.

2.10 Successful multi-agency working should:

- improve communication between the family, school and professionals;
- streamline services to avoid duplication;
- clearly identify which agency will be responsible for providing and funding each element of provision;
- encourage creativity and flexibility;
- take account of good practice;
- focus on solutions in a holistic way;
- use resources more effectively; and,
- ensure consultation with all relevant services.

2.11 The Well-being of Future Generations (Wales) Act 2015 ("the 2015 Act") came into force in April 2016. The 2015 Act requires Welsh public bodies, including the Welsh Government, local authorities and health boards, to think more about the long-term, to work better with people, communities and each other, look to prevent problems and take a more joined up approach – helping to create a Wales we all want to live in, now and in the future.

2.12 The well-being goals and principles prescribed for in the 2015 Act connect directly to the objectives of the Act and the Code. The sustainable development principle – in particular long term, prevention,



collaboration and involvement – reflects the approach that has been taken to develop the Act and the Code and underpin the ALN system.

2.13 *Transitions should be planned in advance and consideration given to supporting transition into adulthood*

2.14 To support smooth transitions and provide continuity of support, provision should be planned for in advance. This is especially true when children and young people are due to move into education, and between different phases of education and/or providers. Relevant public bodies should make connections and plan these changes in advance. Public bodies should work together to secure support and improve local provision relevant to the individual needs of the child or young person, to enable an effective transition.

2.15 Young people should be supported to make a successful transition into adulthood and be prepared for life after formal education; this process should commence in good time ahead of the learner leaving formal education.

2.16 *The views, wishes and feelings of the child, child's parent or young person, should be at the heart of all decision making processes*

2.17 Anyone exercising functions under Part 2 of the Act or this Code will need to involve children and young people at every stage of the process, with their views, wishes and feelings listened to. This will help the child or young person to personalise their learning through the identification of targets that build on their strengths. This might be termed a person-centred approach. Being person-centred in the planning and provision of support means that the learner is truly listened to and kept at the heart of decision-making. It is the learner's needs that are the starting point when considering the support to be provided, rather than starting with what support is available and then determining how the learner can be fitted into it. Please see Chapter 10 for more detail of person-centred practice and associated tools.

2.18 Person-centred practice encompasses the use of person-centred thinking tools that help to gather information in a way that makes sure the views of the learner and their family are included in decisions. It also covers person-centred reviews – meetings focused on an individual learner's needs, where information from professionals, families and the learners themselves is made available to all, is accessible to all, and where everyone can contribute on an equal footing.

2.19 Parents are a key partner and professionals should seek to work with them and value the contribution they make. Parents should feel able to challenge the process if it is not meeting their child's needs. Demonstrating to parents and families that their knowledge and experience is valued and is acted upon will be vital in securing their



confidence in the process. This will be needed for them to engage in positive discussions about the best ways to support their child's needs. These discussions may be challenging, however, a positive dialogue between parents and professionals, which encourages working through varying opinions to agree solutions and achieve agreed outcomes, is in the best interests of the child. Working supportively, and in partnership with parents and the children and young people themselves, will ensure everyone involved understands the responses of the professionals concerned, and lead to better quality provision.

*2.20 The child, child's parent or young person should be enabled to participate as fully as possible in the decision making processes*

2.21 To enable children, their parents and young people to participate fully in discussions and decisions, they will need to be provided with information, advice and appropriate support. All necessary steps should be taken to ensure that they are empowered to make their opinions known and, if needed, be helped to understand the process.

2.22 Where children are given rights by the Act to receive information or to take decisions, but an individual child lacks sufficient capacity to understand the subject matter, a case friend may be appointed by the Education Tribunal to represent and support the child, and take decisions and act on the child's behalf. Where a child lacks capacity, local authorities and schools could consider whether a case friend might be appropriate (see Chapter 18).

*2.23 Meeting the needs of learners with ALN should be part of a whole school approach to school improvement*

2.24 The way in which a maintained mainstream school or FEI meets the needs of all children has a direct bearing on the nature of the ALP required by children with ALN, and the point at which ALP is required. The key to meeting the needs of all children and young people lies in the staff's knowledge of each child and young person's skills and abilities. The staff's capacity to then match this knowledge with identifying ways of providing appropriate access to the curriculum for every child and young person is also critical. Consequently, improvements in the teaching and learning of children and young people with ALN cannot be isolated from improvements in the teaching and learning for children and young people across a school as a whole. Improvement in one should be mutually supportive of improvement in the other. Where education settings get learning and teaching right for learners with ALN, they will get it right for all learners and outcomes will improve.

*2.25 Learners **must** be supported to participate in mainstream education and in the National Curriculum as fully as possible wherever this is feasible*

2.26 The Welsh Government believes that an inclusive education, where



individual learners receive a tailored education and additional support to reach their full potential, is of benefit to all. Those children and young people who have ALN should, wherever possible, be fully included within the normal school life, have access to a broad and balanced curriculum and be supported and challenged to achieve their potential. However, inclusion requires the active involvement of everyone concerned to ensure equality of education opportunity and access. This also includes promoting the wellbeing, achievement and ambition for all children and young people, which, with the appropriate support, will usually be the same for everyone. For all subject areas and for all learners, including those with ALN, there should be a common set of expectations across the school that are known to everyone, and a further commitment to support those learners who have difficulty meeting those expectations.

- 2.27 Inclusive, mainstream education is usually the most appropriate setting, unless the child or young person's needs are such that mainstream education would not be appropriate for them. There **must** be a general presumption of mainstream education being the most suitable setting for all learners.
- 2.28 *Where a child or young person has a need for ALP in Welsh, all reasonable steps **must** be taken to provide it*
- 2.29 Welsh language is supported by the Welsh Language (Wales) Measure 2011. The Measure restated the official status of Welsh in Wales, established the principle that the Welsh language should be treated no less favourably than the English language and made provision for promoting and facilitating the use of Welsh and about standards relating to the Welsh language.
- 2.30 Where applicable, relevant bodies **must** ensure their activities or services are delivered in accordance with relevant Welsh Language Standards. The Standards that the relevant bodies will be / are required to comply with are set out in a compliance notice given by the Welsh Language Commissioner.
- 2.31 Local authorities are required to outline the Welsh language aspects of provision for learners with ALN in their statutory Welsh in Education Strategic Plans, which are submitted to the Welsh Ministers for approval.
- 2.32 Where a governing body or local authority is considering whether a child or young person has ALN or is preparing an IDP, they should pay particular regard to whether Welsh or English is the preferred mode of communication with the child or young person.
- 2.33 Where a governing body or local authority is preparing an IDP it **must** decide whether any ALP should be provided in Welsh and then take all reasonable steps to secure that the ALP is provided in Welsh. NHS bodies **must** also consider whether the relevant treatment or service it



provides to benefit the child or young person's ALN should be provided in Welsh and, if so, take all reasonable steps to provide it in Welsh.

- 2.34 The Act reflects these principles. Local authorities, for example, **must** keep ALP under review (see below) and as part of this review will ensure that there is sufficient Welsh language provision available.

### ***Local Authority duty to keep ALP under review***

- 2.35 A local authority **must** keep under review the arrangements made both by the authority, and by the governing bodies of the maintained schools in its area, for children and young people who have ALN.<sup>5</sup>

- 2.36 As part of their review, local authorities **must** consider the extent to which these arrangements are sufficient to meet the ALN of the children and young people for whom it is responsible. In doing so, it **must** also have regard to the ALP that may reasonably be arranged by others (such as health bodies)<sup>6</sup>.

- 2.37 In exercising its functions in this respect, the local authority **must** have regard to the desirability of ensuring the ALP is available in Welsh.<sup>7</sup> In undertaking this review, the local authority **must** consult the persons/bodies it considers appropriate<sup>8</sup>.

- 2.38 The review is not intended as a method for measuring or monitoring the quality of individual ALP. Instead, the review should enable local authorities to establish whether or not the *overall* ALP delivered in their area meets the *overall* need.

- 2.39 The review will also enable local authorities to assess likely future need, plan for future provision requirements, consider commissioning plans in advance and provide maintained schools with an opportunity to have a say in how provision is planned. Reviews should support strategic decision making within the local authority on whether or not the authority has the correct type and capacity of provision to meet the needs of their population with ALN. A review such as this might equip a local authority with information about, for example, the take up of specialist dyslexia services in their area and how well the current arrangements work, allowing the authority to consider whether there is a more efficient way of meeting those needs in the future.

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<sup>5</sup> Section 56(1) of the Act.

<sup>6</sup> Section 56(2) of the Act.

<sup>7</sup> Section 56(3)(a) of the Act.

<sup>8</sup> Section 56(3)(b) of the Act.



## Chapter 3: Involving and supporting children, their parents and young people

### *Summary*

3.1 This Chapter outlines the duties in respect of, and actions that should be taken, to engage and empower children, children's parents and young people.

3.2 Those exercising functions under the Act **must** have regard to:

- the views, wishes and feelings of the child, the child's parent, or young person;
- the importance of the child, the child's parent, or young person participating as fully as possible in decisions; and
- the importance of the child, the child's parent, or young person being provided with the information and support necessary to enable participation in those decisions.<sup>9</sup>

### *Duties relating to Children and Young People*

3.3 In order to satisfy the duties above, the child or young person should be at the centre of the process and all decision making that affects them at every stage. Children and young people should be supported to ensure their active participation is a fundamental element of the process, both during and outside of meetings. Their views should be sought ahead of key decisions being taken - information should be communicated in a way the child or young person understands - and their views should be used to inform those decisions.

3.4 Children and young people have a unique knowledge of their own needs and circumstances. They will, however, require differing levels of support to be able to make their views, wishes and feelings known. Expressing views will always be easier for some children and young people than others. However, there are very few who cannot express any view at all. Some may simply need more encouragement and support to do so. Every effort should be made to involve the child or young person in decision-making and to make relevant adjustments. The following examples show how children and young people may be helped to express their views:

- a child or young person whose first language is not English or Welsh may need an interpreter, not only to help them communicate their views, but to help make sure they fully understand the issues being discussed;

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<sup>9</sup> Section 6 of the Act.



- a child or young person who is hearing impaired may require visual aids or sign language (or both) for the same reason; or
- a child or young person whose behaviour means they are unwilling to co-operate may need imaginative approaches such as play, or the use of art.

3.5 Children and young people ought to be empowered by this process and not feel the process is being done to them. They ought to be encouraged to make choices. In order that children and young people can participate as fully as possible in decisions, they ought to be emboldened to take an active part in meetings which they attend, and for their voices to be heard at meetings which they do not.

3.6 The information and support provided to the child or young person should:

- be communicated in a way the child or young person can understand, for example via the use of an appropriate signing system;
- enable and encourage the child or young person to participate in decisions;
- reflect the child or young person's evolving maturity;
- enable the child or young person to become progressively more involved in the process and be more confident and self-aware in making decisions; and
- actively encourage the child or young person to track their own progress and record their achievements.

3.7 The time leading up to a decision that a child or young person has, or may have, ALN may create alarm or anxiety for the child or young person. They will need to be supported throughout the process. All children and young people should be invited to meetings in which they are being discussed, especially those relating to preparing or reviewing an IDP. It may be more appropriate that children and young people are just involved in vital parts of the meeting if it would not be appropriate for them to sit through the whole meeting.

3.8 Supporting children and young people to participate meaningfully will help them to:

- feel confident that their views, wishes and feelings are listened to and valued, even if they find it difficult to get these across;
- have an awareness of their rights and the support and services available to them; and
- develop a sense of responsibility and control over their learning.

3.9 Staff should provide this support to children and young people, and be supported to do so, through, for example:

- mentoring;



- staff supervision;
- sharing good practice; and
- relevant continuous professional learning.

3.10 Where a child or young person has ALN, this should be explained to them in a manner which reflects their ability to understand. When an IDP is being developed or reviewed, the child or young person should be involved at an appropriate level. Children and young people should be helped to understand what is being agreed, including the outcomes that they are to aim for and that the ALP is intended to result in. The child or young person should be supported to understand the purpose of any interventions and programme of action.

3.11 The child or young person should be told which member of staff they can discuss any difficulties or concerns with. This might be a role for the designated ALNCo (see Chapter 5).

### ***Capacity of children***

3.12 The Act recognises that not all children will have the capacity to understand<sup>10</sup>:

- information or documents that must be given to them under part 2 of the Act; or
- what it means to exercise the rights conferred on a child by the Act.

3.13 The Act therefore provides that if a local authority, maintained school, FEI or NHS body considers that child lacks capacity, then the specific duties or conditions placed on them in relation to the rights conferred by part 2 of the Act<sup>11</sup>, do not apply. However, there are a number of exceptions to this.

- i. Decisions by maintained schools that a child does or does not have capacity can be referred by a child or their parent, for local authority reconsideration. If the local authority decides that the child does have capacity, the specific rights conferred on the child are exercisable by the child;
- ii. A child or a child's parent may apply to the Tribunal for a declaration that a child does or does not have capacity. Where the Tribunal declares that the child does have capacity, the specific rights conferred on the child are exercisable by the child; and
- iii. On the application of any person, or on its own initiative, the Tribunal may by order appoint a person to be a case friend for a child who does not have capacity (see Chapters 18 and 19). Where a case friend is appointed, the specific rights conferred on the child are to be exercised by the case friend on behalf of the child.

<sup>10</sup> Section 75 of the Act

<sup>11</sup> These duties and conditions are those listed in section 75(1) of the Act



3.14 Even where children do not have sufficient capacity to understand how to exercise their specific rights under the Act, the general duty to have regard to the following points still applies:

- their views, wishes and feelings,
- the importance of them participating as fully as possible in decisions; and
- the importance of them being provided with the information and support necessary to enable participation in those decisions.

### ***Working with young people***

3.15 Some young people may choose not to have their parents' support in respect of their ALN; others will choose to have assistance from their parents, a support worker, social worker, careers advisor or someone else. Engaging directly with the young person is an important step on their journey to increased independence and will help them to take control of their learning.

3.16 The duties in sections 9 and 10 of the Act (to decide and prepare and maintain an IDP) do not apply in relation to a young person who does not consent to the decision or the plan being prepared or maintained (as the case may be).

3.17 When working with a young person, there needs to be consideration of their capacity. Young people above compulsory school age are the key decision maker; this is based on them having the capacity to make these decisions. Consent is required by a young person for others to make decisions about their ALN; this reflects the presumption that the young person has the capacity to provide consent. A decision that a young person does not have capacity should not be taken lightly. Every effort should be made to find out a young person's views whenever possible.

### ***Parents***

3.18 The duty to involve and support children and young people under section 6 of the Act, which is outlined above, also applies to parents.

3.19 Parents hold key information and have a critical role to play in their child's education. They have unique strengths, knowledge and experience to contribute to the shared view of the child's needs and the best way of supporting them. There should be no presumption about what parents can or cannot do to support the child's learning. All parents have a right to participate in decisions about their child's education and a positive attitude towards including parents should be adopted.

3.20 Leading up to a decision that a child has, or may have, ALN may create alarm or anxiety for the parents and family. Parents will need to be supported throughout the process.



- 3.21 Where a child has ALN this should be explained to the parents in a way that they will understand. Parents should be supported to understand what is being agreed for their child, their child's ALN, the agreed ALP and the outcomes for their child to aim for. Parents should be supported to understand the purpose of any interventions and programme of action.
- 3.22 Some parents may require support that goes further than signposting to information and advice; for example, they may experience difficulties with accessibility and understanding.
- 3.23 Some parents might need support in seeing their children as partners in decisions relating to their education. They may be concerned, for example, that their child is ill-equipped to consider all the relevant factors. Parents should be supported and encouraged to ensure the full participation of their child where this is appropriate.
- 3.24 To support and empower parents to be able to provide their views, wishes and feelings and to take an active part in the process they should be supplied with information and advice in a way they can understand. Parents' input should be encouraged from the outset and throughout the child's education.
- 3.25 Parents will require differing levels of support and every effort should be made to facilitate this. They should feel confident that they will be listened to and their input valued. Parents should be supported to be present at appropriate meetings, especially those relating to preparing or reviewing an IDP for their child, and empowered to participate as fully as possible.
- 3.26 Parents have a fundamental role in helping their child to achieve their potential. The child is far more likely to achieve their outcomes and potential when parents are actively involved and their views, wishes and feelings are taken into account. Parents should, therefore, also be provided with support and advice on how they can support their child to reach their potential.
- 3.27 When a child attends a residential school, or is looked after by the local authority and is living away from home, every effort should be made to ensure that parents are encouraged to continue to play an active role in their child's education where this is appropriate. Parent's participation when a child is away from home is especially important because of the need to forward plan for when the child or young person returns to the family.
- 3.28 The child's parent should be told which member of staff they can discuss any difficulties or concerns with.



## Chapter 4: Advice and Information

### *Summary*

4.1 Local authorities **must** make arrangements to provide people with information and advice about ALN and the ALN system.<sup>12</sup>

4.2 This Chapter provides guidance on the arrangements that should be put in place, along with the role of external service providers.

### *Providing information and advice*

4.3 A local authority **must** take steps it considers appropriate to make its information and advice arrangements<sup>13</sup> known to:

- children and young people in its area;
- parents of children in its area;
- children it looks after who are outside its area;
- governing bodies of maintained schools in its area;
- governing bodies of institutions in the further education sector in its area;
- case friends of children in its area;
- any other persons it considers appropriate, for example relevant professionals or specialists, the relevant Designated Education Clinical Lead Officer/s, or the third sector.

4.4 Information and advice should be provided through dedicated and easily identifiable arrangements. Local authorities are responsible for ensuring that the information and advice given is delivered at a suitable level.

4.5 Local authorities do not necessarily have to provide the information and advice themselves, they could work with other organisations, including the third sector, to provide information that best meets the needs of children, their parents and young people. When other organisations are providing information and advice, this should be communicated to the child, child's parent or young person.

4.6 Local authorities should involve children, their parents and young people in the design or commissioning of arrangements for providing information and advice in order to ensure that the arrangements meet local needs. Local authorities should do this in a way that ensures children, young people and parents feel they have participated fully in the process and

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<sup>12</sup> Section 7 of the Act

<sup>13</sup> Section 7(2) of the Act.



have a sense of co-ownership. It need not be burdensome for local authorities and may simply take the form of focus groups or workshops.

4.7 Although local authorities do not necessarily have to provide the information and advice themselves, they **must** ensure it is easy to find and accessible; and signpost where further information and advice can be found. This might include providing information and advice in electronic format, such as on websites or through printed materials, and providing information and advice to groups within the community.

4.8 The arrangements to provide information and advice should be flexible and cases should be handled sensitively and sympathetically. The concerns of children, their parents and young people should be considered carefully.

4.9 The information and advice should: be accurate, neutral, and should:

- help children, their parents and young people to understand what ALN is;
- provide information on ALN legislation, including that contained in this Code;
- help children, parents and young people understand the different agencies involved;
- be free, accurate and, where appropriate, confidential, and in formats which are accessible and responsive to the needs of users – this includes being suitable for those children, their parents and young people for whom English or Welsh is not their first language, and in a format those with a disability or learning difficulty can access;
- be precise and clear, and ensure that it is delivered in a way that children, their parents and young people can understand;
- provide accurate, neutral information and advice on the rights of children, their parents and young people;
- signpost children, their parents and young people to alternative and additional sources of information, advice and support that may be available locally or nationally;
- signpost children, their parents and young people to specific voluntary, statutory or private organisations who can provide specialist advice and support;
- help to promote independence and self-advocacy for children, their parents and young people;
- make children, their parents and young people aware of, and help them to understand, the different complaints procedures, the local authority's services for avoiding and resolving disagreements, and the route to appeal on matters related to ALN, if necessary; and
- comply with any Welsh language standard imposed on the body.

4.10 Local authorities **must** ensure that children and young people have access to information and advice on matters relating to ALN. Many



children will want to access information and advice via their parents. However, some children, especially older children, may want to access information and advice separately from their parents. Local authorities **must** facilitate this. This might include, for example, having leaflets and websites specifically targeted towards children and young people.

4.11 Whilst young people **must** be able to access information and advice in their own right, local authorities should recognise the specific needs of young people at the same time as ensuring co-ordination and consistency in what is offered to children, their parents and young people.

4.12 Young people may be finding their voice for the first time and may, therefore, need support in exercising choice and control over the support they receive.

### ***Local Authority Directory***

4.13 One way that a local authority might wish to provide clarity about their services is through establishing a directory outlining the different help and support which is available in their area. This directory could contain information on:

- information and advice arrangements;
- avoidance and resolution of disagreement arrangements; and
- advocacy services.

4.14 The directory could set out in one place information on the different help and support available in their area.

4.15 The local authority might consider involving children, their parents and young people in developing and reviewing the directory. This ought to be done in a way in that ensures children, their parents and young people feel they have participated fully in the process and have a sense of co-ownership.

4.16 The directory should be factual and written in a way which children, their parents and young people can easily understand. It should be well publicised by the local authority and be easily accessible.

### ***Supporting local authorities' arrangements for information and advice***

4.17 Early years providers, schools and FEIs should help direct children and young people to the local authorities' information and advice arrangements where they believe this will be of benefit to the child or



young person. This might include providing leaflets and displaying posters in appropriate places containing relevant information.

- 4.18 Some institutions, in particular FEIs, might provide their own information and advice on ALN and their related policies. They may do this through their website, leaflets, documents that provide general information for prospective and current learners, at open days, upon enrolment and throughout the child or young person's attendance at the institution.

### **Example of good practice**

FEI X provides clear information and advice relating to ALN through a range of mediums. This includes videos on their website providing information about support availability and a range of leaflets and documents that provide information for prospective and current learners.

During the enrolment process a specialist member of staff is made available to offer information on the type of support available.

During the course of their study each learner is assigned a personal tutor, with whom they will meet regularly to discuss progress, any difficulties they are having and their support needs. Such an approach also provides a clear point of contact to access necessary information and advice.

### ***External Service Providers***

- 4.19 The local authority may decide to discharge their duties in respect of advice and information by asking, for example, the third or private sector to undertake these responsibilities. Where it does so the local authority is responsible for:

- determining and monitoring the overall standard of the service;
- setting out their funding and budgeting plans for the service and ensuring value for money;
- ensuring appropriate management structures are in place for the service;
- establishing robust quality assurance arrangements and conducting evaluation of services;
- ensuring that the service has a development plan, which sets out clear targets and is regularly reviewed – such plans ought to specify short, medium and long term strategies and arrangements for evaluation and quality assurance;
- ensuring effective and workable contingency plans are put in place; and
- establishing a service level agreement for delivering the service which ensures sufficient levels of resource and training, and clearly



sets out the quality standards expected of, and the responsibilities delegated to the provider.

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## Chapter 5 – Role of the ALNCo

### *Summary*

5.1 The Act introduces a new statutory role: an Additional Learning Needs Coordinator (ALNCo). Details of this role are provided below.

### *The Additional Learning Needs Coordinator*

#### **The duty of governing bodies to designate an ALNCo**

5.2 All maintained mainstream schools, maintained nurseries, PRUs and FEIs in Wales **must** designate a person<sup>14</sup>, or more than one person – to be known as an ALNCo – who will have responsibility for coordinating provision for learners with ALN.

5.3 The designation of an ALNCo does not remove the need for broader workforce training. All staff who work with children and young people have a responsibility for ensuring that their learners' needs are identified and provided for.

#### **The ALNCo within the education setting**

5.4 All teachers and staff are educators of children and young people with ALN. Teachers and staff are all responsible for supporting children and young people with ALN. The ALNCo will be the individual who at a strategic level will ensure the needs of all learners with ALN within the education setting are met. The role ought to be seen as a strategic one within the education setting, as significant as roles such as head teachers, principals, deputy head teachers, etc. ALNCos should, therefore, form part of the senior leadership team or have a clear line of communication to the senior leadership team. This will support the institution in being proactive in identifying and supporting the needs of children and young people.

5.5 The ALNCo will need to be involved in the strategic coordination of ALN resources, such as in deploying and supporting staff and working with colleagues on the senior leadership team to plan and decide on the appropriate resources required to support staff within the setting. ALNCos need to be actively involved in decisions around budgets and resources to help plan appropriate provision.

5.6 ALNCos are not expected to be directly involved with the day to day process of supporting every learner with ALN. This is the responsibility of the class teacher, however learning support staff can aid the ALNCo in

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<sup>14</sup> Section 54 of the Act



ensuring that teachers are supported and the needs of all learners are met.

- 5.7 It is vital that the ALNCo has sufficient time and resource to undertake their responsibilities effectively, including dedicated time away from teaching. The head of the education setting should ensure that the ALNCo is supported in this way. Clear and sufficient time allocation will ensure that the ALNCo is able to undertake their duties effectively.
- 5.8 If the ALNCo role is combined with other non-teaching responsibilities it is important that these other duties are compatible with the duties they are expected to perform as an ALNCo and do not impinge on their responsibilities in this respect.
- 5.9 Learning support staff can be an important resource to the ALNCo when coordinating provision of support across the education setting. Learning support staff can provide specialist skills to support learners with ALN, and will offer both practical and administrative support to the ALNCo. The ALNCo should, therefore, have a role in the coordination of learning support staff and be given the opportunity to decide how they are deployed within the setting. That is not to say that the use of learning support staff is appropriate in all cases, they are just one of a number of resources that ought to be available to ALNCos.
- 5.10 ALNCos will be highly qualified and should have expertise in dealing with a broad spectrum of ALN. They may also choose to specialise in specific types of ALN and share this expertise beyond their particular education setting.
- 5.11 *[Details around qualifications will be laid down by regulation and considered as part of the wider ALN Transformation Programme].*
- 5.12 The ALNCo will also provide professional guidance, advice and support to teaching practitioners and, where needed, information and support to parents and other agencies/institutions. The senior leadership team will advise, challenge and support the systems and processes to identify and meet the needs of the learners. The local authority may support the role of the ALNCo, including providing guidance where appropriate.

### **The role and responsibilities of the ALNCo**

5.13 The key responsibilities of the ALNCo should include:

- promoting inclusion within the education settings;
- becoming a source of expertise on ALN by developing specialist skills and knowledge;



- overseeing the day-to-day operation of the education setting's policy on ALN;
- coordinating provision across the education setting for learners with ALN, including a role in managing the allocation of learning support staff;
- contributing to the development and implementation of appropriate ALN procedures and systems within the education setting, including strategic financial planning, effective deployment of resources and data collection and analysis, with a view to improved outcomes for learners with ALN;
- providing professional support to all staff to enable the early identification, assessment and planning for learners with ALN, this might include supporting staff to undertake whole school tracking and supporting staff to manage good target setting;
- ensuring IDPs are developed and reviewed appropriately in line with the Person Centred Practice ethos;
- overseeing liaison with the child, child's parent or young person with ALN to ensure an understanding of the learner's needs and how they will be met and, where necessary, advising on information and support available;
- ensuring that the arrangements put in place by the local authority in relation to avoiding and resolving disagreements are fully utilised as appropriate;
- acting as the key point of contact with the relevant local authority's inclusion and support services, external agencies, independent/voluntary organisations, health and social care professionals, educational psychologists, etc.;
- liaising with early years providers, other maintained schools and FEIs where relevant, to facilitate a smooth transition between settings for learners with ALN;
- liaising with careers specialists to ensure that learners with ALN receive appropriate careers advice;
- assisting in the professional learning of staff within the education setting to better meet the needs of learners with ALN;
- keeping up-to-date on the latest guidance and support available for ALN;



- working strategically with the senior leadership team and governors to ensure the education setting is meeting its responsibilities under the Act, this Code and the Equality Act 2010; and
- enhancing their own professional learning by liaising with the local network of ALNCoS (which local authorities should consider establishing and facilitating) and, where appropriate, special schools to develop and share experience and best practice.

5.14 The ALNCo will be responsible for ensuring that all learners who have ALN across the education setting have an IDP. The ALNCo will not be required to develop every IDP - any teacher can do so. These will be decisions that will be taken based on the circumstances in each case.

5.15 The ALNCo will specifically be responsible for overseeing the provision across the education setting to meet the needs identified within IDPs. The ALNCo should ensure that annual reviews are undertaken and, where appropriate, lead the review process to ensure provision continues to meet identified needs. Further information on IDPs and ALP is provided in Chapters 9.1 to 12.

5.16 The ALNCo will make effective use of management information systems used by the education setting to monitor the impact of interventions and to assess progress achieved against planned outcomes for all learners with ALN. Where progress is not meeting expectations, interventions should be reviewed by the ALNCo and staff and adjusted accordingly. Further information on impact monitoring can be found in Chapter 14.

5.17 Some learners with ALN will need the support of external agencies and professionals. It will be the responsibility of the ALNCo to liaise with these specialist services to ensure the needs of those with ALN are met. Further information on multi-agency working is provided in Chapter 12.

### ***Professional learning in relation to ALN – General***

5.18 Teaching practitioners have responsibility for their own professional learning and development. All should undertake regular professional learning in relation to ALN, regardless of previous experience, qualifications or the education setting in which they are based. Professional learning requirements should be identified as part of the education setting's planning process.

5.19 Education settings are responsible for ensuring systems and processes are in place to identify the professional learning needs of its workforce and should provide appropriate support to meet those needs. Schools in particular should be utilising their School Development Plans to perform this function.



5.20 Teaching practitioners who need to improve their knowledge and/or skills in relation to different types of ALN are able to access information, guidance, tools and/or training materials, which have been developed by the Welsh Government, via the Learning Wales website<sup>15</sup> and the Hwb digital learning platform<sup>16</sup>.

5.21 The ALNCo will play an important role in advising on and contributing to the broader support provided within the education setting, as well as the professional learning for other staff members. Therefore, it is essential that they keep up to date on the latest guidance, support and evidence of best practice available for ALN.

5.22 There are also a range of organisations who offer support and professional learning to different education settings on specific teaching approaches for learners with ALN, as well as on specific types of ALN.

### **Prescribed qualifications and experience of ALNCos**

5.23 *[Section 54 of the Act provides that regulations may be made to require bodies to ensure that ALNCos have prescribed qualifications or prescribed experience (or both). The following paragraphs, therefore, represent the Welsh Government's intentions in this respect, but they are subject to development alongside the regulations in due course.]*

5.24 The ALNCo will need to be a suitably qualified teacher.

5.25 The ALNCo will have wide-ranging practical experience of supporting learners with ALN in the classroom environment. It is the Welsh Government's intention that they will be required to obtain a qualification for ALN within a set timeframe from the date of their appointment (if they have not obtained it already). We envisage the qualification supporting ALNCos to develop advanced level knowledge and skills in coordination, leadership and ALN specialisms.

5.26 It will be important that following the attainment of the qualification, ALNCos continue to utilise appropriate professional learning to keep abreast of the latest developments.

5.27 All teaching practitioners are required to register with the Education Workforce Council<sup>17</sup> who will maintain the registration and the professional standards for the teaching profession in Wales. This includes all maintained school teachers and learning support staff and FE lecturers and learning support staff. The registration includes a record of the individual's roles and professional learning. All ALNCos and teaching practitioners should ensure their registration includes an up-to-date record

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<sup>15</sup> <http://learning.wales.gov.uk/splash?orig=/>

<sup>16</sup> <http://hwb.wales.gov.uk/>

<sup>17</sup> Established as a registration body under the Education (Wales) Act 2014.



of their role and professional learning in respect of ALN. In this regard, local authorities should also review school development plans to ensure that schools have sufficient skills in order to fulfil their duties.

## **ALNCoS in schools and PRUs**

5.28 It may be appropriate in certain circumstances for some maintained settings to share an ALNCo. This could apply, for example, in circumstances where there is a maintained nursery attached to a mainstream school; a nursery class is part of the mainstream school; there is a combination of small settings in a local area; or where there is a federation of schools under the responsibility of a single governing body. Where a sharing arrangement is in place, the relevant governing body(ies) should ensure that in undertaking its duty to appoint an ALNCo, those education settings continue to meet their responsibilities as set out within this Code.

5.29 All PRUs are required to appoint an ALNCo under the aforementioned duty. PRUs are run by management committees and overseen by a local authority. When the local authority is deciding who to designate as the ALNCo they should seek the input of the management committee to discuss who would be best suited for this role.

5.30 Due to the size of a PRU, it may be more appropriate to appoint the Head of the setting as an ALNCo, or consider a sharing arrangement with other PRUs or feeder schools. The management committee of a PRU should ensure that the ALNCo has the time and expertise to undertake their role appropriately. ALNCoS within PRUs will be expected to undertake the same role as those in other maintained settings. Due to the changing learner population within a PRU, the ALNCo will be responsible for maintaining positive relationships with their counterparts in other maintained settings. This will enable the smooth transition of learners and sharing of necessary information between the education settings.

5.31 The ALNCo should support those learners with an IDP to make a smooth transition. This would include supporting the learner to transition into another school, and supporting young people to make the transition into adulthood, such as into further study or work (see Chapter 17). This might include working with relevant stakeholders to manage this transition.

### **Good practice models for ALNCoS in schools and PRUs**

#### **Smaller settings**

The ALNCo is part of the senior leadership team and works closely with the head teacher. The ALNCo leads, supports and works with staff to help them to track and identify pupils with ALN.



Where a teacher, or member of staff, does not believe that their differentiated teaching and strategies are meeting the needs of the child or young person they raise a concern about the particular pupil with the ALNCo. The ALNCo supports the teacher with additional monitoring and assessing the progress of the child or young person to help make a determination.

The ALNCo meets with the child and the child's parent to help with the determination of ALN, at the meeting the ALNCo prepares an IDP, sets targets and plans the provision and activities to support progress.

The classroom teacher delivers differentiated teaching and ALP within the classroom to meet the needs of the child or young person.

When required the ALNCo requests further advice or support, including from the relevant local authority.

### **Medium/ larger settings**

The ALNCo is part of the senior leadership team and has a strategic role in overseeing the provision of ALP and ensuring the needs of children and young people with ALN across the setting are met. The ALNCo does not have any allocated class.

The ALNCo supports teachers to implement strategies and disseminate good practice to teachers, they also help teachers to track and monitor pupil progress. This allows classroom teachers to deliver differentiated teaching and ALP within their classrooms to meet the needs of child or young person.

The ALNCo leads on discreet interventions and has direct involvement with the most challenging cases. The ALNCo also manages the deployment of learning support staff to ensure they are adequately trained to support the needs of the learners they are responsible for.

Where the support of external agencies is required, the ALNCo leads on accessing that support.

The ALNCo is also part of a local network/cluster of ALNCOs, which helps to support smaller schools within that network and pool expertise for the benefit of all settings within that area.

### **Sharing the ALNCo between settings / multiple ALNCOs within one setting**

The ALNCo has a strategic role, providing expertise to help identify and support children and young people with ALN across a number of settings.

A small school might be part of collaborative arrangements; this might be



between a secondary school and their feeder primary schools or between a network of primary schools. The ALNCo may be deployed across the settings to ensure that each setting has access to the necessary ALN support. The ALNCo will be able to help staff to implement strategies and to track their pupils and support teachers in the identification of ALN.

Equally some larger schools or schools with buildings on more than one site might consider whether they need more than one ALNCo to meet the needs of their student population. This might be particularly relevant where the sites have a wide geographical spread or operate quite distinctively from one another.

Where it is considered that the school should have more than one ALNCo, the ALNCos should still undertake the same key elements of the role identified in this chapter. In this situation, the ALNCos should form an internal network to discuss particular challenges and to share any lessons learned and/or good practice.

### **Good Practice Examples – ALNCos in FEIs**

#### **Smaller FEIs**

The ALNCo provides strategic coordination and advises on policy to ensure that FEI procedures comply with the duties of the Act and this Code. They have an influence over FEI policies and the future development of these policies.

They coordinate provision, update IDPs and oversee reviews on one site. They also oversee other campus ALN co-ordinators who update IDPs on the other sites. The ALNCo manages the ALN Support Team.

The ALN Support Team includes assessors, support assistants, communication support workers and administrative support.

Transition officers liaise with schools, attend reviews at feeder schools and collect documents. They also arrange reviews and update IDPs.

#### **Larger FEIs**

The ALNCo provides strategic coordination and advises on policy to ensure that FEI procedures comply with the duties of the Act and this Code. They have a **direct** influence over FEI policies and the future development of these policies.



They oversee campus co-ordinators who manage support in different campuses and carry out identification where appropriate. The ALNCo manages the ALN Support Team **and** support transition officers.

The ALN Support Team may include, for example, assessors, support assistants, communication support workers and administrative support.

### **Colleges with geographically disparate provision**

The ALNCo may have responsibility for all support at one or more campus. They also manage the ALN Support Team and support the FEIs transition officers.

The ALN Support Team includes assessors, support assistants, communication support workers and administrative support.

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## Chapter 6: Understanding what are Additional Learning Needs

### **Summary**

- 6.1 This Chapter outlines what additional learning needs (ALN) are.
- 6.2 It sets out general considerations for all maintained schools, FEIs and local authorities when taking decisions about ALN.
- 6.3 The Chapters which follow set out how ALN can be identified.

### **Additional Learning Needs – The Basic Definition**

- 6.4 Whenever it comes to the attention of a maintained school or FEI that a child or young person may have ALN, that education setting **must** decide whether the child or young person has ALN unless specific circumstances apply. Local authorities will also be required to decide whether an individual has ALN in some circumstances.
- 6.5 Section 2 of the Act defines the term ‘Additional Learning Needs’ (‘ALN’).
- 6.6 A person will have ALN if he or she has a learning difficulty or disability which calls for ‘Additional Learning Provision’<sup>18</sup>. In establishing whether a child or young person has ALN, the definition should be worked through step by step.

### **Learning difficulty or disability**

- 6.7 Firstly, does the individual have a learning difficulty or disability? A child of compulsory school age or person over that age has a learning difficulty or disability for the purposes of the Act if he or she:
- has a significantly greater difficulty in learning than the majority of others of the same age<sup>19</sup>; or
  - has a disability for the purposes of the Equality Act 2010, which prevents or hinders them from making use of facilities for education or training of a kind generally provided for others of the same age in mainstream maintained schools or a FEI<sup>20</sup>.

The key questions to ask are, therefore:

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<sup>18</sup> Section 2(1) of the Act.

<sup>19</sup> Section 2(2)(a) of the Act.

<sup>20</sup> Section 2(2)(b) of the Act.



- Does the person have a significantly greater difficulty in learning than the majority of others of the same age?
- Does the person have a disability which prevents or hinders them from making use of facilities for education or training of a kind generally provided for others of the same age in schools and FEIs?

6.8 If the answer to either question is 'yes', the individual is to be considered as having a learning difficulty or disability for the purposes of the Act.

### **Additional Learning Provision**

6.9 The next step is to determine whether that learning difficulty or disability calls for 'Additional Learning Provision'.

6.10 Section 3 of the Act defines the term 'Additional Learning Provision' ('ALP').

6.11 For a person aged three or over, ALP means educational or training provision that is additional to, or different from, that made generally for others of the same age in:

- mainstream maintained schools in Wales;
- mainstream FEIs in Wales; or
- places in Wales at which nursery education is provided.<sup>21</sup>

6.12 Teaching which recognises and responds to the needs of individual learners is a key component of all high quality education, and is something which is generally made available in schools and FEIs in Wales. Such differentiated teaching will not, in and of itself, constitute ALP. ALP will encompass additional or different educational or training provision, which goes beyond that generally made available – see further below.

6.13 If a person has a learning difficulty or disability which calls for ALP, the individual **must** be considered as having ALN for the purposes of the Act.

6.14 ALP can take many forms, for instance group work or individual support that takes place inside or outside the mainstream classroom, where it is additional to, or different from, that made generally for others of the same age. ALP might also be delivered in settings outside of the school and/or by external professionals, if that is what is required to meet the needs of the child or young person.

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<sup>21</sup> Section 3(1) of the Act.



## **Children under three years old**

6.15 There is a slightly different test for children under compulsory school age. In those cases, the criterion is whether if the individual were of compulsory school age the individual has, or is likely to have:

1. a significantly greater difficulty in learning than the majority of others of the same age, or
2. have a disability which prevents or hinders them from making use of facilities for education or training of a kind generally provided for others of the same age in mainstream maintained schools or FEIs,

6.16 ALP for a child aged under three means educational provision *of any kind*.<sup>22</sup>

6.17 The definition for this cohort of learners is slightly different to reflect the fact that children under three are not at an age where education is routinely provided to them at the state's expense – so if their needs call for educational provision at such a young age, that **must** be explicitly recognised.

6.18 'Nursery education' is education suitable for a child who has attained the age of three but is under compulsory school age.<sup>23</sup>

6.19 ALP for those aged under three can take many forms, for instance group work or individual support - where it is educational provision of any kind. This might include education provision in the form of mother and baby groups, education provision in Flying Start or specialist health, physical, communication or sensory support. This can take place in an education setting or elsewhere.

## **ALP - Proportionate Person Centred Approach**

6.20 It is important to remember that children and young people learn in different ways. Those who have ALN will have different levels of need. These needs will change over time and different support or expertise will need to be made available as part of a continuous cycle of planning, action and review. The range and style of support should, therefore, be increased or reduced according to the child or young person's individual needs and progress. When determining what ALP will be necessary to meet the young person's needs, consideration should be given to the child or young person's learning style, how ALN is impacting on their functionality, what support and/or previous/current ALP is having a positive impact on improving their rate of progress and other

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<sup>22</sup> Section 3(2) of the Act.

<sup>23</sup> Section 3(3) of the Act.



environmental factors.

- 6.21 Equally, consideration should be given to the future and career pathway that the child or young person has aspirations for. It is important that the child or young person recognises that they are on a journey and that the support and provision they are provided with should support them to increase their independence and to achieve their future ambitions.

### ***Initial Considerations***

- 6.22 Practitioners should always refer back to the definition of ALN at section 2 of the Act, have regard to the guidance on the application of this definition set out at the beginning of this Chapter, and apply it to the individual circumstances of the case when making a decision about whether an individual has ALN.

- 6.23 However, there are some initial considerations which all practitioners should bear in mind when making these decisions:

### ***Initial Considerations – Differentiated teaching***

- 6.24 Most children and young people will require additional support in some part of their education at some point. This could be in the form of extra help with mathematics if a learner has found a topic particularly difficult, catch-up reading sessions, or a catch-up Welsh lesson following a short absence due to illness. Teaching which recognises and responds to the needs of individual learners is a key component of all high quality education, and is something which is generally made available in schools and FEIs in Wales. The processes set out in the Act in relation to ALN should not be used to compensate for a lack of good quality teaching and tailored education.

- 6.25 Slow progress and low attainment do not necessarily mean that a child has ALN and should not automatically lead to a learner being recorded as such. However, this may be an indicator of an ALN.

- 6.26 Equally, it should not be assumed that attainment in line with chronological age means that there is no ALN. Some learning difficulties and disabilities occur across the range of cognitive ability and left unaddressed may lead to frustration. This can manifest itself as disaffection, emotional or behavioural difficulties.

- 6.27 Moreover, persistent disruptive, difficult or withdrawn behaviour does not necessarily mean that a child or young person has ALN. Where there are concerns, consideration should be given to whether or not there are any causal factors, such as underlying learning or communication difficulties. If it is thought that housing, family or other domestic circumstances may



be contributing to the presenting behaviour, a multi-agency approach should be adopted.

6.28 Professionals should also be alert to other events that can lead to learning or other, wider difficulties, for example bullying or bereavement. Such events will not always lead to a child or young person having ALN, but they can have an impact on well-being, which might affect the attainment of educational outcomes. Schools and FEIs should ensure they make appropriate provision for a child or young person's short-term needs in order to prevent problems escalating. Where there are longer-lasting difficulties, which result in a '*significantly greater difficulty in learning*', and which might call for ALP, schools, FEIs and local authorities **must** decide whether the child or young person has ALN<sup>24</sup>. Whole school tracking can help with the identification of ALN.

### ***Initial Considerations – Disabilities***

6.29 Not all disabled children and young people, as recognised under the Equality Act 2010, will have ALN. There is not a direct correlation between having a disability and having ALN; many learners with a disability will not have an ALN.

6.30 However, if their disability prevents or hinders them from making use of educational facilities or strategies, which are of the kind generally provided for others of the same age in mainstream maintained schools or FEIs, and the individual requires ALP as a result, then they are to be regarded as having ALN<sup>25</sup>. It is in these instances that someone with a disability would require an IDP. Moreover, there will be some forms of disability where the nature of the disability means it is likely that the learner will have ALN. For instance, local authorities have to establish and maintain a register in their area of those who have a medical diagnosis of Hearing Impairment/Visual Impairment/ multi-sensory impairments.<sup>26</sup> Children or young people on this register are more likely to have ALN.

6.31 Schools, FEIs and local authorities should also bear in mind their existing responsibilities under the Equality Act 2010. This Act also makes provision for disability discrimination claims made under the Act to be taken to the Education Tribunal.

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<sup>24</sup> Section 9(1), 11(1) of the Act.

<sup>25</sup> Section 2(1) and (2) of the Act.

<sup>26</sup> SSWB Act 2014 (s.18)



## ***Initial Considerations – Welsh or English as an additional language***

6.32 A person will not have a learning difficulty or disability – and, therefore, will not have ALN – solely because the language (or form of language) in which they will be taught is different from the language (or form of language) which is, or has been, spoken at home<sup>27</sup>.

6.33 Those with Welsh or English as an additional language might need extra support to achieve their potential, but will not necessarily have ALN. That said, when a child or young person has English or Welsh as an additional language and makes slow progress (despite differentiated teaching to support them), consideration should be given to whether there is a wider issue.

6.34 Identifying and assessing ALN for those whose first language is not Welsh or English requires particular care. All aspects of a child or young person's learning and development need to be considered to assess whether their difficulty is the result of the challenge of learning Welsh or English as an additional language or if it arises from ALN. The school, FEI or local authority should look carefully at all aspects of a child or young person's performance in different subjects to establish whether any difficulties they have are due to limitations in their command of the language that is used, or if it arises from ALN.

6.35 A full assessment should be made of the exposure the child or young person has had in the past to each of the languages they speak, the use they make of the languages currently and their proficiency in them. Information about language skills obtained in this way will form the basis of all further work with them, both in assisting to understand their needs and in planning any additional language support required. Where this analysis has taken place and it is determined that external support is required, this information should be shared with them.

## ***Initial Considerations – More Able and Talented***

6.36 The term 'more able and talented' encompasses learners who are more able across the curriculum, as well as those who show talent in one or more specific areas. Those children and young people who are considered more able and talented should not be considered as having ALN solely on the basis of their enhanced ability or talent. These children and young people require enhanced opportunities and challenge in order to reach their full potential, which should be provided as part of differentiated learning.

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<sup>27</sup> Section 2(4) of the Act.



6.37 A child or young person could, however, be more able and talented and have ALN. For example, a child or young person may be very proficient in one part of their education but have '*significantly greater difficulty in learning*' than the majority of others of the same age in other parts of their education, or they may be performing well across the curriculum, but still have significantly greater difficulty in learning and fall under the definition listed above.

### ***Initial Considerations – Healthcare Needs***

6.38 The Welsh Government recently consulted on supporting learners with Healthcare Needs.<sup>28</sup> Schools and local authorities should make arrangements to support learners with healthcare/medical needs; this is outlined in the guidance *Access to Education and Support for Children and Young People with Medical Needs*<sup>29</sup>. However, not all children and young people with a medical need will have ALN.

6.39 Equally, some children and young people will have Continuing NHS Healthcare, which is a package of care provided by the NHS for those individuals with complex and primarily health-based needs.

6.40 In some cases, healthcare needs/medical conditions may have a significant impact on the child or young person's experiences and the way they function in school or further education. The impact may be a direct one, in that the healthcare need/medical condition may affect their cognitive abilities, physical abilities, behaviour or their emotional state. The impact could also, or alternatively, be indirect, for example by disrupting their access to education through unwanted effects of treatment or through the psychological effects that serious or chronic illness or disability can have on a child or young person and their family.

6.41 Consultation and open discussion between the child, child's parent or young person and the school or FEI (as well as with any relevant health professionals) are essential to ensure the child or young person makes maximum progress. Schools and FEIs should also have their own pastoral arrangements to discuss health related and other problems.

6.42 Schools, FEIs and local authorities are able to prepare, review or revise an IDP at the same time as it, or another body, is preparing, reviewing or revising another document in relation to the individual. The local authority can also include that plan within the IDP.<sup>30</sup> This ensures that, for example, where a child or young person has an individual health care or a continuing healthcare plan and an IDP, provision can be planned and delivered in a coordinated way: the IDP and the individual health care or a continuing health care package should be reviewed at the same time,

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<sup>28</sup> <http://gov.wales/consultations/education/supporting-learners-with-healthcare-needs/?lang=en>

<sup>29</sup> <http://gov.wales/topics/educationandskills/publications/guidance/medicalneeds/?lang=en>

<sup>30</sup> Section 23 of the Act.



ensuring integration of plans and/or provision where this is appropriate. This might involve a multi-disciplinary approach (further details see Chapter 12: multi-agency working).

### ***Identification of the potential existence of ALN – Who can help?***

6.43 Early identification of ALN is important. Lots of different agencies, professionals and individuals have a role to play in identifying children and young people who may have ALN, including:

- parents/carers;
- foster carers;
- health visitors;
- paediatricians;
- Newborn Hearing Screening Programme Wales;
- GPs;
- Flying Start staff;
- Families First staff;
- Portage;
- Voluntary sector;
- childcare providers;
- pre-school settings staff;
- teaching staff;
- learning and support assistants;
- specialist teachers/advisory teachers;
- ALNCos;
- members of governing bodies;
- school nurses;
- occupational therapists;
- speech and language therapists;
- physiotherapists;
- social workers;
- consultants;
- educational psychologists;
- counselling services;
- Education welfare officers
- CAMHS;
- youth offending teams;
- mentors and careers advisors; and,
- tutors.

6.44 Agencies can support identification by offering advice and supporting staff with strategies or obtaining more information. Specialists can undertake assessments and/or observations when this is required to provide more information about the child or young person's needs. This might include assessing and diagnosing specific learning difficulties.



- 6.45 External agencies can also suggest interventions when this is needed and consider alternative forms of provision. External agencies might directly provide the support/therapies/provision which is required.
- 6.46 External agencies can also provide information on any previous observations, assessments, or provision which the child or young person has received to create a more informed picture of the child or young person. This can aid with any decisions. Agencies will also attend multi-agency meetings to provide relevant information and support collaboration with other professionals.
- 6.47 In some instances, agencies will refer the child or young person onto more specialist advice and/or assessments. This might be where the child or young person has particularly complex, severe and/or low incidence needs, where it is unclear what difficulties the child or young person is facing and where more information is needed surrounding the precise nature of the child's or young person's ALN and what ALP they need to meet those needs.
- 6.48 Different services and agencies may be involved in supporting the child or young person and will get to know the child or young person and their needs. This information should be appropriately and legally shared to create a holistic picture of the child's or young person's needs.
- 6.49 In relation to children, parents will play a key role in observing and, if appropriate, monitoring their child's development. They should raise any concerns with the child's education setting in the first instance, though they have the option of contacting the local authority if necessary, and should do this in the case of children not yet attending an education setting.
- 6.50 The duties of maintained schools, FEIs and local authorities to decide whether an individual has ALN apply whenever it is brought to their attention, or otherwise appears to them, that the individual may have ALN<sup>31</sup>. Maintained schools, FEIs and local authorities are not required to – and should not – wait to take steps until an individual or parent or actively seeks assistance.

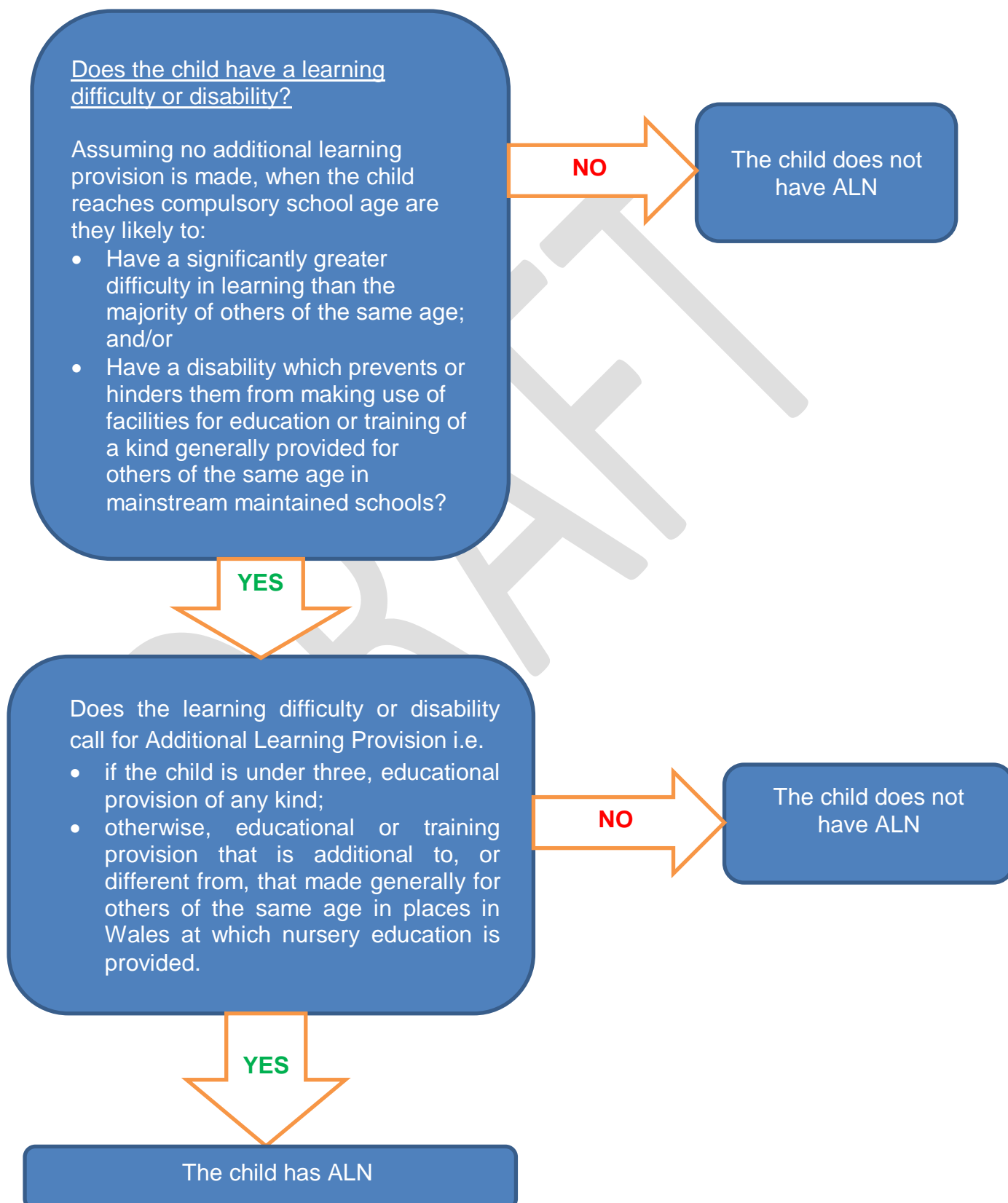
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<sup>31</sup> Section 9(1) and 11(1) of the Act.



## DOES A CHILD BELOW COMPULSORY SCHOOL AGE HAVE ADDITIONAL LEARNING NEEDS?

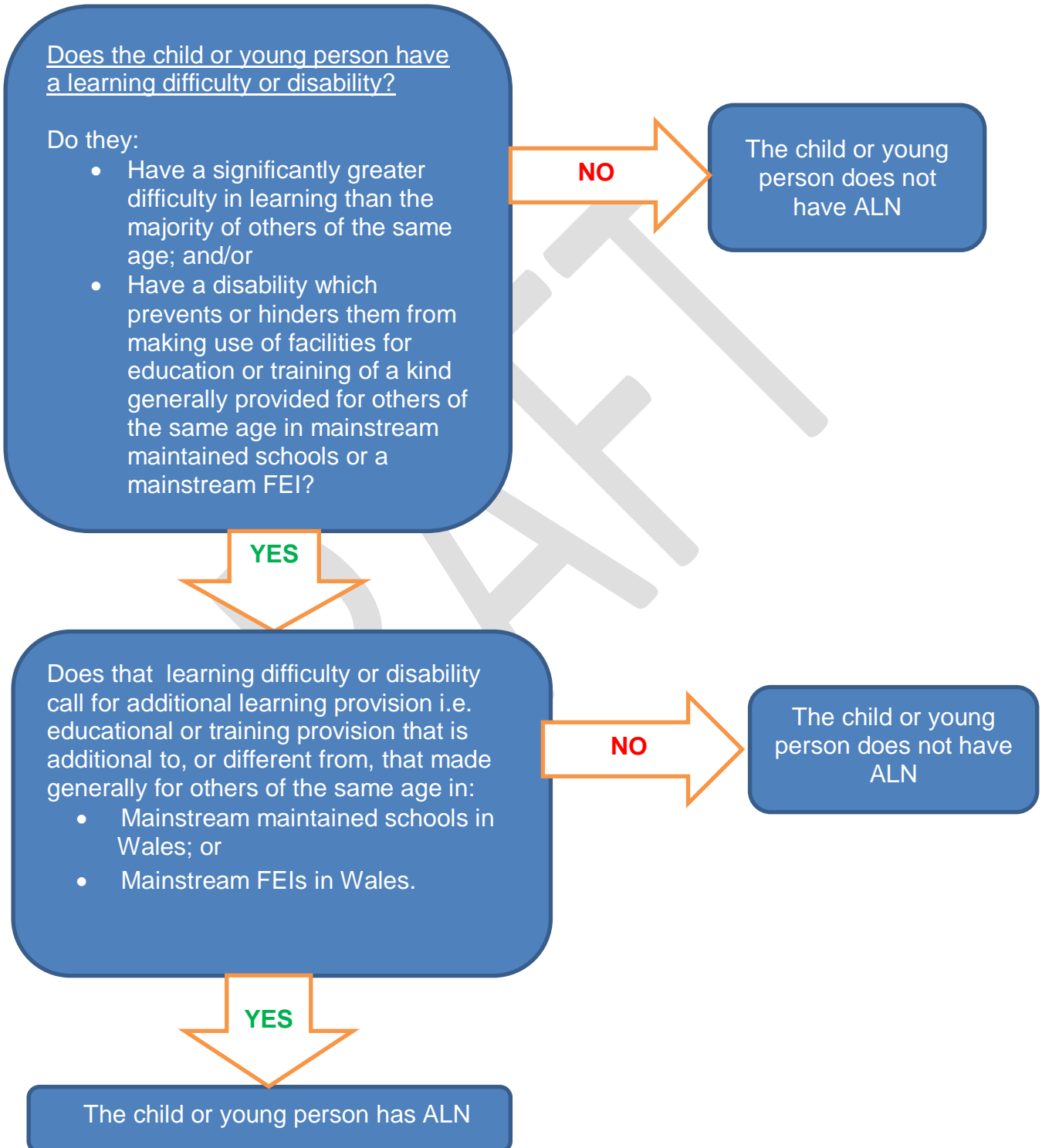
Follow this flowchart when deciding if a child under compulsory school age has ALN





## DOES A CHILD OR YOUNG PERSON HAVE ADDITIONAL LEARNING NEEDS?

Follow this flowchart when deciding if a child or young person has ALN (unless child is under compulsory school age)





## **Chapter 7.1: Identification of ALN for those below compulsory school age and not attending a maintained school**

7.1.1 The following three Chapters are split into identification of ALN depending on the setting the child or young person attends. Therefore, the Chapters contain similar information. Practitioners will only need to read the Chapter which is relevant to them.

### ***Summary***

7.1.2 This Chapter provides specific guidance in respect of the identification of ALN for those who are under compulsory school age and not attending a maintained school, this might include those in pre-school. Chapter 20 deals specifically with education otherwise than at schools (EOTAS) and elective home education.

7.1.3 In determining whether a pupil has ALN, consideration needs to be given to a range of factors. Practitioners should refer back to the definition of ALN at section 2 of the Act, have regard to the guidance on the application of this definition set out at the beginning of Chapter 6, and apply it to the individual circumstances of the case.

### ***How the Foundation Phase Profile can assist in the identification of children with ALN***

7.1.4 A child might receive education from a setting before compulsory school age. Tracking rates of progress of children from entry to compulsory school age is crucial. This tracking can aid identification and help to understand the developmental progress that the child is making.

7.1.5 The Foundation Phase Profile can help track a child's developmental progress. Where the child is achieving a lower score than expected, this might indicate the presence of ALN. This should be complemented with other data available, such as information from health visitors, early years screening, any information gained from the child being included in a Flying Start area (such as information from the Schedule of Growing Skills (SOGS) Assessment). Health bodies in undertaking their duties might also identify, diagnose and assess conditions which might indicate the presence of ALN.

### ***Identification for those under compulsory school age***

7.1.6 For those under compulsory school age the test for ALN is slightly different (see Chapter 6). However, the tools and methods for identifying ALN are very similar. Consideration should be given to a child's development



compared to their chronological age; information can also come from screening tools and assessing their skills in a range of areas such as pre-verbal skills.

7.1.7 Learning should build on the early experiences that children have in the home with their parents. They should have the opportunity to develop their knowledge, skills and understanding of the world through exploratory play and experiences. Play and language development are vital. Exploratory play should allow for development across all areas such as physical, social, language and interaction. Some children's ALN might be identified at birth; other children will have their needs identified whilst they are of pre-school age.

7.1.8 Children might require considerable adult support to access appropriate play opportunities/activities. Significant adaptations might be required to enable exploratory play and early communication skills. Significant needs in one area of development can impact on other areas, for example physical and sensory development.

7.1.9 The identification of ALN can come from parents and a wide range of bodies (see previous Chapter). For those children who have not yet started education, services such as specific local authority run education services, Social Services, health bodies and specific health services such as audiology and Speech and Language Therapists and/or health visitors might be the first to identify potential ALN. The voluntary sector might also help to identify potential ALN. Section 6 of the Act and Chapter 3 of this Code sets out duties in regard to parents and the child, indicating where they **must** be involved and supported.

### **Evidence**

7.1.10 Identification should be based on evidence, this evidence might come from parents, from staff within an institution where the child is being educated or other services which have been involved with the child.

7.1.11 It may become apparent that there are particular difficulties or problem areas that can be identified and which may affect the child's ability to access the curriculum such as:

- evidence of clumsiness;
- significant difficulties of sequencing or visual perception;
- deficiencies in working memory;
- significant delays in language functioning;
- any evidence of impaired social interaction or communication or a significantly restricted repertoire of activities, interests and imaginative development;
- evidence of significant emotional or behavioural difficulties, as indicated by clear recorded examples of withdrawn or disruptive behaviour;
- a marked and persistent inability to concentrate;



- signs that the child experiences considerable frustration or distress in relation to his or her learning difficulties;
- some medical diagnosis, such as deafness and visual impairment;
- difficulties in establishing and maintaining balanced relationships with his or her fellow pupils or with adults; and
- any other evidence of a significant delay in the development of life and social skills.

7.1.12 Concerns may arise, for example, where a child, despite receiving appropriate education experiences:

- makes little or no progress towards meeting their potential, even when approaches are particularly targeted to improve the child's identified area of weakness;
- continues working at levels significantly below those expected for children of a similar age, or those expected of the individual themselves;
- presents persistent emotional or behavioural difficulties, which are not ameliorated by the behaviour management techniques usually employed;
- has delayed personal and social development, which are not ameliorated by strategies and techniques usually employed;
- has delayed physical development or delayed creative development, which are not ameliorated by strategies and techniques usually employed;
- has sensory or physical problems, and continues to make little or no progress against that which is expected of the individual, despite the provision of specialist equipment; or,
- has communication and/or interaction difficulties, and continues to make little or no progress despite the application of strategies and techniques usually employed.

7.1.13 Tracking pupils' progress through data is key. This data might come from measuring progress against reasonable targets considering baseline data and clear individual benchmarks.

7.1.14 It is to be expected that children will progress at different rates. There will always be some who have lower levels of ability who will progress at a slower but steady rate. They will require support to make suitable progress. When considering the child's needs, it might be revealed that the child is actually making good progress from a low base.

7.1.15 Concerns might also be expressed by the child's parents. Parents' observations of their child are often crucial to early identification; settings and local authorities should be open and responsive to such expressions of concern and take account of any information provided.

7.1.16 Local authorities will need to consider whether the evidence points to reasons for under performance other than ALN and thus whether there are



alternative and more appropriate ways to support the child's access to learning, such as referral to an educational psychologist, education welfare services, social services or health bodies.

### Other factors

7.1.17 It should be borne in mind that some factors, including problems in the child's home or family circumstances, can contribute towards under achievement but may not always be indicators of ALN. Local authorities should therefore seek any evidence of such identifiable factors that could impact on learning outcomes, including:

- evidence that the child's performance is different in different environments;
- evidence of contributory medical problems;
- evidence from assessments or interventions by external agencies.

7.1.18 It might be useful to consider if the child is showing different behaviour or demonstrating different learning ability in different settings and environments. Considering the evidence in a holistic manner and examining if there is a marked disparity of evidence provided by different individuals/agencies and where the child is in different settings, will give a more accurate understanding of the child's needs. Where there is marked disparity it might suggest a need to consult with services with expertise in considering the child's needs in a holistic manner.

7.1.19 Where the child is not progressing as might be expected, the possibility of ALN should be considered.

7.1.20 Where the local authority becomes aware of the possibility of ALN, they might decide to set up a multi-agency meeting with other agencies, such as health bodies and other local authority services, to discuss the child's needs. The local authority's central team should work in close partnership with parents and staff working with the child in the non-maintained setting to help identify and meet the needs of children.

7.1.21 Where the child is receiving education, the local authority might consider providing additional support to the setting, for instance in a non-maintained pre-school nursery, to help the setting provide relevant ALP and relevant strategies.

### ***Local authority responsibilities***

7.1.22 Where a child is under compulsory school age and is in a setting other than a maintained school and it is brought to the attention of, or appears to, a local authority that a child for whom it is responsible may have ALN, the local authority **must** decide whether the child has ALN, unless:



- the child already has an IDP being maintained for them;
- the local authority has previously decided the issue, is satisfied that the needs have not changed materially since that decision and there is no new information that materially affects that decision; or,
- the child is a looked after child in the care of another local authority in Wales.<sup>32</sup> (There is further guidance on looked after children in Chapter 20).

7.1.23 The benefits of early identification are widely recognised. Identifying need at the earliest point and then making effective provision greatly enhances the opportunity for the child to achieve their potential. The earlier action is taken, the more responsive the individual is likely to be and the intervention required is likely to be less intense and most cost effective.

### ***Children under Compulsory School Age – Health Bodies’ Role and Power to Notify***

7.1.24 Health bodies support early identification of young children who may have ALN through a range of services. Children with more complex developmental and sensory needs may be identified at birth. Health professionals, such as paediatricians and health visitors, often come into contact with the child before education professionals. They are therefore often in a position to identify ALN before anyone else. Standard health assessments, such as the hearing screening test, which is used to check the hearing of all new-born babies, enable very early identification of a range of medical and physical difficulties.

7.1.25 Section 57 of the Act sets out functions of health bodies in relation to the identification of ALN for children under compulsory school age.

7.1.26 It applies to the following health bodies (some are bodies in England):

- Health Boards;
- NHS Trusts;
- Clinical Commissions Groups
- NHS Foundation Trusts; and
- A Special Health Authority<sup>33</sup>.

7.1.27 A health body (which includes individual health professionals which work for the aforementioned health bodies), in the course of exercising its functions in relation to a child who is under compulsory school age, and for whom a local authority in Wales is responsible, may form the opinion that the child has (or probably has) ALN.

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<sup>32</sup> Section 11(4) of the Act.

<sup>33</sup> Section 57(2) of the Act.



7.1.28 At this point the health body **must** inform the child's parent of its opinion and of its power to notify the relevant local authority<sup>34</sup>. It **must** also give the parent an opportunity to discuss the issue, before approaching the local authority<sup>35</sup>.

7.1.29 The health body may then bring the matter to the attention of the local authority responsible for the child (or for a looked after child, the local authority that looks after the child) where it is satisfied that doing so would be in the best interests of the child<sup>36</sup>.

7.1.30 Whether notifying the local authority is in the best interests of the child is for the health body to determine. Factors that could be considered when deciding when it might be in a child's best interests could include:

- informing the local authority will help the authority plan for provision that the child will require when he/she attends an early years setting or primary school;
- as a consequence, the local authority is able to put provision in place before the child reaches compulsory school age – this early intervention may reduce the likely impact of ALN on the child or prevent the impact of ALN on the child from becoming more severe; or
- the local authority would be able to implement early intervention which would support parents to support their child – such support might be emotional or help to establish trust and positive relationships between the local authority and the parent.

7.1.31 If the health body is of the opinion that a particular voluntary organisation is likely to be able to provide the parent with advice or other assistance in connection with the child's ALN, it **must** inform the parent of that voluntary organisation<sup>37</sup>.

7.1.32 Whenever a health body contacts a local authority in this way, it will have been brought to the attention of the local authority that the child has, or may have, ALN. Local authorities **must** then go on to decide whether the child has ALN in accordance with their duties under section 11(1) of the Act (see Chapter 8) or section 16(1) of the Act, subject to any exceptions in those provisions.

7.1.33 At a later stage in the process, health bodies may also provide diagnostic services, undertake assessments, make onward referrals within health and provide health reports to assist with the preparation of IDPs, and ultimately secure appropriate treatment or services – see Chapter 12 for more details.

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<sup>34</sup> Section 57(3) of the Act.

<sup>35</sup> Section 57(4) of the Act.

<sup>36</sup> Section 57(4) of the Act.

<sup>37</sup> Section 57(5) of the Act.



### ***Children attending non-maintained settings***

7.1.34 Many children under compulsory school age attend non-maintained settings such as private or voluntary run playgroups, nurseries or meithrin. Where parents of children have concerns, it is open to them to contact the local authority asking them to determine whether the child has ALN. Local authorities **must** usually then go on to decide whether the child has ALN.<sup>38</sup> (see Chapters 8 to 9.3).

7.1.35 Local authorities should work with other providers of nursery education and childcare so they too are capable of identifying and reporting ALN.

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<sup>38</sup> Section 11(1) and 11(6) of the Act



## Chapter 7.2: Identification of ALN – within schools

### *Summary*

7.2.1 This Chapter provides specific guidance in respect of the identification of ALN for pupils within schools. In many cases early identification and intervention can significantly reduce the need for (potentially more costly) interventions at a later stage and in some cases produce significantly more effective results.

### *Pupils at Maintained Schools*

7.2.2 Every governing body of a maintained school in Wales has duties under the Act about identifying and addressing the ALN of the pupils registered with them. All maintained schools should, therefore, have a clear, robust and transparent approach to identifying and responding to ALN.

7.2.3 The school **must** decide whether a pupil has ALN whenever it is brought to their attention, or appears to them, that one of its pupils may have ALN<sup>39</sup>. There are the following exceptions to this requirement:

- An IDP is already being maintained for the pupil.
- The school has previously decided the issue, is satisfied that the pupil's needs have not changed materially since that decision and there is no new information which materially affects that decision.
- The pupil is a young person (that is, over compulsory school age) who does not consent to the decision being made.
- The child or young person is dual-registered - that is they are also registered at another school or also enrolled at an FEI (even if it is in England) and a local authority is responsible for the child or young person (i.e. the child is not ordinarily resident in England). Where they are dual-registered the governing body must refer the case to the local authority, see Chapter 20.
- The child or young person is a detained person (see Chapter 20).
- A local authority in England maintains an EHC Plan for the child or young person. This is an education, health and care plan under Part 3 of the Children and Families Act 2014. This would only be relevant if the pupil is ordinarily resident in England.
- The pupil is a child who is looked after by the local authority unless the child is ordinarily resident in England (see Chapter 20).<sup>40</sup>

7.2.4 The benefits of early identification are widely recognised. Identifying need at the earliest point and then making effective provision greatly enhances the opportunity for the child or young person to achieve their potential. The earlier action is taken, the more responsive the individual is

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<sup>39</sup> Section 9(1) of the Act.

<sup>40</sup> Section 9(3) and (5) of the Act.



likely to be and the intervention required is likely to be less intense and most cost effective.

## **ALN Policy**

7.2.5 To support schools having a clear, robust and transparent approach to identifying and responding to ALN, schools should have a school policy on ALN. The school policy should set out how the school will identify pupils' ALN, how it will monitor the identification of ALN and how the child or young person will then receive the required ALP. The school policy could also include:

- How IDPs will be reviewed.
- How information and data relating to ALN will be used and stored.
- Roles and Responsibilities of different staff.
- How the school will ensure those with ALN are fully included in every day life of the school.
- Other support services which the school can access and how they can be accessed.
- Staff training in relation to pupils with ALN.
- Details of how staff and resources are deployed to support those with ALN.

7.2.6 *[An example of a school ALN Policy will be included as an Annex to future Code drafts].*

## **Children and Young People – Independent Schools**

7.2.7 Some children and young people attend independent (non-maintained) schools. Where children, their parents or young people at such a setting have concerns, it is open to them to contact the local authority for a determination about whether there is an ALN. The local authority will then usually have a duty to decide whether the person has ALN (and, if ALN are found, to put an IDP in place).<sup>41</sup>

7.2.8 Our expectation is that independent schools will work with the local authority to deliver the ALP which the child or young person needs. We also expect that independent schools will have an ALN policy which will set out what they will deliver.

7.2.9 Independent schools in Wales have to comply with any standards and registration procedure required by or by virtue of Part 10 of the Education Act 2002. *[These regulations will be amended to ensure that independent schools must provide effective education for all pupils within a class to make progress, including pupils with IDPs.]*

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<sup>41</sup> Sections 11 and 12 of the Act



## ***How the Foundation Phase Profile can assist the identification of children with ALN***

7.2.10 Tracking rates of progress of children from entry to compulsory school age is crucial. This tracking can aid identification and help to understand the developmental progress that the child is making.

7.2.11 The Foundation Phase Profile can help track a child's developmental progress. Where the child is achieving a lower score than expected, this might indicate the presence of ALN. This should be complimented with other data available, such as information from health visitors, early years screening, any information gained from the child being included in a Flying Start area (such as information from SOGS), and academic progress such as the Literacy and Numeracy Framework. Health bodies in undertaking their duties might also identify, diagnose and assess conditions which might indicate the presence of ALN.

### ***Early Identification***

7.2.12 The identification of ALN can come from a wide range of bodies (see previous Chapter). This might include services such as specific local authority run education services, Social Services, health bodies and specific health services such as audiology and Speech and Language Therapists, who might be the first to identify potential ALN. The voluntary sector might also help to identify potential ALN.

7.2.13 School staff would likely make an initial decision; this might include receiving advice from other agencies. The child, child's parent or young people **must** also be consulted and included and their views taken into account.<sup>42</sup>

### **Evidence**

7.2.14 Identification should be based on evidence, this evidence might come from staff within the school, other services which have been involved with the child, it might also come from the child, their parents or the young person themselves.

7.2.15 It may become apparent that there are particular difficulties or problem areas that can be identified and which may affect the child's or young person's ability to access the curriculum such as:

- evidence of clumsiness;
- significant difficulties of sequencing or visual perception;
- deficiencies in working memory;

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<sup>42</sup> Section 6 of the Act. [See also Chapter 3]



- significant delays in language functioning;
- any evidence of impaired social interaction or communication or a significantly restricted repertoire of activities, interests and imaginative development;
- evidence of significant emotional or behavioural difficulties, as indicated by clear recorded examples of withdrawn or disruptive behaviour;
- a marked and persistent inability to concentrate;
- signs that the child or young person experiences considerable frustration or distress in relation to his or her learning difficulties;
- some medical diagnosis, such as deafness and visual impairment;
- difficulties in establishing and maintaining balanced relationships with his or her fellow pupils or with adults; and,
- any other evidence of a significant delay in the development of life and social skills.

7.2.16 Concerns may arise, for example, where a pupil, despite receiving appropriate education experiences:

- makes little or no progress towards meeting their potential, even when teaching approaches are particularly targeted to improve the child's or young person's identified area of weakness;
- continues working at levels significantly below those expected for children or young people of a similar age, or those expected of the individual themselves, such as showing signs of difficulty in developing literacy or mathematics skills, which result in poor attainment in curriculum areas;
- presents persistent emotional or behavioural difficulties, which are not ameliorated by the behaviour management techniques usually employed in the school;
- has delayed personal and social development, which are not ameliorated by strategies and techniques usually employed in the school;
- has delayed physical development or delayed creative development, which are not ameliorated by strategies and techniques usually employed in the school;
- has sensory or physical problems, and continues to make little or no progress against that which is expected of the individual, despite the provision of specialist equipment; or,
- has communication and/or interaction difficulties, and continues to make little or no progress despite the provision of a differentiated curriculum.

## Using data

7.2.17 Tracking pupil's data is key. Schools should track the progress of all pupils, using data intelligently to support them. This data might come from whole-school tracking, individualised targets which might be co-developed by



the school, the child and their parents or the young person, measures of progress against reasonable targets considering baseline data and clear individual benchmarks.

7.2.18 Upon entry to a maintained school, a maintained school should assess each child's current level of attainment in order to ensure they build upon the pattern of learning and experience already established. Maintained schools should make full use of information passed to them from early years settings or any previous school. This process should ensure that the potential existence of ALN is identified early, which will then trigger the duty of the school to determine the issue.

7.2.19 Assessment against the National Curriculum level descriptions for each subject will enable a school to consider the individual pupil's attainment and progress against the expected levels for pupils of their age. Similarly, a school will regularly assess and report progress to parents on literacy and numeracy skills, including – but not exclusively – through national reading and numeracy tests and against the Foundation Phase Profile. Those children whose overall attainments or attainment in specific subjects fall significantly outside the expected range may have ALN. Wider consideration ought also to be given to whether the learner is meeting their own potential.

7.2.20 Schools can also measure children's progress by:

- their performance, including whether they are meeting their own potential, monitored by the teacher as part of ongoing observation and assessment;
- their progress in literacy and numeracy and other curriculum areas;
- their performance against the level descriptions within the National Curriculum at the end of a key stage;
- the quality of their classroom work, in terms of quality and output;
- observational data;
- checklists, including developmental checklists;
- scaling questionnaires;
- assessments from other agencies, such as health bodies,
- behaviour and social emotional questionnaires and standardised tests; and,
- standardised screening or assessment tools and frameworks.

7.2.21 A school's system for observing and assessing the progress of individual children and young people will provide information about areas where a child or young person is not progressing satisfactorily. Class and subject teachers, supported by the senior leadership team, should make regular assessments of progress for all learners. These assessments should seek to identify learners making less than expected progress, which can be characterised as progress which:

- is significantly slower than that of their peers starting from the same baseline;



- fails to match or better the child's or young person's previous rate of progress; or,
- fails to close, or widens, the attainment gap between the child or young person and their peers.

7.2.22 It can include progress in areas other than attainment, for instance where a learner needs to develop wider social or emotional behaviours in order to make a successful transition to adult life. When making a judgement of the child's or young person's needs there is a need to consider their progress in a range of areas of development, such as learning, social, emotional and behavioural.

7.2.23 A judgement has to be made in each case as to what it is reasonable to expect a particular child or young person to achieve. Where progress is not adequate, it will be necessary to take some additional or different action to enable the learner to learn more effectively.

## **Differentiated teaching**

7.2.24 The first response to inadequate progress should be high quality teaching targeted at pupils' areas of weakness. Schools should not delay in putting in place differentiated teaching or other targeted interventions designed to secure better progress where appropriate, for all pupils. This is a fundamental element of high quality – but routine – teaching. Consideration should be given to whether suitable teaching strategies have been employed. That said, where progress continues to be less than expected, the class or subject teacher may come to consider that a pupil may have ALN. In that case, and working with the ALNCo, the governing body **must** make a determination of the matter (unless one of the exceptions applies – see above).

7.2.25 It is to be expected that children and young people in a class or school will progress at different rates. There will always be some who have lower levels of attainment and ability who will progress at a slower but steady rate. They will require support to a differentiated curriculum to make suitable progress. When considering the child's or young person's needs, it might be revealed that the child or young person is actually making good progress from a low base.

## **Continued concerns**

7.2.26 Whenever teaching staff have concerns, they should consider notifying the school's ALNCo, who will be able to provide further support and assistance. There should be clear processes in schools for staff to highlight their concerns and seek further advice and assistance. Depending on the circumstances, external advice might also need to be sought.



7.2.27 Concerns might also be expressed by the child, their parents or the young person. Parents' observations of their child are often crucial to early identification, as are observations by children and young people themselves. Schools should be open and responsive to such expressions of concern and take account of any information provided.

7.2.28 Where the school has concerns about the child's or young person's progress and believes that the child or young person has, or might have ALN, they **must** involve the child, the child's parents or the young person and take their views into account.<sup>43</sup> A discussion might include strategies for support, which should include sharing information on the tracking of progress and other key information with the child, the child's parents or the young person.

## Other factors

7.2.29 It is important to remember that there are other contributors to poor academic performance, such as external factors and circumstances. These can include poor attendance records, not having adequate learning opportunities, frequent moves of school or changes to teaching staff/learning environment and wider social and family challenges. These do not necessarily indicate the child or young person has ALN. Those considering the evidence, such as the ALNCos, will always need to consider whether in light of the evidence, the child has ALN (as defined)<sup>44</sup>, regardless of the factors which might have contributed towards the person having ALN. In some cases, poor academic progress may not be the result of ALN, but other underlying factors. In these cases, there may be other ways to support the child or young person and other services which need to be involved in the child's or young person's life.

7.2.30 It might be useful to consider if the child or young person is showing different behaviour or demonstrating different learning ability in different settings and environments. Considering the evidence in a holistic manner and examining if there is a marked disparity of evidence provided by different individuals/agencies and where the child or young person is in different settings, will give a more accurate understanding of the child's or young person's needs. Where there is marked disparity it might indicate a need to consult with someone outside the school who can consider the child's or young person's needs holistically.

7.2.31 However, where the child or young person is expected to be making better progress than they are, given their potential and being adequately supported, then it should be considered if the child or young person has ALN.

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<sup>43</sup> Section 6 of the Act. [See Chapter 3.]

<sup>44</sup> A learning difficulty or disability which calls for ALP. See Chapter 6 for more on the definition.



## Duty to decide

7.2.32 Where the school believes that the child or young person may have ALN, the governing body **must** decide whether the child or young person has ALN (unless the exceptions listed at the start of this Chapter apply.)<sup>45</sup> When making this decision, consideration needs to be given to a range of factors. Practitioners should refer back to the definition of ALN at section 2 of the Act, have regard to the guidance on the application of this definition set out at the beginning of Chapter 6, and apply it to the individual circumstances of the case.

7.2.33 Where it is determined that the pupil has ALN, the governing body of the school **must** prepare and maintain an IDP, unless certain circumstances apply.<sup>46</sup> See Chapters 9.1 to 16 for further information about IDPs.

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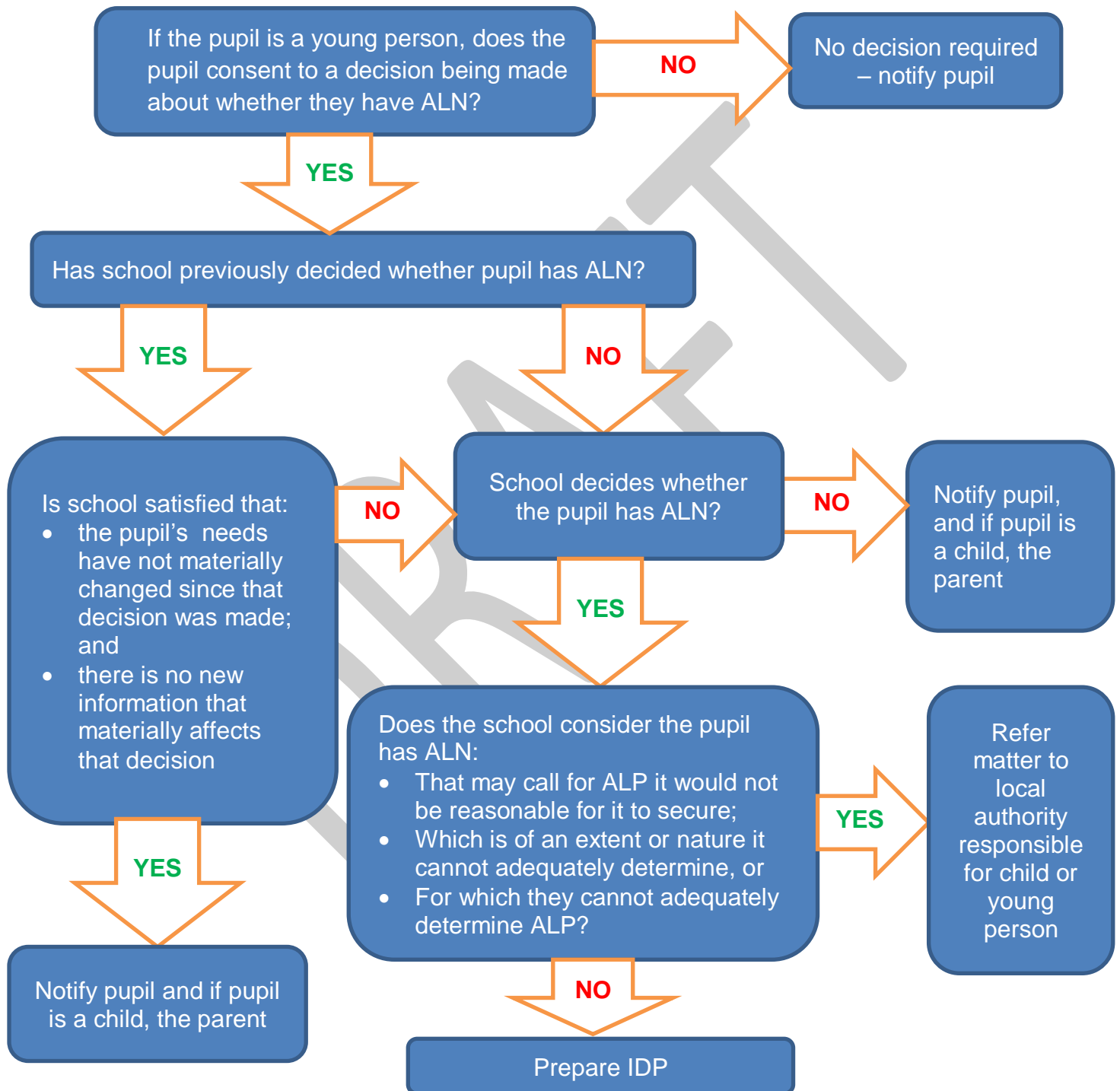
<sup>45</sup> Section 9 of the Act.

<sup>46</sup> Section 10 of the Act.



## DECISION ON ADDITIONAL LEARNING NEEDS

When it is brought to the attention of, or otherwise appears to a maintained school, that a pupil may have ALN and does not have an IDP, the following process **must** be followed (Different arrangements apply if student is dual registered, looked after, detained, an English resident or an EHC plan is being maintained):





## Chapter 7.3: Identification of ALN - FEI

### *Summary*

7.3.1 This Chapter provides specific guidance in respect of the identification of ALN for young people in FEI. Timely identification and intervention can often produce significantly more effective results.

### *Young people at FEIs*

7.3.2 Every governing body of an FEI in Wales has duties under the Act about identifying and addressing the ALN of young people enrolled with them as students. All FEIs should have a clear, robust and transparent approach to identifying and responding to ALN.

7.3.3 The FEI **must** decide whether an enrolled student (who is a young person) has ALN whenever it is brought to their attention, or appears to them, that ALN may exist<sup>47</sup>. The exceptions to this are:

- An IDP is already being maintained for the young person.
- The FEI has previously decided the issue, is satisfied that the person's needs have not changed materially since that decision and there is no new information which materially affects that decision.
- The student does not consent to the decision being made.
- The young person is dual-registered - that is they are also registered at a school or also enrolled at another FEI (even if it is in England) and a local authority is responsible for the young person (i.e. the child is not ordinarily resident in England). Where they are dual-registered the governing body of the FEI must refer the case to the local authority, see Chapter 20.
- The young person is a detained person. See Chapter 20.
- A local authority in England maintains an EHC Plan for the young person. This is an education, health and care plan under Part 3 of the Children and Families Act 2014. This would only be relevant if the student is ordinarily resident in England.

7.3.4 The benefits of timely identification are widely recognised. Identifying need at the earliest point and then making effective provision greatly enhances the opportunity for the young person to achieve their potential. The earlier action is taken, the more responsive the young person is likely to be and the intervention required is likely to be less intense and more cost effective.

### *ALN Policy*

7.3.5 To support FEIs having a clear, robust and transparent approach to identifying and responding to ALN, FEIs should have a policy on ALN. The

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<sup>47</sup> Section 10(1) of the Act.



policy should set out how the FEI will identify ALN, how it will monitor the identification of ALN and how the young person will then receive the required ALP. The policy could also include:

- How IDPs will be reviewed.
- How information and data relating to ALN will be used and stored.
- Roles and Responsibilities of different staff.
- How the FEI will ensure those with ALN are fully included in every day life of the FEI.
- Other support services which the FEI can access and how they can be accessed.
- Staff training in relation to pupils with ALN.
- Details of how staff and resources are deployed to support those with ALN.

## **Timely identification**

7.3.6 The majority of recent school leavers enrolling with FEIs who have ALN will have had their ALN identified whilst at school. FEIs should be involved in transition planning between the school and FEI, and between the FEI and other post-16 providers, so that they can understand the learner's needs and prepare to meet those needs (for example discussions and meetings between ALNCoS in schools and FEIs).

7.3.7 FEIs will need to be particularly alert to the fact that the needs of young people change over time. Some might no longer have ALN and, therefore, no longer require ALP; some might require a different form of ALP; and others might require ALP for the first time.

7.3.8 In assessing the learner's potential ALN and ALP, FEIs should consider the young person's levels of ability and difficulties; the level and nature of the course that they are applying for; the extent to which the skills of the existing teaching staff can meet their needs and any other factors that may impact upon the likely success of the student.

7.3.9 All applicants and enrolled learners should be given the opportunity at application stage, at enrolment and during the course to advise as to whether they have an additional learning need. If a learner does advise the FEI of ALN, the FEI should discuss with the learner how they will provide support. Any screenings and assessments undertaken by the FEI should be differentiated and proportionate to the likely level of ALN.

7.3.10 Some learning needs may not become apparent until a learner has begun their programme of study. Teaching staff should work with student support services to identify whether a learner's difficulties are a result of ALN. It should not be assumed that a learner has ALN just because they have lower attainment levels than the majority of their peers. Equally it should not be assumed that learners working on higher level courses do not have ALN. If



a learner is struggling on their course, teaching staff should first consider whether the problem is one of a mismatch between the learner's general academic ability and the requirements and level of the course. FEIs should ensure that teaching staff are equipped with adequate guidance to be able to identify potential signs of ALN. The FEI's policies should identify what staff and/or the ALNCo should do in response to such concerns.

## **Evidence**

7.3.11 When an FEI considers that the young person has, or may have ALN, they should use all available evidence. This evidence might come from staff within the FEI, the young person themselves or other services which are, or have, supported the young person.

7.3.12 It may become apparent that there are particular difficulties or problem areas that can be identified and which may affect the young person's ability to learn, such as:

- evidence of clumsiness;
- significant difficulties of sequencing or visual perception;
- deficiencies in working memory;
- significant delays in language functioning;
- any evidence of impaired social interaction or communication or a significantly restricted repertoire of activities, interests and imaginative development;
- evidence of significant emotional or behavioural difficulties, as indicated by clear recorded examples of withdrawn or disruptive behaviour;
- a marked and persistent inability to concentrate;
- some medical diagnosis, such as deafness and visual impairment;
- signs that the young person experiences considerable frustration or distress in relation to his or her learning difficulties;
- difficulties in establishing and maintaining balanced relationships with his or her fellow pupils or with adults.

7.3.13 Concerns may arise, for example, where a pupil, despite receiving appropriate education experiences:

- makes little or no progress towards meeting their potential, even when teaching approaches are particularly targeted to improve the young person's identified area of weakness;
- continues working at levels significantly below those expected, or those expected of the individual themselves;
- presents persistent emotional or behavioural difficulties, which are not ameliorated by the behaviour management techniques;
- has sensory or physical problems, and continues to make little or no progress against that which is expected of the individual, despite the provision of specialist equipment; or,



- has communication and/or interaction difficulties, and continues to make little or no progress.

## Using data

7.3.14 Tracking pupil's data is key. FEIs should track the progress of all pupils, using data intelligently to support them. This data might come from whole-FEI tracking, individualised targets which might be co-developed by the FEI and the young person, measures of progress against reasonable targets considering baseline data and clear individual benchmarks.

7.3.15 Upon entry to an FEI, the FEI should assess the young person's level of attainment in order to ensure they build upon the pattern of learning and experience already established. FEIs should make full use of information passed to them from schools, including any IDPs which are transferred to them.

7.3.16 FEIs might also measure young people's progress by:

- the young person's performance, including whether they are meeting their own potential;
- the quality of work, in terms of quality and output;
- observational data;
- scaling questionnaires;
- assessments from other agencies, such as health bodies;
- behaviour and social emotional questionnaires and standardised tests where this informs the identification of ALN; and,
- standardised screening or assessment tools and frameworks.

7.3.17 A FEIs system for observing and assessing the progress of individual young people will provide information about areas where a young person is not progressing satisfactorily. Tracking data can help identify learners making less than expected progress, which can be characterised as progress which:

- is significantly slower than that of their peers starting from the same baseline;
- fails to match or better the young person's previous rate of progress; or,
- fails to close, or widens, the attainment gap between the young person and their peers.

7.3.18 It can include progress in areas other than attainment, for instance where a young person needs to develop wider social or emotional behaviours in order to make a successful transition to adult life. When making a judgment of the young person's needs there is a need to consider their progress in a range of areas of development, such as learning, social, emotional and behavioural.



7.3.19 A judgement has to be made in each case as to what it is reasonable to expect a particular young person to achieve. Where progress is not adequate, it will be necessary to take some additional or different action to enable the learner to learn more effectively.

## **Differentiated teaching**

7.3.20 The first response to inadequate progress should be high quality teaching targeted at their areas of weakness. FEIs should not delay putting in place differentiated teaching or other targeted interventions designed to secure better progress where appropriate, for all pupils. This is a fundamental element of high quality – but routine – teaching. Consideration should be given to whether suitable teaching strategies have been employed. That said, where progress continues to be less than expected, staff may come to consider that a pupil might have ALN. In that case, and working with the ALNCo, the FEI **must** decide the matter (unless one of the exceptions applies – see above).

7.3.21 It is to be expected that young people will progress at different rates. There will always be some who have lower levels of attainment and ability who will progress at a slower but steady rate. When considering the young person's needs, it might be revealed that the young person is actually making good progress from a low base.

## **Continued concerns**

7.3.22 Whenever teaching staff have concerns, they should consider notifying the ALNCo, who will be able to provide further support and assistance. There should be clear processes in FEIs for staff to highlight their concerns and seek further advice and assistance. Depending on the circumstances external advice might also need to be sought.

7.3.23 Concerns might also be expressed by the young person. FEIs should be open and responsive to such expressions of concern and take account of any information provided.

7.3.24 Where staff have concerns about the young person's progress and believe that the young person has, or might have, ALN they **must** involve the young person.<sup>48</sup> A discussion might include strategies for support, which should include sharing information on the tracking of progress and other key information with the young person. The Act allows a young person to withhold consent in relation to decisions around deciding whether they have ALN. Therefore their views in relation to these matters need to be sought and recorded, particularly if they do not consent to a decision being made. Such a position would negate the need for further investigation or discussion of ALN.

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<sup>48</sup> Section 6 of the Act. Also, the duties in sections 9 and 10 of the Act (to decide and prepare and maintain an IDP) do not apply in relation to a young person who does not consent to the decision or the plan being prepared or maintained (as the case may be).



7.3.25 Where FEIs have staff which are trained and qualified to assess and make educational diagnosis in certain areas, they should be used to consider the young person's needs and to consider how their needs can be met. Where staff within the FEI do not have the required expertise and are not able to assess the young person's needs they should consider referring the young person to external services.

## Other factors

7.3.26 It is important to remember that other factors contribute to poor academic performance, such as external factors and circumstances. These can include poor attendance records, not having adequate learning opportunities, frequent moves or changes to teaching staff/learning environment or wider social and family challenges. These do not necessarily indicate the young person has ALN. Those considering the evidence will need to consider whether the evidence points to other underlying needs and whether there are other ways to support the young person's needs and other services which need to be involved in the young person's life.

7.3.27 It might be useful to consider if the young person is showing different behaviour or demonstrating different learning ability in different settings and environments. Considering the evidence in a holistic manner and examining if there is a marked disparity of evidence provided by different individuals/agencies and where the young person is in different settings, will give a more accurate understanding of the young person's needs. Where there is marked disparity it might indicate a need to consult with someone outside the FEI who can consider the young person's needs holistically.

7.3.28 However, where the young person is expected to be making better progress than they are, given their potential and being adequately supported, then it should be considered if the young person has ALN.

## Duty to decide

7.3.29 Where the FEI believes that the young person may have ALN, the FEI **must** decide whether the young person has ALN (unless the exceptions listed at the start of this Chapter apply.) When making this decision, consideration needs to be given to a range of factors. Practitioners should refer back to the definition of ALN at section 2 of the Act, have regard to the guidance on the application of this definition set out at the beginning of Chapter 6, and apply it to the individual circumstances of the case.

7.3.30 Where it is determined that the pupil has ALN, the governing body of the FEI **must** prepare and maintain an IDP, unless certain circumstances apply.<sup>49</sup> See Chapters 9.1 to 16 for further information about IDPs.

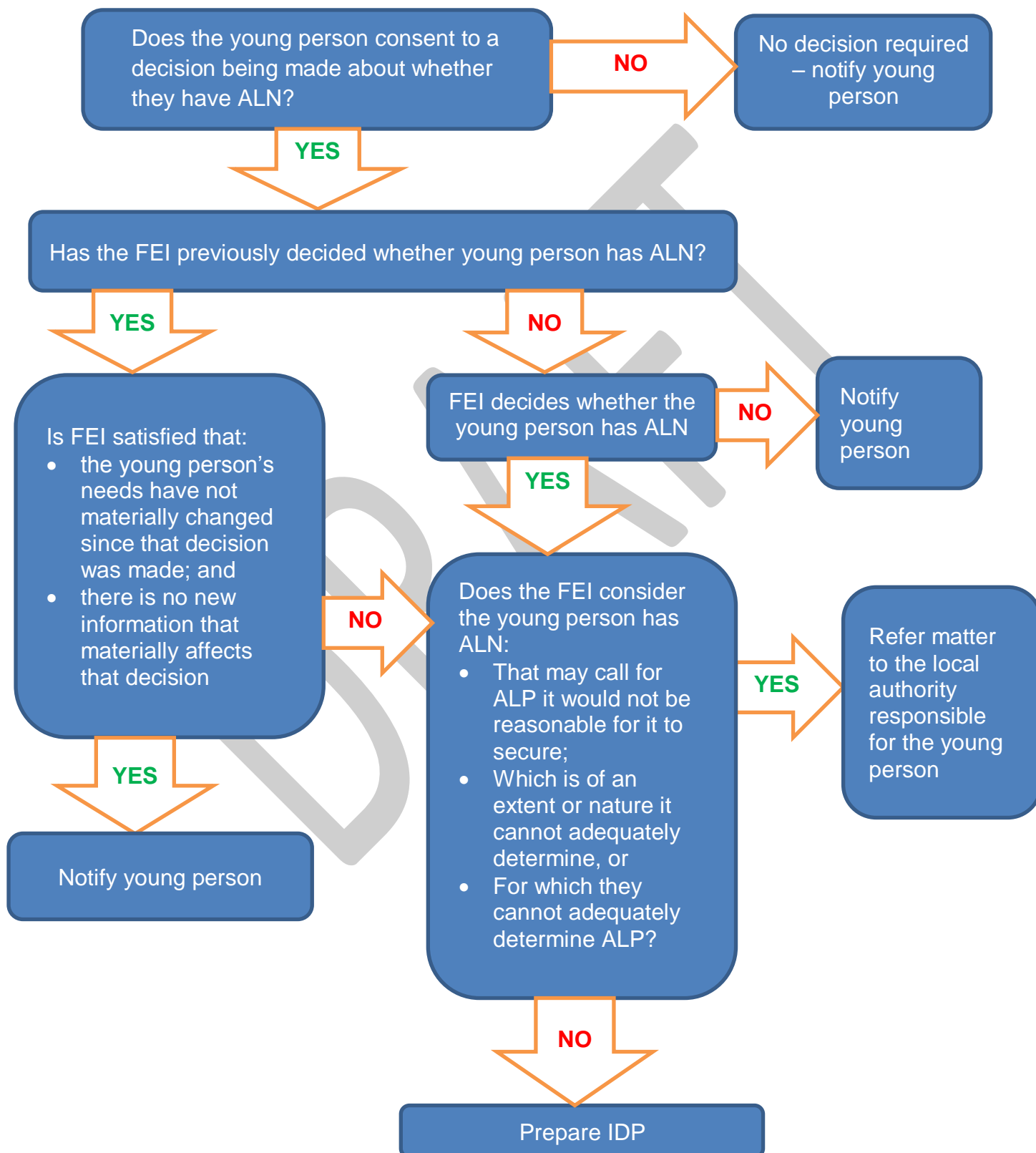
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<sup>49</sup> Section 10 of the Act and see the circumstances listed in subsection (2).



## DECISION ON ADDITIONAL LEARNING NEEDS

When it is brought to the attention of, or otherwise appears to a FEI, that an enrolled student may have ALN and does not have an IDP, the following process **must** be followed (Different arrangements apply if student is dual registered, looked after, detained, an English resident or an EHC plan is being maintained):





## Chapter 8: Decisions that a child or young person does not have ALN

### Summary

8.1 This Chapter deals with the consequences and actions which flow from a decision that a child or young person does not have ALN.

### Notifying children

8.2 In this Chapter, there are various references to notifying a child. However, in some cases this is not required; it depends upon the capacity of the child to understand the matter and whether a case friend has been appointed for the child.<sup>50</sup> The references to notifying a child are to be read as only applying where there is a requirement to notify the child or case friend.

### Maintained School Decisions

8.3 Chapter 9.2 sets out when a maintained school **must** decide whether a child or young person has ALN.<sup>51</sup> In some cases, the school will decide that the individual does not have ALN. In those circumstances, the school **must** notify the child<sup>52</sup> and the child's parent, or the young person, of the decision and the reasons for it.<sup>53</sup>

8.4 The notification should be made as soon as possible and in any event no longer than described in Chapter 10.

8.5 As well as setting out the decision and the reasons for it, the notification **must** contain:

- the name and contact details of the school's ALNCo;
- information about how to access the appropriate local authority's arrangements for providing people with information and advice about ALN and the ALN system.<sup>54</sup> [This could be done by enclosing a local authority leaflet about the ALN system or the local authority's web pages and drawing attention to how to get further information and advice.];
- details of local authority<sup>55</sup> arrangements for the avoidance and resolution of disagreement, as well as its independent advocacy services; and,

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<sup>50</sup> Sections 75 and 76 of the Act.

<sup>51</sup> Section 9(1)

<sup>52</sup> However, this is subject to consideration of the child's capacity to understand – see Chapter 3.

<sup>53</sup> Section 9(4)

<sup>54</sup> These are the arrangements that the local authority must make under section 7 of the Act.

<sup>55</sup> This is the local authority responsible for the child or young person (i.e. the local authority in whose area the person is). In the case of a looked after child, it can also be the local



- information about the right to request their local authority to re-consider the matter.<sup>56</sup>

8.6 The notification should also contain an outline of what action the school will undertake to ensure the child or young person's needs are met. This might include any strategies or facilities that form part of the differentiated classroom teaching which can be utilised. This notification should meet any specific communication needs the family has (for example email or telephone contact rather than by letter, language preferences, and accessibility requirements).

8.7 It might be helpful to offer an opportunity to the child and their parent, or the young person, to meet to discuss this further.

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authority, if different, that looks after the child. In the case of a child or young person ordinarily resident in England, it is the local authority that maintains the school.

<sup>56</sup> This is the right under section 24 of the Act. The request is to the local authority responsible for the person (i.e. in whose area the person is) (section 24(1)(a)), except if the person is ordinarily resident in England, in which case, it is the local authority that maintains the school (section 77(2)).



**Example – a letter to a parent of a child (it could be adapted to be a letter to the child or YP)**

Dear,

Following our correspondence of xxx, I can now advise you that we have decided that xxx does not have additional learning needs. A person has additional learning needs if that person has a learning difficulty or disability which calls for additional learning provision. There is more information about the meaning of this in the enclosed leaflet.

We have reached this decision following consideration of xxx's [development and needs?]. We do not consider that xxx has additional learning needs because *[set out reasons that the decision was made]*.

To support xxx we will be implementing the following actions:

*[a description of the actions which the school will undertake to ensure the child or young person's needs are met. This might include any strategies or facilities that form part of differentiated classroom teaching which can be utilised.]*

If you would like to discuss this further please feel free to contact [provide name and contact details of the ALNCo in the school.]

Information and advice about additional learning needs is provided by the local authority. I have enclosed [a leaflet on ...] and further information and advice is available [on website or by contacting the helpline ...]*[a leaflet does not have to be enclosed, but details of how to access the information and advice must be provided]*.

You may wish to engage in the local authority's arrangements for avoiding and resolving disagreements. This can be accessed by *[provide details of how a child, child's parent or young person can access the local authorities' arrangements for avoiding and resolving disagreements.]* Your local authority also provides independent advocacy services for children and young people intending to take part in the arrangements for avoiding or resolving disputes or considering an appeal to the Education Tribunal. This service provides advice and assistance to the child or young person or a child's case friend. *[provide details of the local authorities' independent advocacy service.]*

You have the right to request [your/x] local authority to reconsider this decision *[provide relevant details of how this can be done.]*



## ***Maintained School Decisions – Reconsideration by Local Authorities***

8.8 Where a child or their parent, or a young person, does not agree with a maintained school's decision that they do not have ALN, they may initially wish to engage in the local authorities' arrangements for resolving disagreements and/or (for a child or young person) receive the local authorities' independent advocacy services, with the aim of resolving the issue at school level.

8.9 Alternatively, the individual may wish to seek a decision on the issue from their local authority, pursuant to section 24 of the Act. In that circumstance, the local authority **must** make its own decision as to whether the child or young person has ALN<sup>57</sup>. There is no time limit for a child, child's parent or young person to make a request for the local authority to reconsider the decision.

8.10 Before the local authority makes this decision, it **must** inform the school and invite representations from it<sup>58</sup>.

8.11 Local authorities should take into account all available information and obtain any further information necessary in order to take an informed decision. The local authority may reach the same decision or decide that the child or young person has ALN.

8.12 A local authority is not required to reconsider a maintained school's decision that the child or young person does not have ALN, where the local authority has previously reconsidered such a school decision in relation to the child or young person and is satisfied that the child's or young person's needs have not changed materially since that previous decision and there is no new information that would materially affect that decision.<sup>59</sup>

8.13 A local authority is also not required to reconsider a maintained school's decision that the child does not have ALN, where the request relates to a child who has become looked after by a local authority.<sup>60</sup> Also, it is not required to reconsider such a school decision which relates to a child or young person who has become detained.<sup>61</sup> In either of these circumstances, other similar duties in the Act are likely to apply instead.

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<sup>57</sup> Section 24(2) of the Act.

<sup>58</sup> Section 24(3) of the Act.

<sup>59</sup> Section 27(2).

<sup>60</sup> Section 27(2).

<sup>61</sup> Section 27(2).



## ***Local Authority Decisions***

8.14 A local authority has various duties to decide whether a child or young person has ALN: section 11 (duty to decide); section 16 (duty to decide in relation to children the authority looks after); section 24 (reconsideration of a school decision as to whether a pupil has ALN) and section 37 (duty to decide in relation to detained person). [This part of the Code deals with decisions under sections 11 and 24.<sup>62</sup>]

8.15 If the local authority determines that the individual does not have ALN, the local authority **must** notify the child and the child's parent, or the young person, of the decision and the reasons for it.<sup>63</sup> The notification of the decision should also be sent to the relevant education institution and the independent reviewing officer in the case of looked after children.

8.16 The notification should be made as soon as possible and in any event no longer than described in Chapter 10.

8.17 As well as outlining the decision and the reason/s for it, the notification **must** contain:

- the name and contact details of the relevant contact at the appropriate local authority;
- copies of the relevant information and advice made available by the local authority or details of how to access it<sup>64</sup>;
- details of the local authority's avoidance and resolution of disagreement arrangements, as well as its independent advocacy services in relation to children, case friends and young people; and,
- information about the right to appeal to the Education Tribunal against the decision.

8.18 The notification should also contain an outline of what action the school and/or local authority will undertake to ensure the child or young person's needs are met. This might include any strategies or facilities that form part of the differentiated classroom teaching which can be utilised. This notification should meet any specific communication needs the family has.

8.19 It might be helpful to offer an opportunity to the child, child's parent or young person to meet to discuss this further.

8.20 A local authority decision that an individual does not have ALN is appealable to the Education Tribunal – see Chapter 19.

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<sup>62</sup> See Chapter 20 for [duties towards looked after children and detained persons.]

<sup>63</sup> Section 11(3) of the Act.

<sup>64</sup> Section 7 of the Act.



Dear,

Following our correspondence of xxx, I can now advise you that we have decided that xxx does not have additional learning needs. We have made this determination because following consideration of any needs it has been decided that they do not match the definition of ALN *[outline reasons that the decision was made]*. A person has additional learning needs if that person has a learning difficulty or disability which calls for additional learning provision. There is more information about the meaning of this in the enclosed leaflet.

To support xx the school and/or us will be implementing the following actions:

*[a description of the actions which the school and/or local authority will undertake to ensure the child or young person's needs are met. This might include any strategies or facilities that form part of differentiated classroom teaching which can be utilised.]*

If you would like to discuss this further please feel free to contact *[provide name and contact details of the relevant contact at the local authority.]*

You might be interested in the information and advice we provide about additional learning needs and the system for meeting them. ... *[this might be provided alongside this notification or details of how to access the local authorities' information and advice must be provided].*

You may wish to engage in our arrangements for avoiding and resolving disagreements. This can be accessed by *[provide details of how a child, child's parent or young person can access the local authority's arrangements for avoiding and resolving disagreements.]*

You may also wish to use our independent advocacy service. This provides advice and assistance to the child or young person. *[provide details of the local authorities' independent advocacy service.]*



## ***FEI Decisions***

8.21 Chapter 9.3 sets out when an FEI **must** decide whether a young person has ALN. In some cases, the FEI will decide that the individual does not have ALN. In those circumstances, the FEI **must** notify the young person of the decision and the reasons for it<sup>65</sup>.

8.22 The notification should be made as soon as possible and in any event no longer than described in Chapter 10.

8.23 As well as outlining the decision and the reason/s for it, the notification **must** contain:

- the name and contact details of the ALNCo in the FEI;
- copies of the relevant information and advice made available by the appropriate local authority or details of how to access it;
- details of the local authority's avoidance and resolution of disagreement arrangements, as well as the local authority's independent advocacy service; and,
- an outline of the right to appeal to the Education Tribunal against the decision.

8.24 The notification should also contain an outline of what action the FEI will undertake to ensure the young person's needs are met. This might include any strategies or facilities that form part of the differentiated classroom teaching which can be utilised. This notification should meet any specific communication needs the family has.

8.25 It might be helpful to offer an opportunity to the young person to meet to discuss this further.

8.26 An FEI decision that an individual does not have ALN is appealable to the Education Tribunal – see Chapter 19 for further information.

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<sup>65</sup> Section 9(4) of the Act.



## Example

Dear,

Following our correspondence of xxx, I can now advise you that we have determined that you do not have ALN. We have made this determination because following consideration of any needs it has been decided that they do not match the definition of ALN *[outline reasons that the decision was made]*. A person has additional learning needs if that person has a learning difficulty or disability which calls for additional learning provision. There is more information about the meaning of this in the enclosed leaflet.

To support you we will discuss and agree with you implementing some or all of the following actions:

*[a description of the actions which the FEI can/will undertake to ensure the young person's needs are met. This might include any strategies or facilities that form part of differentiated classroom teaching which can be utilised.]*

If you would like to discuss this further please feel free to contact *[provide name and contact details of the ALNCo in the FEI.]*

You might be interested in the information and advice provided by the local authority on this matter *[this might be provided alongside this notification or details of how to access the local authorities' information and advice must be provided]*.

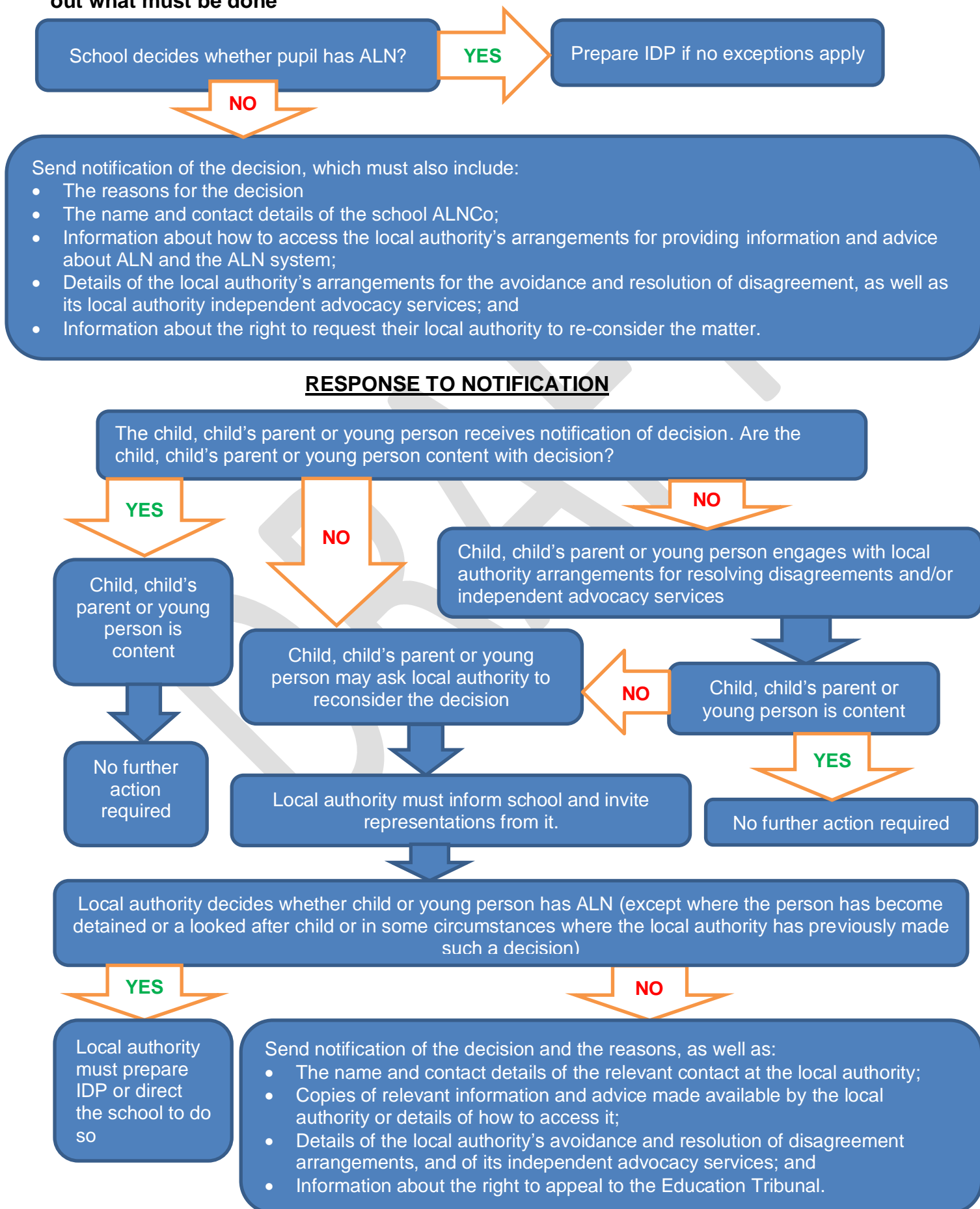
You may wish to engage in the local authority's arrangements for avoiding and resolving disagreements. This can be accessed by *[provide details of how a young person can access the local authority arrangements for avoiding and resolving disagreements.]* You may also wish to use the local authority's independent advocacy service. This service provides advice and assistance to young people. *[Provide details of the local authorities' independent advocacy service.]*

If you do not agree with our decision about your ALN, you have a right to appeal the decision to the Education Tribunal. We can provide more details on this matter.



## DECISION BY MAINTAINED SCHOOL THAT CHILD OR YOUNG PERSON DOES NOT HAVE ADDITIONAL LEARNING NEEDS

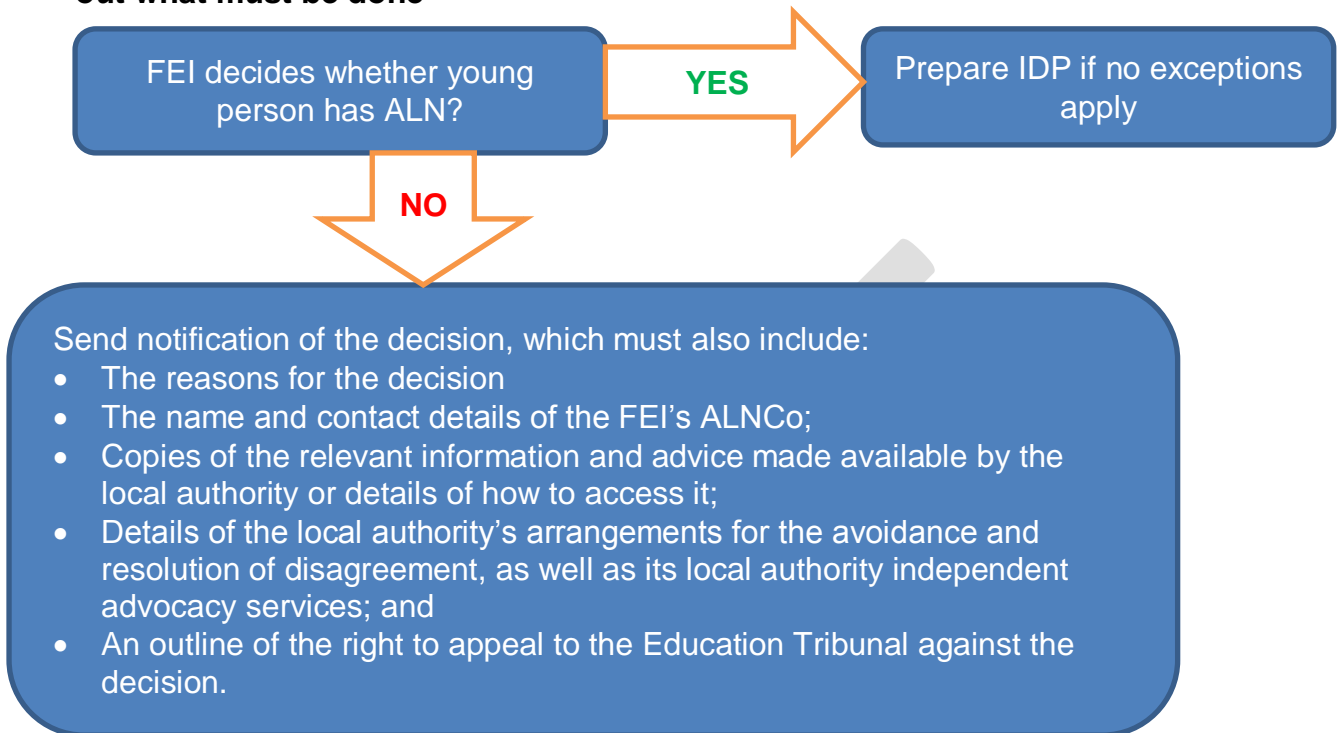
Where a maintained school decides a pupil does not have ALN, the following sets out what must be done



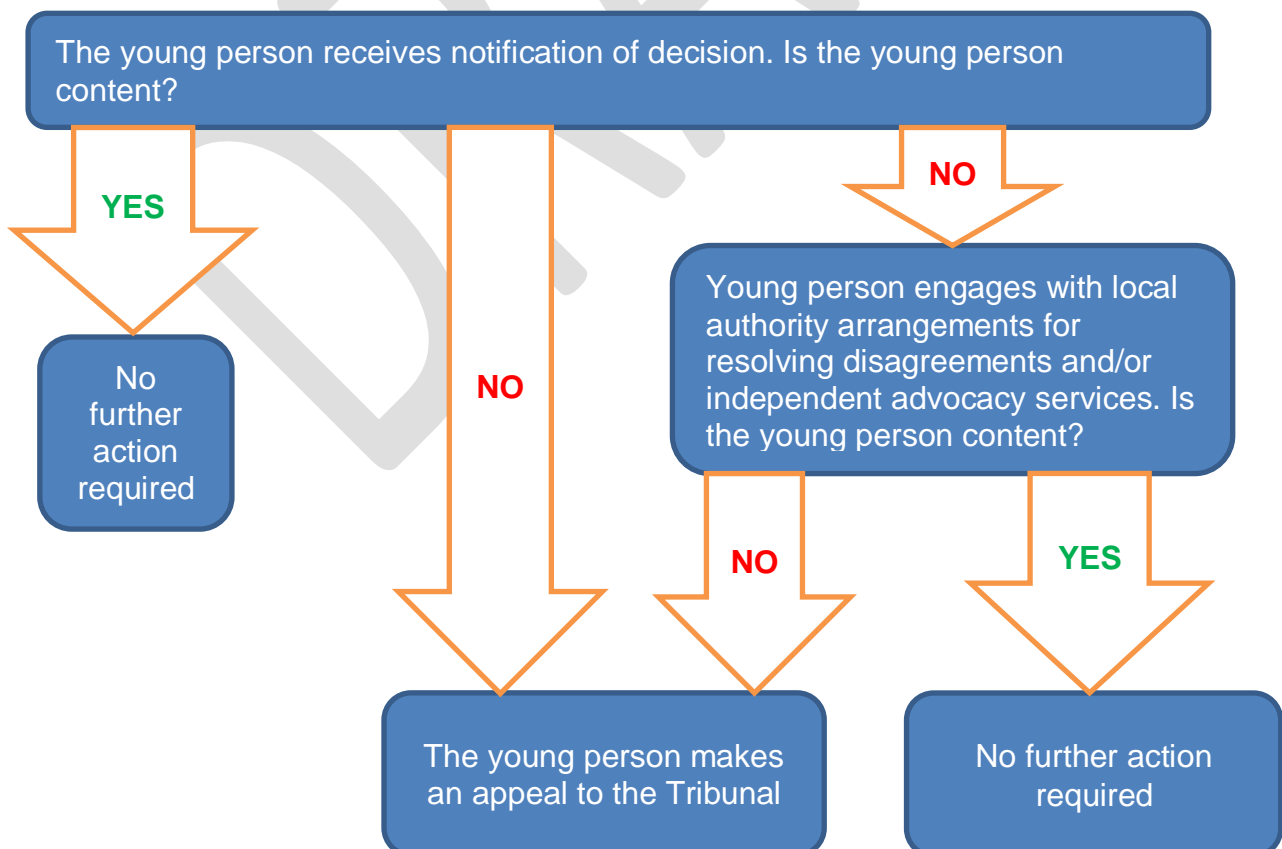


## DECISION BY FEI THAT YOUNG PERSON DOES NOT HAVE ADDITIONAL LEARNING NEEDS

Where a FEI decides a young person does not have ALN, the following sets out what must be done



### RESPONSE TO NOTIFICATION





## **Chapter 9.1: Duties on local authorities to decide whether a child below compulsory school age and not attending a maintained school has ALN and to prepare an IDP**

### ***Summary***

9.1.1 This Chapter outlines the responsibilities of local authorities in making decisions about ALN and preparing IDPs when the child is not yet attending a maintained school in Wales. In particular, the Chapter sets out when local authorities might be required to make and review decisions in relation to ALN and IDPs, and the steps they **must** subsequently take.

9.1.2 Local authorities are able to provide centralist services to help support the identification of any ALN and to help support the child or young person to reach their potential.

### ***Introduction***

9.1.3 When a child is not yet attending a maintained school in Wales and it is believed that the child has, or may have ALN, the local authority is responsible for deciding whether the child has ALN and if so, putting in place an IDP for the child.<sup>66</sup>

### ***Local Authorities' duty to decide whether a child has ALN under section 11***

9.1.4 Where it is brought to the attention of, or appears to, a local authority that a child for whom it is responsible may have ALN, and an IDP is not being maintained for that person, the local authority **must** decide whether the individual has ALN (unless the exemptions below apply). This duty is broken down below.<sup>67</sup>

#### ***'Brought to the attention of / appears to'***

9.1.5 An individual's case could be brought to the attention of a local authority in a number of ways. The following list of potential scenarios is not exhaustive:

- A child's parent has made a direct request to the local authority.
- A health body has formed the opinion that a child under compulsory school age has, or may have, ALN and brought it to the attention of the local authority (see section 57 of the Act).

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<sup>66</sup> Sections 11 and 12 of the Act.

<sup>67</sup> Section 11 of the Act.



- A third party, for example a friend or family member, has alerted the local authority that they consider the child may have ALN.

### ***Individuals for whom the Local Authority is responsible***

9.1.6 In the vast majority of cases, it will be very clear who a local authority is responsible for. A local authority will be responsible for a child if the child is in its area,<sup>68</sup> which depends upon where the child resides.

9.1.7 This means that a local authority which is responsible for the child might be different to the local authority in which a pre-school setting is located, namely where the child attends a setting in a local authority other than the one in which it lives. There is provision in the Act for local authorities to request information and other help from other persons, including other local authorities.<sup>69</sup>

### ***Circumstances in which no Local Authority decision is required***

9.1.8 The duty to decide whether the child has ALN will not apply where any of the following circumstances exists:

- An IDP is already being maintained for that child or young person.
- Where the local authority has previously decided the issue and is satisfied that the child's needs have not changed materially since that decision and there is no new information which materially affects that decision<sup>70</sup>.
- The child is looked after by another local authority – they then **must** refer the matter to the local authority that looks after the child (see Chapter 20).

### ***The Local Authority Decision on ALN – Next Steps***

9.1.9 Where the local authority decides that the child does not have ALN it **must** notify the parent and any case friend, of the decision and the reasons for that decision<sup>71</sup>. Chapter 8 deals with notifications of decisions, including local authority decisions, that a child or young person does not have ALN.

9.1.10 Where the local authority decides that the child has ALN, the local authority **must** prepare and maintain an IDP.<sup>72</sup> If the child later becomes a registered pupil at a maintained school in Wales, the local authority may direct the school's governing body to maintain the plan.<sup>73</sup>

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<sup>68</sup> Section 86(4) of the Act.

<sup>69</sup> Section 58 of the Act.

<sup>70</sup> Sections 11(2) and 76 of the Act.

<sup>71</sup> Section 11(3) of the Act.

<sup>72</sup> Section 12 of the Act.

<sup>73</sup> Section 12(4) of the Act.



## **Chapter 9.2: Duties on maintained schools and local authorities to decide whether a child or young person in a maintained school has ALN and prepare an IDP**

### ***Summary***

9.2.1 This Chapter outlines the responsibilities of maintained schools and local authorities in making decisions about ALN and putting in place an IDP. In particular, the Chapter sets out when local authorities are required to make and review decisions in relation to ALN and IDPs, and the steps they should or must subsequently take.

9.2.2 Local authorities are able to provide centralist services to help support the identification of any ALN and to help support the child or young person to reach their potential.

### ***Introduction***

9.2.3 IDPs may be prepared and maintained by local authorities, or maintained schools depending on the circumstances.

9.2.4 In most instances, where a maintained school has decided that the child or young person has ALN, the maintained school which the child or young person attends will be responsible for preparing and maintaining an IDP.

9.2.5 Local authorities will normally only prepare and maintain an IDP in instances where the child or young person's needs are more severe or complex. The main exceptions are when a child is looked after or detained.

### ***Duty to prepare and maintain an IDP, including School Referrals to Local Authorities***

9.2.6 Where a maintained school becomes aware that a child or young person may have ALN, it **must** decide whether or not that is the case, unless specific circumstances apply (see Chapter 7.2 for full detail).<sup>74</sup>

9.2.7 Where the school has decided that the child or young person has ALN, it **must** prepare an IDP unless the school:

- considers that the child or young person has ALN that may call for ALP it would not be reasonable for it to secure, or that it cannot adequately determine the extent or nature of the ALN, or that it cannot adequately determine the ALP; and
- requests the responsible local authority to come to its own decision;

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<sup>74</sup> Section 9(1) and 9(3) of the Act.



- the person is a young person who does not consent to the plan being prepared;
- the child or young person is in the area of a local authority in England and the school requests that local authority to secure an EHC needs assessment for the child or young person<sup>75</sup>;
- A local authority in England maintains an EHC plan for the child or young person.

9.2.8 The school **must** then maintain the IDP unless the IDP is for a young person who does not consent to it being maintained or a local authority in England is then maintaining an EHC plan for the child or young person. See also Chapter 15 for other circumstances in which the duty on to maintain an IDP ceases.

9.2.9 A school might consider that it would not be reasonable for it to secure the ALP, depending on the circumstance of the school (i.e. its location, size, budget etc.), for example, where the child or young person:

- has a low incidence condition / rare condition which requires specialism that the school cannot provide;
- requires regular advice and support from external agencies which is over and above that which can be reasonably arranged and accessed by the school;
- requires equipment which can only be used by one child or young person / can not be reused / is beyond the reasonable resources of the school; or,
- requires very intensive daily support which can not be reasonably funded or secured by the school's budget.

9.2.10 Before referring a case to the local authority the school should consider consulting an educational psychologist to see whether this is appropriate. Where a case is referred to a local authority in this way, the local authority's duties under section 11 of the Act (set out in detail later in this Chapter) will apply.

9.2.11 Where a school refers an ALN decision to the local authority, it should provide the local authority with any information it holds about the child or young person which would support the local authority's determination of whether or not the child or young person has ALN. This includes any action already taken to meet the needs of the child or young person, such as any resources or special arrangements put in place. It would also include any existing reports or written advice received from external agencies.

9.2.12 Upon referral the local authority **must** engage with an educational psychologist.

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<sup>75</sup> Under section 36(1) of the Children and Families Act 2014



### **Example of good practice**

Having considered the matter, a school decides that the child has ALN. The school considers how they are going to meet the child's needs. The school believes that the child is likely to require very expensive equipment which can only be used by the individual child in this case and that it is beyond the resources of the school to purchase it. The school also believe that the child requires regular advice and support from external agencies which is over and above that which can be reasonably arranged and accessed by the school.

They seek the advice of an educational psychologist who recommends other strategies which can be implemented. It is also determined in discussion with the education psychologist that the child's needs call for ALP that it would not be reasonable for the school to secure. The school therefore refer the matter to the local authority. The local authority's ALN team consider the matter.

The ALN Team forwards the request to their ALN Resource Panel, which meets once every half term and comprises representatives from the local authority's ALN Team including managers, advisory teachers, educational psychologists, finance officers, school representatives (headteachers and ALNCos) and representatives from other agencies such as the Third Sector, social services and the LHB.

The school provides evidence of what support, including any current/previous IDPs containing the ALP they have provided and the effect of the support/ALP provided.

The panel considers the evidence presented by the school, together with any assessment or information provided from auxiliary services or external agencies. The local authority agrees the child has ALN.

The local authority must then determine if the child requires additional support in the form of ALP that is beyond that which the school can reasonably provide. If so, they then determine whether to allocate additional resources from the central budget and/or directly provide the ALP. The local authority will also decide whether to instruct the school to prepare and maintain the IDP, prepare an IDP and instruct the school to maintain it or take over responsibility for preparing and maintaining the IDP(As part of the process the local authority and the school agree their respective roles, responsibilities and funding arrangements.

### ***Local Authorities' duty to decide whether a child or young person has ALN under Section 11***

9.2.13 Local authorities may be required to decide whether or not a child or young person has ALN in other circumstances, without the need for a referral from a school.



9.2.14 Where it is brought to the attention of, or appears to, a local authority that a child or young person for whom it is responsible may have ALN, and an IDP is not being maintained for that person, the local authority **must** decide whether the individual has ALN (unless one of the exceptions set out below apply).<sup>76</sup> This duty is broken down below.

*‘Brought to the attention of / appears to’*

9.2.15 An individual’s case could be brought to the attention of a local authority in a number of ways. The following list of potential scenarios is not exhaustive:

- A child or their parent, or a young person, has made a direct request to the local authority to reconsider a maintained school’s decision about ALN<sup>77</sup>. This provides children and their parents, and young people with an effective means of challenging the decision of a maintained school.
- A non-maintained setting has alerted the local authority that they believe the child or young person has, or may have, ALN.
- A third party, for example a friend or family member, has alerted the local authority that they consider the child or young person may have ALN.

***Individuals for whom the Local Authority is responsible***

9.2.16 A local authority is responsible for a child or young person in its area.<sup>78</sup> This is usually the local authority in whose area the person resides –and it will be clear which local authority this is in the vast majority of cases.

9.2.17 For cases with a cross-border element, the Education Act 1996 partially defines the term – a person is not in the area of a local authority in Wales if the person is wholly or mainly resident in England and vice versa.<sup>79</sup> However, if a person would have been in the area of a local authority in Wales but for a placement at a residential institution in England in order to receive ALP, then the person remains in the area of the local authority in Wales, even if they live for most or all of the year at the residential institution in England and vice versa.<sup>80</sup>

9.2.18 Similarly, if a local authority places a person for whom it is responsible in a residential institution in another local authority area within Wales to meet

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<sup>76</sup> Section 11 of the Act

<sup>77</sup> Section 24(1) of the Act). The local authority decision is then treated as one under section 11 of the Act.

<sup>78</sup> Section 86(4).

<sup>79</sup> Sections 579(3A) and (3B). This definition applies to the Act: section 86(6) of the Act.

<sup>80</sup> Section 579(3A) and (3B) as amended by section 82 of the Act.



the person's ALP, the placing local authority should remain responsible under the Act.

9.2.19 This means that a school's local authority area might be different to the local authority which is responsible for the child or young person. The Act includes provisions to facilitate local authorities working together in circumstances such as this.<sup>81</sup>

### ***Circumstances in which no Local Authority decision is required under section 11***

9.2.20 The local authority's duty to decide whether the child or young person has ALN will not apply in any of the following circumstances:

- An IDP is already being maintained for that child or young person<sup>82</sup>.
- Where the local authority has previously decided the issue and is satisfied that the person's needs have not changed materially since that decision and there is no new information which materially affects that decision<sup>83</sup>.
- Where the local authority is satisfied that the matter is already being decided by the governing body of maintained school<sup>84</sup>. This exception ensures that there is no duplication of resource, and that a single decision follows.
- Where the individual is a young person who does not consent to a decision being made<sup>85</sup>.
- The decision is about a young person who is an enrolled student at an FEI in Wales, is not dual-registered<sup>86</sup> and no request has been made by the FEI for the local authority to decide the matter.<sup>87</sup>
- The child or young person is a detained person<sup>88</sup>.
- The child is looked after.<sup>89</sup> If the child is looked after by another local authority, they must refer the matter to the local authority that looks after the child.<sup>90</sup> If the child is looked after by the local authority responsible for the child, it would have to decide the matter, but under section 16 of the

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<sup>81</sup> Sections 35 and 58.

<sup>82</sup> Section 11(2)(a) of the Act.

<sup>83</sup> Section 11(2)(b) of the Act.

<sup>84</sup> Section 11(2)(c) of the Act.

<sup>85</sup> Section 11(2)(d) of the Act.

<sup>86</sup> See Chapter 20.

<sup>87</sup> Section 11(2)(e) of the Act.

<sup>88</sup> Section 11(2)(f) of the Act. However, the local authority may still have to decide the matter, but under section 37 of the Act as the "home authority" instead. See also Chapter 20.

<sup>89</sup> Section 11(4) of the Act

<sup>90</sup> Section 15 of the Act.



Act and subject to its exceptions. See Chapter 22 for more about looked after children.

9.2.21 A local authority also has a duty to take a decision as to whether a child or young person has ALN under section 24 of the Act as a reconsideration of a maintained school governing body decision on the matter (or refusal to make such a decision). That local authority decision is then appealable to the Education Tribunal.<sup>91</sup>

### ***The Local Authority Decision on ALN – Next Steps***

9.2.22 Where the local authority decides that the child or young person does not have ALN it **must** notify the child and their parent, or the young person, of the decision and the reasons for that decision<sup>92</sup>. In the case of looked after children the independent reviewing officer must be notified. See Chapter 8 for more about this.

9.2.23 Where the local authority decides that a child or young person has ALN, the next steps will depend on the circumstances of the case, as set out below. The following is relevant to decisions under section 11 and reconsideration decisions under section 24.

### ***Children and Young People attending or to attend a maintained school***

9.2.24 Where a child or young person attends a maintained school [in Wales], the local authority **must** either:

- prepare and maintain an IDP;
- prepare an IDP and direct the school to maintain it; or
- direct the school to both prepare and maintain an IDP<sup>93</sup>

unless, in the case of a young person, the young person does not consent.<sup>94</sup>

9.2.25 A local authority might direct a maintained school where they consider that it would be appropriate. If the maintained school is in a different local authority's area, the local authority must first consult that other local authority about its proposal to direct the school.<sup>95</sup>

9.2.26 However, if the IDP includes other provision under section 12(6) (a place at a particular school or other institution, or board and lodging provision, or any other provision that may be prescribed in regulations), the local

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<sup>91</sup> Section 63 of the Act

<sup>92</sup> Sections 11(4) of the Act.

<sup>93</sup> Section 12(2) of the Act.

<sup>94</sup> Section 12(3).

<sup>95</sup> Section 35 of the Act.



authority **must** prepare and maintain it – it cannot direct a school to do so<sup>96</sup>. Please also see Chapter 10 on preparing an IDP.

9.2.27 Further, if a decision of this type is taken following a reconsideration of a maintained school's original decision (that is, the local authority has been asked to look at the matter by a child, their parent or a young person), the local authority decision will replace the maintained school's decision<sup>97</sup>.

### ***Children attending or to attend a non-maintained setting***

9.2.28 Where the decision relates to a child who is not attending a maintained school in Wales, the local authority **must** prepare and maintain an IDP<sup>98</sup>.

### ***Local Authority Reconsideration of Maintained School IDPs***

9.2.29 Section 25 of the Act sets out the circumstances in which a local authority **must** reconsider an IDP maintained by a maintained school in Wales. A child, child's parent or young person may request that a local authority reconsiders an IDP, with a view to it being revised. This provides children, their parents and young people with an effective means of challenging the content of the IDP put in place for them by the school.

9.2.30 Where such a request is made, the local authority **must** inform the school and invite representations from it before the local authority decides whether to revise the IDP<sup>99</sup>.

9.2.31 If the local authority determines not to revise the IDP the local authority **must** notify the child and the child's parent, or the young person, of the decision and the reasons for it<sup>100</sup>.

9.2.32 If the local authority decides that the IDP needs to be revised, the local authority **must** prepare a revised plan and either:

- direct the school to maintain it; or,
- take over responsibility for maintaining it (see further below)<sup>101</sup>.

9.2.33 The local authority should direct a maintained school to maintain the IDP where it considers that the content of the IDP can reasonably be expected to be delivered by the school. Where this would not be reasonable, the local authority should take over responsibility for maintaining the plan.

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<sup>96</sup> Section 12(9) of the Act.

<sup>97</sup> Section 24(5) of the Act.

<sup>98</sup> Section 12 of the Act.

<sup>99</sup> Section 25(3) of the Act.

<sup>100</sup> Section 25(4) of the Act

<sup>101</sup> Section 25(5) of the Act.



9.2.34 A local authority is not required to reconsider an IDP put in place by a maintained school in Wales where the local authority has previously made reconsidered the child or young person's plan and is satisfied that the child's or young person's needs have not changed materially since that previous decision and there is no new information that would materially affect that decision.<sup>102</sup>

9.2.35 A local authority is also not required to reconsider an IDP put in place by a maintained school where the request relates to a child who has become looked after by a local authority or who has become detained.<sup>103</sup>

### ***Local Authority Taking Over Responsibility for an IDP***

9.2.36 Maintained schools, as well as children, their parents and young people, can request that a local authority take over responsibility for an IDP that is currently being maintained by a school.<sup>104</sup>

9.2.37 A school might request the local authority to take over responsibility for maintaining an IDP where, for example, the school believes that it would no longer be reasonable for them to secure the ALP called for by a child or young person's ALN.

9.2.38 The school may wish to consider consulting an educational psychologist where they are planning on requesting the local authority to take over responsibility for maintaining an IDP to see if this is appropriate.

9.2.39 A child, child's parent or young person might request the local authority to take over responsibility for an IDP where they do not believe the school is capable of fully meeting their needs, or they believe they require further or alternative ALP the school cannot provide.

9.2.40 Where the school has requested that the local authority consider taking over responsibility for maintaining an IDP, the local authority **must** inform the child and their parent, or the young person, and invite representations<sup>105</sup>. Where the request is from a child, child's parent or young person, the local authority **must** inform the school and invite representations<sup>106</sup>. These processes ensure that all parties with an interest in the issue are able to feed into the local authority's decision.

9.2.41 The local authority **must** then decide whether to take over responsibility for maintaining the plan. Upon referral to the local authority, the local authority **must** consult an educational psychologist.

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<sup>102</sup> Section 27(2) of the Act.

<sup>103</sup> Section 27(2) of the Act.

<sup>104</sup> Section 26 of the Act.

<sup>105</sup> Section 26(4) of the Act.

<sup>106</sup> Section 26(5) of the Act.



9.2.42 A local authority can also decide to take over responsibility for maintaining a plan when it determines that a plan should be revised.<sup>107</sup>

9.2.43 A child and their parent, or young person and the school **must** be informed of any local authority decision on the issue, and given reasons for it<sup>108</sup>.

9.2.44 Where a local authority decides not to take over responsibility following a request, the child and/or their parent or the young person may appeal this decision to the Education Tribunal<sup>109</sup>.

9.2.45 Where the local authority decides to take over responsibility, from the date of receiving notification, the school is no longer required to maintain the plan.<sup>110</sup> When the local authority decides to take over responsibility, the school should provide all necessary information to the local authority.

9.2.46 A local authority is not required to decide whether to take over responsibility for an IDP where the local authority has previously made such a decision in relation to the child or young person's plan and is satisfied that the child's or young person's needs have not changed materially since that previous decision and there is no new information that would materially affect that decision.<sup>111</sup>

9.2.47 A local authority is also not required to decide whether to take over responsibility where the request relates to a child who has become looked after by a local authority or has become detained.<sup>112</sup>

### ***Maintained School's Duties related to securing ALP***

9.2.48 A school or local authority which maintains an IDP **must** secure the ALP described within it.<sup>113</sup> Where an IDP specifies ALP should be provided in Welsh they **must** take all reasonable steps to provide it in Welsh.

9.2.49 If the IDP is maintained by a local authority, the maintained school in Wales attended by the child or young person **must** take all reasonable steps to help the local authority to secure the ALP specified in it.<sup>114</sup>

9.2.50 However, child or young person has ALN, but does not have an IDP, the school **must**, in exercising its functions in relation to the school take all

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<sup>107</sup> Section 26(6) of the Act.

<sup>108</sup> Section 26(7) of the Act.

<sup>109</sup> Section 63 of the Act.

<sup>110</sup> Section 26(8) of the Act.

<sup>111</sup> Section 27(2) of the Act.

<sup>112</sup> Section 27(2) of the Act, though the local authority may be subject to other duties in these situations

<sup>113</sup> Sections 10(6) and 12(10) of the Act respectively.

<sup>114</sup> Section 41(3) and (4) of the Act.



reasonable steps to secure that the ALP called for by the child's or young person's needs is made.<sup>115</sup>

9.2.51 This might occur, for instance, when a school has requested a local authority to come to its own decision under section 11 and the IDP is still being developed by the local authority, or where the child or young person resides in England and, following a request by the school, the English local authority is doing an EHC needs assessment or preparing an EHC plan.<sup>116</sup>

9.2.52 This helps ensure that the child's or young person's needs are still met even though they do not have an IDP at this time.

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<sup>115</sup> Section 41(1) and (2) of the Act.

<sup>116</sup> Where this is occurring, the duty on the school to prepare an IDP does not apply: section 10(2)(c) of the Act.



## Chapter 9.3: Duties of FEIs and local authorities to decide whether the young person has ALN and prepare an IDP

### *Summary*

9.3.1 This Chapter outlines the responsibilities of FEIs and local authorities in making decisions about ALN and IDPs for young people. In particular, the Chapter sets out when local authorities might be required to make decisions in relation to ALN and IDPs, more widely than just in FEIs.

9.3.2 Local authorities are able to provide centralised services (for example educational psychologists) to help support the identification of any ALN by FEIs and to help support the child or young person to reach their potential.

### *Introduction*

9.3.3 In most instances, where it comes to the attention of an FEI that one of its students might have ALN, the FEI will be responsible for deciding whether the young person does have ALN and preparing and maintaining an IDP.

9.3.4 Local authorities will only have these duties if the FEI has requested it to decide the matter (which will normally only be in instances where the young person's needs are more severe or complex),<sup>117</sup> if the student is dual-registered,<sup>118</sup> or if the student is a detained person.<sup>119</sup> Local authorities may also take over responsibility from an FEI for maintaining an IDP.<sup>120</sup>

### *FEIs' duties to prepare and maintain an IDP, including FEI Referrals to Local Authorities*

9.3.5 Where a FEI becomes aware that a young person who is one of its students may have ALN, it **must** decide whether or not that is the case, unless specific circumstances apply (see Chapter 8 for full detail).<sup>121</sup>

9.3.6 Where the FEI has decided that the young person has ALN, it **must** prepare an IDP unless:<sup>122</sup>

- The FEI:

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<sup>117</sup> Under section 10(2)(a) of the Act.

<sup>118</sup> Sections 9(3)(d) and 28(1) and (2) of the Act.

<sup>119</sup> Section 9(3)(e), section 37 (duty to decide on the home local authority) and section 39 (duty to keep, rather than maintain, IDP for detained person) and section 40 (duty on local authority to maintain IDP upon release of detained person) of the Act.

<sup>120</sup> Section 26 of the Act.

<sup>121</sup> Section 9(2) and (3) of the Act.

<sup>122</sup> Section 10(2) of the Act.



- considers that the young person has ALN that may call for ALP it would not be reasonable for it to secure, or it cannot adequately determine the extent or nature of the ALN, or that it cannot adequately determine the ALP, and
- requests the responsible local authority to come to its own decision under section 11(1);
- the young person who does not consent to the plan being prepared;
- the young person is in the area of a local authority in England and the FEI requests the authority to secure an EHC needs assessment<sup>123</sup>;
- A local authority in England maintains an EHC Plan for the young person.

9.3.7 The FEI **must** maintain the IDP. The exceptions to this are where the young person does not consent (at any stage) to the plan being maintained or, if the young person is in the area of a local authority in England, that local authority subsequently maintains an EHC plan for the person. See also Chapter 15 for other circumstances in which the duty on an FEI to maintain an IDP ceases.

9.3.8 A FEI might consider that it would not be reasonable for it to secure the ALP depending on the circumstances of the FEI (i.e. its location, size, budget etc. for example) where the young person:

- has a low incidence condition which requires specialist knowledge or support that the FEI cannot reasonably provide;
- requires regular advice and support from external agencies which is over and above that which can be reasonably arranged and accessed by the education institution;
- requires equipment which can only be used by one young person / can not be reused / is beyond the reasonable resources of the FEI; or,
- requires very intensive daily support which can not be reasonably funded or secured by the FEI's budget.

9.3.9 Before referring a case to the local authority the FEI should consider consulting an educational psychologist to see whether this is appropriate. Where a case is referred to a local authority in this way, the local authority's duties under section 11 of the Act (set out in detail later in this Chapter) will apply.

9.3.10 Where a FEI refers an ALN decision to the local authority, it should provide to the local authority any information it holds about the young person

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<sup>123</sup> Under section 36(1) of the Children and Families Act 2014. However, if the English LA subsequently informs the FEI that it is not required to secure an EHC plan for the child (whether or not it has undertaken an EHC needs assessment), the FEI must prepare and maintain an IDP for the young person (subject to that person not consenting, or an EHC plan subsequently being maintained): section 10(4).



which would support the local authority's determination of whether or not the young person has ALN. This includes any action already taken to meet the needs of the young person, such as any resources or special arrangements put in place. It would also include any existing reports or written advice received from external agencies.

9.3.11 Where an FEI refers the matter to the local authority, we expect that the FEI will work with the local authority to help the local authority carry out their duties. Where the local authority is maintaining an IDP for a young person enrolled at an FEI, the FEI **must** take all reasonable steps to help the local authority to secure the ALP specified in it.<sup>124</sup>

### ***Local Authorities' duty to decide whether a young person has ALN under Section 11***

9.3.12 Local authorities may be required to decide whether or not a young person has ALN in other circumstances, without the need for a referral from an educational institution.

9.3.13 Where it is brought to the attention of, or appears to, a local authority that a young person for whom it is responsible may have ALN, and an IDP is not being maintained for that person, the local authority **must** decide whether the individual has ALN (unless any of the circumstances below apply).<sup>125</sup> This duty is broken down below.

#### ***'Brought to the attention of / appears to'***

9.3.14 An individual's case could be brought to the attention of a local authority in a number of ways. The below list of potential scenarios is not exhaustive:

- A young person has made a direct request to the local authority
- A third party, for example a friend or family member, has alerted the local authority that they consider the young person may have ALN.

### ***Individuals for whom the Local Authority is responsible***

9.3.15 A local authority is responsible for a young person in its area.<sup>126</sup> This is usually the local authority in whose area the person resides – and it will be clear which local authority this is in the vast majority of cases.

9.3.16 For cases with a cross-border element, the Education Act 1996 partially defines the term – a person is not in the area of a local authority in

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<sup>124</sup> Section 41(4) of the Act.

<sup>125</sup> Section 11

<sup>126</sup> Section 86(4).



Wales if the person is wholly or mainly resident in England and vice versa.<sup>127</sup> However, if a person would have been in the area of a local authority in Wales but for a placement at a residential institution in England in order to receive ALP, then the person remains in the area of the local authority in Wales, even if they live for most or all of the year at the residential institution in England and vice versa.<sup>128</sup>

9.3.17 Similarly, if a local authority places a person for whom it is responsible in a residential institution in another local authority area within Wales in order to meet the person's ALP, the placing local authority remains responsible.

9.3.18 This means that a FEI might be located in the area of a local authority other than the local authority which is responsible for one of its students. The Act includes provisions to help ensure that local authorities and FEIs work together in circumstances such as this.

### ***Circumstances in which no local authority decision is required***

9.3.19 The duty to decide whether the young person has ALN will not apply in any of the following circumstances:

- An IDP is already being maintained for that young person;<sup>129</sup>
- the local authority has previously decided the issue and is satisfied that the person's needs have not changed materially since that decision and there is no new information which materially affects that decision;<sup>130</sup>
- the young person does not consent to the decision being made;<sup>131</sup>
- Where the young person is enrolled at an FEI, is not dual registered and the FEI has not made a request for the local authority to consider whether the young person has ALN;<sup>132</sup>
- The young person is a detained person.<sup>133</sup>

<sup>127</sup> Sections 579(3A) and (3B). This definition applies to the Act: section 86(6) of the Act.

<sup>128</sup> Section 579(3A) and (3B) as amended by section 82 of the Act.

<sup>129</sup> Section 11(2)(a) of the Act.

<sup>130</sup> Section 11(2)(b) of the Act.

<sup>131</sup> Section 11(2)(d) of the Act.

<sup>132</sup> Section 11(2)(e) of the Act.

<sup>133</sup> Section 11(2)(f) of the Act.



## ***The Local Authority Decision on ALN – Next Steps***

9.3.20 Where the local authority decides that the young person does not have ALN it **must** notify the young person of the decision and the reasons for that decision<sup>134</sup>. See Chapter 8 for more about this.

### ***Young People Enrolled at an FEI***

9.3.21 Where a young person is enrolled as a student at an FEI, and a local authority makes a decision that the young person has ALN, they **must** prepare and maintain an IDP (unless the person does not consent)<sup>135</sup>.

### ***Other Young People***

9.3.22 Section 12(1)(c) of the Act provides that the local authority **must** prepare and maintain an IDP for a young person who is not enrolled as a student at an FEI where it decides in accordance with regulations that this is necessary to meet the individual's reasonable needs for education or training. The current intention is that the regulations will capture individuals with severe and/or complex needs that can only be met at an Independent Special Post-16 Institution. Further guidance on this will be incorporated into the Code in due course.

## ***Local Authority Taking Over Responsibility for an IDP***

9.3.23 FEIs, as well as young people, are able to request a local authority to take over responsibility for an IDP that is currently being maintained by the FEI.<sup>136</sup>

9.3.24 A FEI might request the local authority to take over responsibility for maintaining an IDP where, for example, the FEI believes that it would no longer be reasonable for them to secure the ALP called for by a young person's ALN.

9.3.25 Alternatively, a young person might request the local authority take over responsibility for an IDP where they do not believe the FEI has fully met their needs, or they believe they require further or alternative ALP.

9.3.26 Where the FEI has requested that the local authority consider taking over responsibility for maintaining an IDP, the local authority **must** inform the young person, and invite representations<sup>137</sup>. Where the request is from a young person, the local authority **must** inform the FEI and invite

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<sup>134</sup> Sections 11(3) of the Act.

<sup>135</sup> Section 12(1)–(3) of the Act.

<sup>136</sup> Section 26 of the Act

<sup>137</sup> Section 26(4) of the Act.



representations<sup>138</sup>. These processes ensure that all parties with an interest in the issue are able to feed into the local authority's decision.

9.3.27 The local authority **must** then decide whether to take over responsibility for maintaining the plan.

9.3.28 A young person and FEI **must** be informed of any local authority decision on the issue, and given reasons for it<sup>139</sup>.

9.3.29 Where a local authority decides not to take over responsibility, the young person may appeal this decision to the Education Tribunal<sup>140</sup>.

9.3.30 Where the local authority decides to take over responsibility, from the date of receiving notification the FEI is no longer required to maintain the plan. When the local authority decides to take over responsibility, the FEI should provide all necessary information to the local authority.

9.3.31 A local authority is not required to decide whether to take over responsibility for an IDP currently maintained by a FEI in Wales, where:

- the local authority has previously decided not to take over the person's plan and is satisfied that the young person's needs have not changed materially since that previous decision and there is no new information that would materially affect that decision; or,
- the person has become a detained person.<sup>141</sup>

### ***FEIs - duties related to securing ALP***

9.3.32 A FEI or local authority which maintains an IDP **must** secure the ALP described within it.<sup>142</sup>

9.3.33 If the IDP is maintained by a local authority, the FEI in Wales attended by the young person **must**, in exercising its functions, take all reasonable steps to help the local authority to secure the ALP specified in it.<sup>143</sup>

9.3.34 However, where a young person has ALN, but does not have an IDP, the FEI **must**, in exercising its functions in relation to the FEI take all reasonable steps to secure that the ALP called for by the young person's ALN is made.<sup>144</sup>

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<sup>138</sup> Section 26(5) of the Act.

<sup>139</sup> Section 26(7) of the Act.

<sup>140</sup> Section 63(2)(i) of the Act.

<sup>141</sup> Section 27 of the Act. If the person has become a detained person, the local authority, if it is home authority, has a duty to keep the IDP: section 39 of the Act.

<sup>142</sup> Sections 10(6) and 12(10) of the Act respectively.

<sup>143</sup> Section 41(3) and (4) of the Act.

<sup>144</sup> Section 41(1) and (2) of the Act



9.3.35 This might occur, for instance, when a FEI has requested a local authority to come to its own decision under section 11 and the IDP is still being prepared by the local authority, or where the young person is resident in England and, following a request from the FEI, the English local authority doing an EHC needs assessment, or is preparing an EHC plan.<sup>145</sup>

9.3.36 This helps to ensure that the young person's needs are still met even though they do not have an IDP at this time.

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<sup>145</sup> Where this is occurring, the duty on the FEI to prepare an IDP does not apply: section 10(2)(c) of the Act.



## Chapter 10: Preparing an IDP

### Summary

10.1 This Chapter outlines the process in respect of preparing an IDP. The Chapter sets out mandatory duties prescribed within the Act, imposes further requirements itself, and provides guidance in relation to the parties involved in development of an IDP, IDP meetings and timescales and disclosure of IDPs. It should be read in conjunction with Chapter 11.

10.2 *[The timescales set out within this Chapter have been developed with the input of stakeholders. They are, however, subject to ongoing discussions and not fixed at this stage.]*

### **Preparing an IDP – Considerations in all cases**

#### **Initial Steps**

10.3 Once it starts to become clear to the school, FEI or local authority decides that a child or young person does have or very probably has ALN, then it **must** designate a person as responsible for coordinating and preparing the IDP (the 'IDP Co-ordinator'). This could be, but need not be, the ALNCo. The child, child's parent and young person **must** be informed of the name of the co-ordinator and how to contact them.

#### **Involving children, young people and parents in preparing an IDP**

10.4 Chapter 3 describes the duty to involve children, their parents and young people in decisions that affect them.<sup>146</sup>

10.5 Putting the child or young person at the heart of the process that identifies their ALN and determines their ALP is fundamental to the system of support set out in the Act. The child, child's parents or young person should be invited to participate in the process and any formal meetings where the child or young person's ALN or IDP is being discussed.

10.6 To ensure the child, their parent or young person is actively involved in planning the support for their ALN, the school, FEI or local authority responsible for preparing an IDP should:

- take a person-centred approach to the gathering and presentation of information; and
- both develop and revise an IDP at an IDP meeting run using a person-centred approach.

10.7 Person-centred practice puts the child, child's parent (in particular, but not exclusively, where the child is very young) or young person at the centre

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<sup>146</sup> Section 6 of the Act



of decisions and ensures their views, wishes and feelings are the focus of the meetings.

10.8 The Welsh Government has published a range of resources to support practitioners in using person-centred practice approaches, which are available on the Learning Wales website.

*Person-centred Practice in Education: a guide for early years, schools and colleges in Wales*

(<http://learning.gov.wales/resources/browse-all/person-centred-practice-guide/?lang=en>)

*Developing as a Person-centred Organisation: a self-assessment tool & practical steps for progress*

(<http://learning.gov.wales/resources/browse-all/developing-as-a-person-centred-organisation/?lang=en>)

*Person-centred Reviews toolkit: a guide for early years, schools and colleges in Wales*

(<http://learning.gov.wales/resources/browse-all/person-centred-reviews-toolkit/?lang=en>)

10.9 Where a child, a child's parent or young person wishes to participate in the IDP preparation process through the medium of Welsh, the body preparing the IDP will have to comply with relevant welsh language obligations.<sup>147</sup>

### ***Participating in meetings to determine ALN and/or prepare the IDP***

10.10 It is crucial that all those able to contribute relevant information to inform decisions regarding a child's or young person's ALN and subsequently the IDP's preparation and review do so. Preferably this will happen in person at the meeting but if not, in writing prior to the meeting. Contributions to the meeting should cover all the aspects of the child or young person's ALN.

10.11 In the context of meetings regarding IDPs, it may be useful if the information is organised under the headings of:

- what is important to the learner;
- what is important for the learner;
- what is working and should be built on;
- what is not working and requires change; and,
- priorities.

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<sup>147</sup> Under the Welsh Language (Wales) Measure 2011, and associated Welsh Language Standards and compliance notices. For example, see The Welsh Language Standards (No 1) Regulations 2015 and associated compliance notices served by the Welsh Language Commissioner on Local Authorities for the individual standards which are applicable for each local authority, e.g. in respect of correspondence and meetings).



10.12 For some children or young people the IDP planning meeting could be very small. For example, for a child under 16 whose needs are neither severe nor complex, it might only include the child, their parent(s) and someone from the school. A meeting for a young person might include just the young person, someone from the FEI and possibly another person, such as a parent, whom the young person has requested attends.

10.13 A larger number of professionals would only need to attend the meeting where contributions are required from a wide range of agencies.

10.14 Agencies and professionals should be invited to meetings and reviews as soon as possible to ensure they have sufficient notice to make themselves available to attend, or so that they can provide advice instead

10.15 Advice should be provided to professionals on the format of the meeting and on how they will be able to contribute, either by attending the meeting or providing a written contribution. This information should be provided with any request for participation.

10.16 Where possible and appropriate, information should be shared with the child, child's parent or young person in advance of the meeting to allow the child, child's parent and young person to fully engage in the discussion. In some instances, it might be decided that the information is best discussed at the meeting as it offers a forum where different opinions can be provided.

### ***Those with multiple plans***

10.17 A school, FEI or local authority may prepare, review or revise an IDP at the same time as it, or another body, is preparing, reviewing or revising another document in the case of the person concerned. The school, FEI or local authority is able to include the other document in the IDP and vice versa<sup>148</sup>.

10.18 This is a power and not a requirement and doing so may be subject to limits on what may be done in relation to the other document. Where it is relevant, the local authority or governing body should consider whether it is appropriate to co-ordinate the two matters.

10.19 Generally, to ensure efficiency and effectiveness, IDP processes should be synchronised as far as possible with any other planning or review processes that are required to take place in relation to a child or young person. This could mean having one meeting where the child or young person's ALN is discussed at the same time as any other needs or requirements. This will allow integrated planning and facilitate holistic solutions. This might be appropriate, for example, in the case of care and support plans made under part 4 of the Social Services and Well-being

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<sup>148</sup> Section 23 of the Act.



(Wales) Act 2014. The bodies responsible for maintaining the different plans need not be the same.

10.20 This approach will also avoid the child, child's parent or young person attending unnecessarily a series of similar meetings and will reduce the need for the child, child's parent or young person to repeat the same information to different people. It should also assist professionals by reducing the number of meetings they are required to attend.

10.21 Where possible, the IDP co-ordinator should attend every meeting connected to a child or young person's wider needs, so that they have a rounded and comprehensive understanding of the person's wider needs. For instance, it may be appropriate for the IDP co-ordinator to attend safeguarding meetings about a child with ALN as well as the child's IDP meeting.

### ***Transport***

10.22 The Learner Travel (Wales) Measure 2008 sets out the legal framework specifically related to travel and transport provisions for learners travelling from home to school in Wales.

10.23 *[Consideration continues to be given to this topic and how it is covered within the Code.]*

### ***Other factors***

10.24 In considering the person's needs, the governing body or local authority might need to consider and put in place other measures to support the person's needs. For instance, adaptations may be required to comply with the duty to make reasonable adjustments under the Equality Act 2010. This might include, for example, securing a good acoustic environment.

10.25 Equally, when determining the ALP it may be appropriate to consider other matters relating to the ALP such as maintenance details or insurance of any specialist equipment and who is responsible for that.

### ***Young persons who do not want an IDP***

10.26 A young person may not consent to a decision on whether they have ALN being made, or may not consent to their IDP being maintained. Young people **must** be provided with the information that enables the young person to make an informed decision, including an explanation of their rights in relation to the IDP and the consequences of having one.

10.27 The school or FEI will need to have simple but robust procedures in place to deal with and record these decisions; this might include the learner signing to confirm their decision. Even where they withhold consent, young



people will still need to be provided with appropriate support. The young person should be informed that they can change their minds.

## ***Timescales***

### ***Timescales for preparing an IDP***

10.28 *[The timescales set out within this Chapter have been developed with the input of stakeholders. They are, however, subject to ongoing discussions and not fixed at this stage.]*

10.29 This Chapter imposes requirements as to the timescales for determining if the child or young person has ALN and depending on that determination either giving a copy of the IDP to the child, child's parent or young person or determining that the child or young person does not have ALN and sending out a notification of that decision.

10.30 It is important to remember that these are the maximum timescales and in many cases an IDP can be prepared and issued before the required deadlines. The IDP should be prepared and given to the child, child's parent or young person as soon as it is finished.<sup>149</sup> Although the timescales are expected to be sufficient to enable all the necessary preparation meetings and evidence gathering activities to be undertaken and completed, there may be occasions when this is not the case. In such instances, the IDP must still be finalised by the required deadline on the basis of the information which is available at that time. If further information becomes available, the IDP may be reviewed and revised in line with Chapter 14.

10.31 In the context of a young person, an IDP cannot be prepared until their consent has been sought and obtained allowing a decision to be made about whether they have ALN<sup>150</sup>.

10.32 The timescales vary depending on the circumstances of the child or young person. The following circumstances are set out below:

- Child or young person attending a school or FEI (no referral to the local authority).
- Child or young person attending a school (and school refers the matter to the local authority).
- Young person attending an FEI (and FEI refers the matter to the local authority).
- Local authority is required to determine if a child or young person has ALN (except where the child is under compulsory school age).

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<sup>149</sup> Section 20(1) of the Act requires the governing body or local authority that prepares an IDP to give a copy of it to the child or young person concerned, and if it is for a child, to the child's parent. If the IDP is for a looked after child, the local authority must also give a copy of it to the child's independent reviewing officer (section 20(3)).

<sup>150</sup> Section 11 of the Act.



- Local authority is required to determine if a child under compulsory school age has ALN.

### **Child or young person attending a school or FEI (no referral to the local authority)**

10.33 Where weeks and days are referred to within this section, it is generally meant to refer to periods of term time, excluding weekends.

10.34 Where it is brought to the attention of, or otherwise appears to, a maintained school or an FEI that the child or young person (providing in the case of a young person that they consent) has, or may have, ALN (and none of the exceptions outlined in Chapter 7.2 or Chapter 7.3 apply), the body has a maximum of **7 weeks (35 days)** from that point to:

- Decide whether the person has ALN, prepare an IDP and provide a copy of the IDP to the child, child's parent or young person; or
- Decide that the child or young person does not have ALN and give a notification of that decision.

or, two weeks (10 days) to decide that the person does have ALN and to refer the matter to the local authority under section 10(2)(a) (see Chapter 9.2 and Chapter 9.3).

### **Child or young person attending a maintained school (and school refers the matter to the local authority)**

10.35 Where it is brought to the attention of, or otherwise appears to, a maintained school that the child or young person has, or may have ALN, and are required to determine the matter, the following timescales apply.

10.36 Where the school had formed the view that the person has ALN but considers that it cannot adequately determine the extent or nature of the ALN or the ALP or that it would not be reasonable for it to secure the ALP that may be called for it can refer the case to the local authority. Any such referral **must** take place within a maximum of **2 weeks (10 days)**.

10.37 Once the local authority has been notified by the school, the local authority has a maximum of **2 weeks (10 days)** to acknowledge the request, this acknowledgment **must** also inform the school whether they are going to use their power under section 12(2)(b)(ii) to direct the school to prepare and maintain the plan.

10.38 Where the local authority has decided to use their power under section 12(2)(b)(ii), the school has a maximum of **5 weeks (25 days)** from this notification to prepare an IDP and provide a copy of the IDP to the child, child's parent or young person.



10.39 Where the local authority is not going to use their power under section 12(2)(b)(ii) the local authority has a maximum of **10 weeks (50 days)** from when the school notified the local authority to:

- Decide that the child or young person has ALN, prepare an IDP and give a copy of the IDP to the child, child's parent or young person;
- Decide that the child or young person has ALN, prepare an IDP, give a copy of the IDP to the child, child's parent or young person and direct the school to maintain the IDP (although this direction can also take place at a later point); or
- Decide that the child or young person does not have ALN and send a notification of that decision.

**Young person attending a FEI (and FEI refers the matter to the local authority)**

10.40 Where it is brought to the attention of, or otherwise appears to, the FEI that the young person has, or may have, ALN and are required to decide the matter, the following timescales apply.

10.41 Where the FEI decides that the person has ALN, but that it cannot adequately determine the extent or nature of the ALN or the ALP, or that the ALP called for may not be reasonable for it to secure, it can refer the matter to the responsible local authority. This **must** be done within a maximum of **2 weeks (10 days)**.

10.42 Once the local authority has been notified by the FEI, the local authority has a maximum of **2 weeks (10 days)** to acknowledge the request.

10.43 The local authority has a maximum of **10 weeks (50 days)** from where the FEI notified the local authority to:

- Decide that the young person has ALN, prepare an IDP and give a copy of the IDP to the young person; or;

Decide that the young person does not have ALN and notify them of that decision.

**Local authority is required to decide if, or reconsider whether or not, a child or young person has ALN (except where the child is under compulsory school age).**

10.44 Where it is brought to the attention of, or otherwise appears to, the local authority that the child or young person has, or may have, ALN, or they are asked to reconsider a decision made by a school. They are required to determine the matter and the following timescales apply.



10.45 The local authority has a maximum of **10 weeks (50 days)** to:

- Decide that the child or young person has ALN, prepare an IDP and give a copy of the IDP to the child, child's parent or young person;
- Decide that the child or young person has ALN, prepare an IDP, give a copy of the IDP to the child, child's parent or young person and direct the school to maintain the IDP (although this direction can also take place at a later point); or
- Decide that the child or young person does not have ALN and send a notification of that decision.

10.46 Where the child is attending a maintained school in Wales, a local authority is able to direct the school to prepare an IDP. The local authority **must** do this within a maximum of **2 weeks (10 days)** of it coming to their attention (see above).

**Local authority is required to determine if a child under compulsory school age, who is not a registered pupil at a maintained school, has ALN.**

10.47 Where it is brought to the attention of, or otherwise appears to, the local authority that a child under compulsory school age, who is not a registered pupil at a maintained school, has, or may have, ALN and it is required to decide the matter, the following timescales apply.

10.48 A local authority would become aware of the possibility of a child under compulsory school age having ALN from a number of routes, for example a referral from a health professional, social worker or parent. The local authority has a maximum of **1 week** to acknowledge the referral. This should be done in writing.

10.49 The local authority then has a maximum of **7 weeks** to:

- Decide that the child has ALN, prepare an IDP and give a copy of the IDP to the child's parent (or any case friend, if the child has one); or
- Decide that the child does not have ALN and send a notification of that decision.

***Outstanding reports***

10.50 At the end of the time frame there may be some outstanding reports where these have been requested. This must not stop the school, FEI or local authority, in the prescribed timescales above, from determining if the child or young person has ALN and preparing and issuing the IDP where it has been determined that the child or young person has ALN.



10.51 Once reports have been received, the child, child's parent or young person **must** be informed of the outcome of the reports. The body responsible for maintaining the IDP **must** consider the evidence contained within the reports and consider whether the further evidence has changed the situation, in particular whether the IDP needs to be reviewed. Where it is considered that the IDP does need to be reviewed in light of the new evidence the review should take place as soon as possible (see Chapter 14 for reviews.)

## ***Finalising an IDP***

### ***Duty to provide a final copy of an IDP***

10.52 After preparing an IDP, the school, FEI or local authority **must** give a copy of the IDP to the child, child's parent or the young person.<sup>151</sup>

10.53 The school, FEI or local authority responsible for preparing the IDP **must** also give the child, child's parent or young person:

- The name and contact details of the ALNCo in the school or FEI, or the relevant contact at the local authority;
- Information about how to access the local authority's arrangements for providing people with information and advice about ALN and the ALN system.<sup>152</sup> [This could be done by enclosing a local authority leaflet about the ALN system or drawing attention to the authority's website for further information and advice.]
- Details of the local authority's avoidance and resolution of disagreement arrangements, as well as the local authority's independent advocacy services;

10.54 A maintained school **must** also notify the child and their parent, or the young person, of their right under section 24 (in respect of a decision as to whether the person has ALN) or section 25 (in respect of an IDP) to request a reconsideration of the matter from the local authority.

10.55 An FEI or local authority **must** inform the child, child's parent or the young person, of their right to appeal to the Tribunal.

10.56 This should be in writing, but in a format which is accessible to them.

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<sup>151</sup> Section 20(1) and in the case of a local authority preparing the IDP for a looked after child, it must also send it to the child's independent reviewing officer (section 20(3)).

<sup>152</sup> These are the arrangements which must be made under section 7 of the Act.



## Example letter to a child's parent

Dear,

Please find enclosed xxxx's IDP following the meeting of xx/xx/xxxx.

If you would like to discuss this further please feel free to contact *[provide name and contact details of the ALNCo in the school/FEI or relevant contact at the local authority.]*

You might be interested in the information and advice provided by the local authority on this matter *[details of how to access the local authorities' information and advice **must** be provided; some such information could also be provided e.g. a leaflet or website address].*

You may also wish to engage in the local authorities' arrangements for avoiding and resolving disagreements. This can be accessed by *[provide details of how a child, child's parent or young person can access the local authorities' arrangements for avoiding and resolving disagreements.]* The local authority has also arranged for independent advocacy services, which provide advice and assistance to children or young people related to ALN disagreements or appeals. *[provide details of the relevant local authorities' independent advocacy service.]*

*[Where a maintained school has sent a copy of the IDP]* If you are not content with [insert child's name] IDP, you may wish to ask the local authority to reconsider it with a view to it being revised. You can contact the local authority to discuss the issue further and formally request the local authority to reconsider it. *[provide relevant details of how this can be done.]*

*[Where a FEI or local authority has sent a copy of the IDP]* If you would like to challenge the proposed IDP, you have a right to appeal the decision to the Education Tribunal. We can provide more details on this matter.

Your sincerely,



### ***Seeking views on the IDP document***

10.57 It may be that the child, child's parent or young person will want to comment on a draft of the IDP. If anyone considers the draft IDP is not an accurate reflection of what was agreed at the meeting, they should notify the person responsible for preparing the IDP as early as possible. The body responsible for preparing the IDP should consider the comments made, and if it believes it is necessary update the IDP, should do so as quickly as possible to meet the deadlines prescribed above.

10.58 Any decision made should be explained to the child, child's parent or young person. This is especially the case when the child, child's parent or young person has a difference of opinion.

### ***Disclosure of an IDP***

10.59 *[Section 73 of the Act allows for regulations to be made about the disclosure or use of information for the purposes of Part 2 of the Act or for other purposes connected with the education of a child or young person. This may include making provision as to other persons to whom copies of an IDP must be provided. Following engagement with stakeholders and work to develop those regulations, further information will be inserted into the Code.]*



# Chapter 11: Mandatory Content for IDPs

## Summary

11.1 This Chapter sets out the mandatory content of IDPs, that is, the information that all IDPs **must** contain.

11.2 *[As part of the ongoing development work to implement the Act, consideration is being given to a standard template for IDPs as well as the possibility of electronic IDPs. When the final code is consulted on in due course, it will capture the conclusions and decisions from this work.]*

## The Content of an IDP – General

11.3 An IDP is intended to be a flexible document. However, it is important that all IDPs contain certain key elements. This will ensure broad consistency and equality in terms of the way that learners are treated and will underpin the cohesion of the ALN system as a whole and the portability of individual plans.

11.4 The IDP is a document that contains a description of the person's ALN and a description of the ALP that the person's learning difficulty or disability calls for and anything else required or authorised by or under Part 2 of the Act.<sup>153</sup> This Chapter sets out the content required by other provisions of the Act and itself imposes further requirements as to the content.

## The Purpose of an IDP

11.5 The purpose of an IDP is to provide a record of both the ALN that acts as a barrier to a child or young person achieving their educational potential, and the ALP that is necessary to overcome or mitigate that barrier. The IDP also provides a record against which a child or young person's progress can be monitored and reviewed. The school, FEI or local authority responsible for maintaining an IDP **must**:

- secure the ALP set out in it
- take all reasonable steps to secure that any kind of ALP that the plan specifies should be provided in Welsh, is provided in Welsh, and
- (in the case of a local authority) secure the other types of provision which might be set out in the IDP,<sup>154</sup> except where the IDP specifies that the ALP is to be secured by an NHS body (in which case the NHS body must secure it and take all reasonable steps

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<sup>153</sup> Section 8 of the Act

<sup>154</sup> Sections 10(6), 12(10) and 17(8) of the Act.



to secure any treatment or service specified to be provided in Welsh, is so provided).<sup>155</sup>

11.6 Those responsible for maintaining an IDP should be mindful that the IDP only has any value if it results in the successful implementation of provision that meets the needs of the child or young person.

11.7 The content of an IDP should be:

- created by agencies and professionals working together to identify and provide for the child or young person's ALN;
- created through collaboration with the child, child's parents or young person;
- developed on a flexible, person-centred basis that reflects the needs of the child or young person;
- written in a style that reflects that it is the child or young person's plan and not simply part of the administrative process. The style and, whenever possible, the language should reflect the age of the child or young person, but clearly distinguishes between what has been said by a child and what has not;
- written in plain Welsh or English, avoiding the use of jargon and explaining the relevance of any technical terminology that needs to be included; and
- reviewed as appropriate, and always in line with the requirements of sections 21 and 22 of the Act and Chapter 14 of this Code.

11.8 A child or young person with less severe or complex needs is likely to have a simpler (and therefore shorter) IDP than a child or young person with more severe or complex needs, or low incidence needs which require specialist input and advice and whose IDP contains contributions from a wide range of agencies and detail a much wider range of interventions.

11.9 The IDP can also be integrated with other plans as outlined in Chapter 10.

### ***Mandatory IDP Content***

11.10 All IDPs **must** include the information set out below in the sub-paragraphs numbered i-ii and i-xi.

11.11 Furthermore, the titles in bold and underlined **must** be used as headings within the IDP.

11.12 Words and expressions used in this Chapter have the same meaning as they do in the Act.

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<sup>155</sup> Sections 18(5) and 19(4) of the Act.



### **Responsibility for the IDP**

- i. The name of the school, FEI or local authority responsible for maintaining the IDP;
- ii. The name of an individual responsible for co-ordinating the IDP preparation (see Chapter 10) to act as a main point of contact at the school, FEI or local authority responsible for maintaining the IDP; The name of the school, FEI or local authority which prepared the IDP (if different to the body currently maintaining it), and any school, FEI or local authority which previously maintained it (if different to the body currently maintaining it); and

### **Basic biographical information**

- i. The child or young person's full name;
- ii. The child or young person's date of birth;
- iii. The child or young person's gender
- iv. If the child or young person attends a school, FEI or other educational institution, the name of that institution and the names of institutions attended previously;
- v. The child or young person's home address;
- vi. The language spoken at home by the child or young person;
- vii. Where a child is looked after by a local authority (for the purposes of the Act), that fact;
- viii. The name of the local authority with parental responsibility for the child or young person, if the person is in the care of a local authority;
- ix. Where a child or young person is a person formerly looked after by a local authority (under the Social Services and Well-being (Wales) Act 2014, that fact (provided that, in the case of a young person, they consent);
- x. In respect of a child, the names and contact details of the child's parents (for examples, address(es) telephone number(s) and email address(es) where available);
- xi. In respect of a young person, where they have consented to its inclusion, the names and contact details of the young person's parents (for examples, address(es) telephone number(s) and email address(es) where available)

11.13 The purpose of including biographical information is to ensure that accurate and consistent information is available across all agencies involved in supporting the child or young person.

11.14 This information is usually maintained within an education organisation's management information system and it is expected that the biographical information for the IDP would be supplied as a report from such systems.



11.15 In addition to the mandatory requirements, the IDP should also include any communication and/or access requirements relevant to the child, young person or their families, which may require consideration in order to facilitate their attendance or participation at any IDP meetings. A summary of how to communicate more generally with the child or young person and engage them in decision-making might also be useful.

11.16 Where of use, the IDP should also include the child or young person's Unique Learner Number (ULN) if allocated.

### **The views, wishes and feelings of the child, child's parent or young person**

- i. A summary of the child's, child's parents or young person's views, wishes and feelings.<sup>156</sup>

11.17 This could include details about play, health, independence, communication, the people that the child or young person considers important to them (family, friends or paid staff), friendships, aspirations about, for example, education and career, independent living and community participation, or anything else the child, child's parent or young person considers important..

11.18 The plan should make clear whether the child, child's parent or young person are being quoted directly, either from something they have said or written.

11.19 Where the IDP involves a young person, if appropriate and with the young person's consent, a young person's parent's views, wishes and feelings can also be recorded within this section.

### **One-Page Profiles**

11.20 One way of having regard to the views, wishes and feelings of the child or young person is through the creation of a one-page profile.

11.21 Such profiles provide key information about a child or young person in a format that can be quickly shared and understood. They describe a child or young person's character, their gifts and talents, what is important to them, and the best way to support them.

11.22 One-page profiles are developed and revised with the active involvement of the child or young person to ensure that their voice is heard. They provide a positive rounded picture of their interests and outline what is important both to and for the child or young person. For children of compulsory school age, parents might be involved in developing one-page

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<sup>156</sup> The school, FEI or local authority is required to have regard to these views when preparing the IDP. See Chapter 3 for more about this duty.



profiles and, for very young children, parents will provide the information about the child's interests and support needs.

11.23 A good one-page profile would include what:

- others value, admire and appreciate about the child or young person;
- is important to the child or young person from their own point of view; and
- is objectively important for the child or young person.

11.24 There is no one way to develop and present a one-page profile and the style and language should reflect the individuality of the child or young person. However, for a profile to operate effectively, it is important that everything included within it is accurate, clear and easy to read. It should focus on the positives and be short and specific, yet include enough detail so that anyone can use the information straight away.

### **Record of information used to develop the IDP**

- i. A summary record of discussions at meetings held in relation to the development of the IDP, relevant and recent advice and evidence and the details of those that have contributed to the development or review of, or provided information or evidence in relation to, the IDP;

11.25 The record of discussions held in relation to the development or review of the IDP need not be a verbatim record; rather a summary of what was discussed and by whom.

11.26 The written advice or evidence would include recent reports and assessments undertaken by the school, FEI or local authority responsible for the IDP and by other agencies or professionals, such as relevant health and social care reports. It might also include any data which supports the identification of ALN, such as attainment data. The full report(s) can be provided in an annex.

11.27 For those IDPs which have been in existence for some time, it would also include information arising from the recent monitoring of the ALP and the tracking of data and targets, including analysis of whether the ALP detailed has led to the intended outcomes.

11.28 It may be helpful if the information gathered is organised under the headings:

- What is important to the learner;
- What is important for the learner;
- What is working and should be built on; and
- What is not working and needs to change.



11.29 Any information provided by or arising from discussion of any presentation or video shown at the IDP meeting, by or on behalf of the child or young person, could also be included under these headings.

11.30 Where professionals, children, children's parents or young people have different opinions, these should be recorded. This should be recorded using generic terms such as parents, teachers or senior leadership team. Specific names or titles should be used only if the individual that holds that view wishes it to be recorded as such. The 'Reasons for Decisions Made' section of the IDP should be used to explain in clear language how these different opinions have been taken into consideration to arrive at any decisions, for example about the ALP.

11.31 Where parents have secured advice from professionals directly, this should be clearly recorded, appropriately considered and can be provided in an annex.

### **Description of the child or young person's ALN**

- i. A description of the child or young person's ALN.<sup>157</sup>

11.32 This should be as clear and comprehensive as possible and include the impact of the need on the child or young person's learning in as much detail as possible. Where there is a relevant diagnosis this should be included as part of the description. Those responsible for drafting the IDP should ensure that they do not confuse the description of ALN with the ALP necessary to meet those needs. The description of ALN might develop as referrals and advice/assessments are made.

### **Description and delivery of the child or young person's ALP**

- i. The following information for each separate element of ALP that is recorded:
  - a description of the ALP to be provided;
  - whether or not the ALP is to be provided in Welsh;
  - any treatment or service to be provided by the NHS, and whether or not this is to be provided in Welsh;
  - the organisation that is to deliver the ALP;
  - the name and job title of a contact at the providing organisation;
  - details of how regularly the ALP is to be provided (which should include, for example, confirmation that it will be provided daily, at weekends, school days only or once each term, etc.);
  - the date from which the ALP will be provided;
  - the date until which the ALP will be provided (where an end date is set);
  - the name of the body that is to be responsible for funding the ALP; and

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<sup>157</sup> Section 8 of the Act.



- where ALP should be provided in Welsh, that fact.
- ii. Details of any disapplication of the National Curriculum<sup>158</sup>;
- iii. Any special examination provision required, and agreed, to enable the child or young person to have full access to the examination in order to demonstrate their attainment; and
- iv. The name of any school named by the local authority for the purpose of securing admission to it, pursuant to section 42 of the Act and it must be stated that the school is being named for that purpose.

11.33 The information should be written in plain language and without jargon with a view to all who attend the meeting, including the child or young person, being able to understand it.

11.34 The ALP recorded could include a range of activities or types of support, for instance:

- a professional providing a strategy or training which other professionals with a day-to-day role with the child or young person will deliver; or
- guidance or support provided by the education setting or others, for the child, child's parent or young person themselves.

11.35 The ALP that best meets the ALN of the child or young person may be different depending on the type of institution they attend. For instance, the provision that a special school provides might be different to that which a mainstream school provides because of the different way that a special school is organised.

11.36 The information recorded in relation to ALP will be more useful the clearer it is. It should be detailed, specific and quantifiable. This clarity might result from describing the specific tasks or actions that will be undertaken; it could also detail the training or qualifications any staff will require. Simply stating that support will be provided will not meet the need for clarity; describing the tasks any staff will undertake or facilitate, what they will be responsible for, and, if necessary, what qualifications or training they will require, is important. Where specialist equipment is needed, consideration should be given to any ongoing maintenance or updates, which might helpfully be recorded, where known and advised.

11.37 The detailed ALP information included in the IDP will need to be agreed by those responsible for its delivery and funding before it is included. The detail included should reflect the agreement reached. For example, where a child or young person requires speech and language therapy, details such as 'x numbers of sessions of speech and language therapy will be provided' can only be included with the agreement of the service provider.

11.38 If the body maintaining the IDP decides any ALP should be delivered in Welsh, this **must** be recorded.<sup>159</sup>

<sup>158</sup> Under or by virtue of the Education Act 2002.



11.39 In order to determine the progress towards achieving the intended outcome(s), it may be necessary to set interim targets and to monitor the impact of the ALP on the child or young person's progress. This could include a continual process of tracking and, where necessary, set out details of any assessment that will take place in the educational setting on a regular basis. Any concerns raised as a result of this monitoring might lead to a review of the IDP as a whole (see Chapter 14).

11.40 As part of the discussion around determining ALP, any other factors, such as maintenance and insurance of any specialist equipment should be discussed, including who is responsible for these matters.

11.41 Schools, FEIs and local authorities **must not** require a child, parent or young person to pay for any provision that they are required to secure for the child or young person under the Act<sup>160</sup>.

### **Intended outcomes**

- i. A record of the outcomes intended to result from the provision of the ALP described in the IDP.

11.42 These outcomes should have a strong focus on the aspirations of the child and their parents or the young person.

11.43 The intended outcomes should focus on enabling children and young people to move towards long-term aspirations, be they employment or further or higher education, independent living and/or community participation. IDPs can also include outcomes with a wider focus, such as positive social relationships and emotional resilience and stability.

11.44 For some children and young people, an intended outcome can be about minimising the impact of impairment on their learning.

11.45 When agreeing intended outcomes, it is essential to consider what is important to the child or young person and what they want to achieve.

11.46 All intended outcomes detailed in the IDP should be drafted in such a way that it is possible to measure whether they have been successfully achieved, as well as being realistic and challenging. This should be done by making outcomes "SMART" (Specific, Measurable, Achievable, Realistic and Time-bound).

11.47 Intended outcomes should be set to challenge. A suitable outcome for the child or young person will depend on their current level and their potential within a given time.

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<sup>159</sup> Sections 10(5), 12(5), 17(4), 19(3) and 37(6) of the Act.

<sup>160</sup> Section 43 of the Act. This does not apply in respect of local authorities being the parent.



11.48 Guidance on how to develop outcomes, as well as examples, is provided in the Welsh Government's *Person-centred Reviews toolkit: a guide for early years, schools and colleges in Wales*.<sup>161</sup>

### **Transition**

11.49 This section provides a space to identify possible ALP which might be received in the future, such as ALP which the child or young person might receive in a new setting.

11.50 This is an optional section for identifying possible future ALP, which might be necessary when the learner moves on to other stages of education (e.g. from secondary school to FEI).

11.51 In preparing the IDP, the school, FEI or local authority might identify particular ALP that might be necessary in future for when the learner moves to another educational setting. If so, this possible future ALP should be recorded in the IDP under the heading of "Transition".

11.52 Further information on transitions can be found in Chapter 17.

### **Reasons for decisions made**

- i. The reasons for naming a school for the purpose of securing admission to it pursuant to section 42 of the Act, where a school has been named for this purpose; and
- ii. Where a school is not named for the purpose of securing admission to it pursuant to section 42 of the Act, despite a request from the child or parent to do so, the reasons for that decision.

11.53 The purpose of this section outlines why certain decisions have been undertaken, especially when there has been a difference of opinion. This might be a difference of opinion between professionals, or a difference of opinion between the child, child's parent or young person and professionals, or any other difference of opinion. For example, this section might describe that the ALP suggested in one report was felt to be more suitable to meet the needs of the child or young person than another report.

11.54 This section could include the reasons for deciding that the child or young person has ALN, and should do so where there are particular reasons for a decision that might not be obvious to someone considering the case in future, or where there was a difference of opinion as to the ALN or ALP.

11.55 Where there is no difference of opinion, nor other need to explain a decision, this section of the IDP might just refer to the record of information used to develop the IDP.

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<sup>161</sup> <http://learning.gov.wales/docs/learningwales/publications/150909-reviews-toolkit-en.pdf>



### **Timeline of key events**

- i. A summary of key events in the child or young person's life, which are important to them or relevant to their ALN, including:
  - a. the date of the next proposed IDP meeting – the month and year is sufficient, but the full date **must** be included if known;
  - b. the date by which the IDP must be reviewed pursuant to sections 21 or 22 of the Act;
  - c. a record of the dates and organiser of recent previous IDP meeting; and
  - d. a record of education settings attended since their first IDP.

11.56 Where a child or young person's support is being provided solely by their education setting, this summary may only consist of actual and proposed dates of IDP meetings, and dates relating to arriving at or leaving education settings. The key is to ensure that the timeline includes all events that are significant and relevant to understanding the child or young person's ALN, planning the necessary ALP and informing when reviews should be conducted.

11.57 Examples of such events include:

- a referral for assessment/examination by a professional,;
- any assessment with results and/or advice;
- a test or observation by a professional and/or outside agency or advisor;
- a diagnosis of a condition;
- an illness;
- started to use new equipment or implants to help access education; or
- an event that has had an emotional, behavioural or attainment impact .

11.58 The events do not need to be recorded in detail, but the following information should be noted:

- an indicator of what happened or the nature of the event;
- the organisation/service/individual responsible for the event, such as a diagnosis, or undertaking a screening or test, where appropriate; and
- the date of the event.

11.59 Events that occurred prior to the development of the first IDP should also be included, where they relate to the child or young person's ALN and required ALP.

### **Signatures**

- i. Space for the child, child's parent or young person to sign to IDP to confirm that they are content with it.



- ii. Space for the person responsible for coordinating the IDP to sign it.

11.60 Where the child, child's parent or young person refuses to sign the IDP, there should be a discussion on why they do not want to sign the document. The child, child's parent or young person may wish to note why they do not want to sign the IDP. This **must not** stop the prescribed timescales from being met.

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## **Chapter 12: Preparing an IDP – Multi-Agency Working**

### ***Summary***

12.1 This Chapter sets out mandatory duties prescribed within the Act, imposes further requirements itself, and provides guidance in relation to multi-agency working in the context of preparing an IDP and is particularly relevant in more severe and complex cases. This should be read in conjunction with Chapter 11, which deals with the content of IDPs.

12.2 Some of the most common agencies and services in relation to ALN are found in Annex C.

### ***Multi-agency working***

12.3 A key principle of this Code is that all those involved in providing support to children and young people with ALN work together in the best interests of the child or young person (see Chapter 2). All professionals involved in supporting the needs of the child or young person should support the principles of person-centred practice. In all cases those involved should explore the possibility that the child or young person may already have other agencies involved and involve them appropriately.

12.4 Professionals should ensure that sharing of information in this context is done so within the parameters of the Data Protection Act 1998.

12.5 Most children or young people with ALN will only need the ALP provided or managed by their education setting. When this is the case, there is no requirement to include other professionals or the local authority in the development of the IDP, its day-to-day operation or subsequent review.

12.6 Other children and young people will need the support of, and securing of ALP, different agencies to various degrees, for instance external agencies might support children and young people to benefit fully from mainstream settings. For those with more complex needs, ensuring the needs of a child or young person are met might require the input and support of different agencies coming together to provide a comprehensive package of ALP.

12.7 Specialist services can provide help and support on two levels. Specialist services can provide advice and support to the early years setting, school or FEI on how to support children and young people in their setting. This might include wider problem solving, building capacity within the setting, and addressing the environment. As well as meeting current needs, this approach can prevent needs escalating so that more intensive and costly provision is not required.

12.8 Equally, specialist services can provide advice and support for particular children or young people. The provision may be directly carried out by a specific practitioner, for example an educational psychologist or it may be



delegated to an appropriate member of staff. A professional should advise, devise and oversee the provision to be delivered and monitor the progress of the child or young person. These services can help to meet an individual's current needs and should be used to prevent future needs.

#### 12.9 Specialist services can:

- support schools and FEIs to identify and meet the needs of all children and young people, such as providing advice and support on differentiating the curriculum and strategies;
- provide whole school/FEI training on meeting the needs of different children and young people, for example, meeting communication needs by supporting a whole school/FEI approach to early language acquisition, differentiating the curriculum and implementing strategies;
- provide advice on IDPs and targets;
- support schools, FEIs and local authorities in identifying needs and providing advice on ALP to be delivered, or currently being delivered;
- provide more specialist assessments of need to determine support options;
- provide advice for those with sensory impairment issues;
- provide advice on the use of new or specialist strategies and materials and be a source of the most up to date practice;
- provide advice on specialist equipment, including training for schools and FEI staff on how to use it, maintain it, and how to support the child or young person to use it;
- support parents to help them understand their child's needs and how best to support them;
- build capacity to improve what schools and FEIs can deliver;
- provide a link with specialist third sector organisations;
- provide specific support during any transition a child or young person is undertaking, to help them make a successful transition and to advise the new settings and help ensure that relevant provisions are in place and are working effectively; and
- facilitate joint working by bringing together relevant professionals to ensure integrated planning and delivery.

12.10 If there is an identified lack of expertise amongst the staff in a mainstream school or FEI, then the school or FEI should consider seeking external advice. This might include, for example, where the child or young person has a low incidence need, such as being vision or hearing impaired, or both, and staff do not have the knowledge and expertise to appropriately support the child or young person. A person who is qualified to teach pupils or students with these impairments should be involved in such cases. For children or young people with such needs they will be on a register maintained by the local authority<sup>162</sup>

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<sup>162</sup> Section 18 SSWB Act 2014



12.11 After deciding that a child or young person may have ALN, the body responsible for preparing an IDP should consider whether input from external agencies or other suitably qualified professionals is required. The level of involvement should be agreed in discussion between the different agencies. The level of engagement and advice needed from different agencies and professionals will vary, depending on the nature of the child or young person's needs and circumstances. It might include, for example:

- educational advice and information from the head teacher or principal of an early years, school or post-16 setting or other institution attended by the child or young person;
- advice from local authority officers;
- consultation with a person who is qualified to teach children or young people with specific impairments, for example, with a vision and/or hearing impairment;
- medical advice and information from health care professionals with a role in relation to the child or young person's health;
- psychological advice and information from an educational psychologist, who should normally be provided by the local authority where a child attends a maintained school, and who should consult any other psychologists known to be involved with the child or young person where this is appropriate;
- social care advice and information from, or on behalf of, a local authority if they are involved with the child or young person and/or the child has a care and support plan with a lead co-ordinator;
- in the case of a looked after child – the authority that looks after the child, LACE Co-ordinator, designated member of staff, and, if appropriate, designated health professional;
- specialist careers advice to assist the child or young person in preparation for further learning, adulthood and independent living;
- advice from a youth offending team, where the child or young person is detained in a Young Offender Institution, where the young person is serving their sentence in the community or where the child or young person is known to the youth offending team and there is a risk of reoffending (Chapter 20); and
- in the case of children of members of the Armed Forces, advice should be sought from the Children's Education Advisory Service where appropriate (Chapter 20).

12.12 The body responsible for preparing an IDP should check with the child, child's parents or young person to find out if there are any professionals already working with the child or young person, or whether there are any other professionals or persons that they believe should be consulted. This consultation should be undertaken as soon as possible to allow sufficient notice and time for their input.

12.13 Any agency that deals with a child or young person with ALN (or that forms the opinion that they may have ALN) should be invited to contribute to



developing and updating an IDP. In more complex cases, every effort should be made to streamline and integrate plans where it is appropriate to do so and following consent (if necessary) (see Chapter 10).

12.14 When professionals from external agencies are included, they should be suitably qualified and, whenever possible, authorised to make decisions and be accountable for those decisions.

12.15 If the organisation responsible for leading the preparation of the IDP considers it necessary to involve other agencies, the school, FEI or local authority **must** inform the child, child's parents or young person that advice has been sought from external agencies.

12.16 It should be explained that as part of the process of bringing together all the relevant advice, the child or young person may be called for an examination or assessment. If their child is to be examined or assessed, parents **must** be informed of their right to be present with their child at any interview, test, medical or other assessment that is being conducted and **must** be told of the time, place and purpose of appointments.

12.17 Parents should be advised that, whilst it is their right to be present, in certain circumstances it may be unhelpful and potentially detrimental to the process and depending on the circumstances, not in the best interests of the child or young person. For instance, where a classroom observation is carried out as part of the assessment, a child will behave differently if their parents are present, which would negate the purpose of the observation. This should be explained to the parents. Where parents are present at the observations this should be noted in the report.

12.18 External support services, provided by the local authority and outside agencies, may see the child or young person in their education setting if appropriate and practicable. External support services can provide advice in preparing IDPs, undertake more specialist assessments that can inform planning and the measurement of a learner's progress, advice on the setting of targets and accompanying strategies, advise on the use of new or specialist strategies or materials, and in some cases, provide support for particular activities.

12.19 When seeking the input of other agencies, the school/FEI or local authority should provide evidence which might assist the agency. This should include any evidence of the various interventions that have been tried, data on the intervention including information on the time frame, any review of the interventions, and information on targets which have been set. Where an IDP has been produced for the child or young person this should also be shared with the agency.

12.20 Where agencies have been invited to IDP meetings they should make every effort to attend. Reports and other information might be requested from agencies.



## ***Models of multi-agency working***

12.21 Local authorities and other services already deliver multi-agency support that utilises the ethos of putting the child or family at the centre of decisions. One such example is the Families First Programme. These multi-agency models of working focus on the needs of the child and/or family, bringing together a range of services, which is often referred to as multi-agency working, to ensure there is effective early assessment to identify needs and to consider the most appropriate way/s to address them in an integrated and holistic way.

12.22 Where a child or young person is part of these programmes and they have an IDP, it may be beneficial to share it with the relevant agencies.

## ***Specialist Services/external agencies***

12.23 Staff from schools and FEIs should work with, and alongside, specialist professionals. ALNCoS will provide a great deal of expertise, they may however determine that further advice and input from specialist professionals is required. The ALNCo should be the co-ordinator to ensure professionals are consulted, advice is acted upon and where there are opposing views, advice or concerns these are taken into account.

12.24 Specialist services may be required in the initial determination of the child's or young person's needs and how to meet those needs or where it is determined that further expertise is required having tried other interventions. It may be appropriate to refer to a specialist service when the needs of the child or young person requires input or advice which is beyond the ability of schools or FEIs to provide, or additional advice/ consultation/assessment/intervention is thought to be needed because the child or young person is not making progress as expected despite appropriate school or FEI based intervention.

12.25 Some of the most common agencies and services in relation to ALN are found in Annex C.

## ***Statutory requests by local authorities for help or for information from other public bodies***

12.26 Local authorities may request information or help from other bodies, which it requires for the purpose of exercising its functions under the Act.<sup>163</sup>

12.27 These bodies/persons are:

- another local authority;
- a local authority in England;

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<sup>163</sup> Section 38



- the governing body of a maintained school in Wales or England;
- the governing body of an institution in the FE sector in Wales or England;
- the proprietor of an Academy;
- a youth offending team for an area in Wales or England;
- the person in charge of relevant youth accommodation in Wales or England;
- a Local Health Board;
- an NHS Trust;
- the National Health Service Commissioning Board;
- a clinical commissioning group;
- a NHS Foundation trust;
- a Special Health Authority.

12.28 These bodies **must** comply with the requests<sup>164</sup> unless doing so would be incompatible with the bodies' own duties or would have an adverse effect on the exercise of their functions.

12.29 If the body decides not to comply with the request from the local authority they **must** write to the authority providing reasons for their decision.<sup>165</sup>

12.30 Whilst the statutory requirement to respond only applies when a local authority makes the request for help or information, requests from schools and FEIs to the bodies listed above should nevertheless be considered and the bodies should act reasonably in responding to them.

12.31 Where a school or FEI is preparing the IDP, but is not able to obtain the help or information they require from relevant public bodies, they should notify the local authority. The local authority may need to take over responsibility for the preparation of the IDP and then seek information from the relevant public body using its statutory powers.

12.32 Regulations will be made which will provide that where a person is under a duty to comply with a request under this section, the person **must** comply with the request within a prescribed period, unless a prescribed exception applies.

### ***ALP to be secured by Health Boards and NHS Trusts***

12.33 Some children and young people will require the support of health bodies to help meet their needs. Health bodies can help meet the needs of children and young people in a range of ways. For instance, they can:

- provide advice to improve effective and timely identification;

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<sup>164</sup> Section 58(2) of the Act

<sup>165</sup> Section 58(3) of the Act



- provide advice to staff on the modification of the environment within which the child or young person receives their education;
- provide advice on the ALP to be secured;
- where agreed, provide equipment and provide direct intervention and ALP. This might be supported by other staff implementing therapy activities/programmes;
- provide training for staff in a school or FEI to meet particular needs;
- support the monitoring of the child's progress and provide reports as required.

12.34 Where it is believed that a health body might be able to provide a relevant treatment or service that is likely to be of benefit in addressing the ALN of a child or young person, the Act provides that a local authority or FEI is able to refer the matter to a health body for that purpose. The duties on health bodies are set out in sections 18 and 19 of the Act.

12.35 Who can refer?

The referral relates to	The body that can refer
A child	A local authority
A young person who is a registered pupil at a maintained school	A local authority
A young person who is not a registered pupil at a maintained school (i.e. is educated at an FEI or specialist placement)	A local authority or an FEI (dependent on who is preparing or maintaining the IDP).

12.36 A local authority or FEI can only make a referral to a health body where it:

- has informed the child, child's parent or young person that it intends to make the referral;
- has given the child, child's parent or young person an opportunity to discuss whether the referral should be made;
- is satisfied that making the referral is in the best interests of the child or young person; and
- has identified the ALN that requires the advice of the health body.

12.37 Where a matter is referred, the health body **must**<sup>166</sup> consider whether there is a relevant treatment or service that is likely to be of benefit in

<sup>166</sup> Section 18(4) of the Act



addressing the child or young person's ALN. Where the health body identifies such a treatment or service it **must**:<sup>167</sup>

- secure the treatment or service for the child or young person;
- decide whether the treatment or service<sup>168</sup> should be provided to the child or young person in Welsh; and
- take all reasonable steps to secure that the treatment or service is provided in Welsh, if it decides that the treatment or service should be provided to the child or young person in Welsh.

12.38 Where a health body identifies such a relevant treatment or service that is likely to address the child or young person's needs, it **must**:<sup>169</sup>

- inform the school, FEI or local authority body that made the referral of the treatment or service;
- if the referral was made by a body which does not maintain the IDP, inform the body which does maintain the IDP; and
- where the health body believes that the ALP should be delivered in Welsh, inform those listed above.

12.39 The body maintaining the plan **must**<sup>170</sup> then describe the treatment or service in the IDP, specifying that it is ALP to be secured by the health body. Where the health body believes the ALP should be delivered in Welsh, the body maintaining the plan **must**<sup>171</sup> specify that the treatment or service is ALP that should be provided in Welsh.

12.40 The health body **must** then deliver the ALP. The ALP can only be removed or changed where there is a review of the IDP and the health body agrees, or requests the review. Where the health body requests that the ALP that the health body **must** secure is removed or changed, the school, FEI or local authority that maintains the IDP must do so.

12.41 Where the Education Tribunal for Wales orders the revision of an IDP in relation to ALP that a health body is to secure, a health body is not required to secure the revised ALP unless it agrees to do so. Agencies should work together to reach agreement in such circumstances.

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<sup>167</sup> Section 18 (5) of the Act

<sup>168</sup> A "relevant treatment or service" means any treatment or service that the an NHS body would normally provide as part of the comprehensive health service in Wales continued under section 1(1) of the National Health Service (Wales) Act 2006 (c. 42)

<sup>169</sup> Section 19 (1) of the Act

<sup>170</sup> Section 19 (2) of the Act

<sup>171</sup> Section 19 (3) of the Act



12.42 To help health bodies undertake their functions under the Act, they must<sup>172</sup> designate an officer to have responsibility for co-ordinating the health board's functions in relation to children and young people with ALN. That person will be known as the Designated Education Clinical Lead Officer (DECLO).

### ***The Designated Education Clinical Lead Officer (DECLO)***

#### **Overview of the DECLO**

12.43 Health Boards (HBs) in Wales **must** designate an officer (the 'DECLO') to have responsibility for co-ordinating the HB's functions in relation to children and young people with ALN<sup>173</sup>.

12.44 The DECLO should have oversight of the HBs health services provided to children and young people with ALN aged 0 to 24. This will include:

- assisting the HB to discharge its duty to cooperate with other services to promote better outcomes for children, young people and young adults in education with ALN;
- operating strategically to champion ALN within the HB and promoting new ways of working and sharing best practice;
- ensuring a consistent strategic approach to identification, assessment, planning, implementation and monitoring of IDPs;
- managing and monitoring compliance with HB ALN duties, and
- measuring success of the HB interventions.

12.45 The HB may only designate a DECLO it considers to be suitably qualified and experienced in the provision of health care for children and young people with ALN:

- The DECLO should have experience of senior health service leadership, and be capable to provide overall strategic direction to ensure the HB is able to meet statutory obligations for ALN, to identify and solve problems and conflict at the earliest level, and to escalate issues as appropriate.
- The officer **must** either be a registered medical practitioner or a registered nurse or another health professional (GMC, NMC, HCPC or PHReg).
- The officer should have senior experience in an aspect of healthcare relevant to ALN through experience in a healthcare field such as Medical (primary or secondary care), Nursing, Midwifery, Allied Health Professional, or Public Health practitioner.

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<sup>172</sup> Section 55(1) of the Act

<sup>173</sup> Section 55(1) of the Act.



12.46 The DECLO should report to an Officer Member of the Health Board. The Officer Member may delegate operational oversight of the DECLO, however, responsibility and accountability will remain with the Officer Member, at Board level. These arrangements should work within existing operational arrangements.

12.47 The time allocated to undertake the DECLO role should be informed by the number of children and young people in the HB population with an ALN and should be agreed within the HB. Similar roles suggest an indicative time allocation of 1 day per 40,000 children and young people in the area.

12.48 The role of the DECLO includes strategic and coordinating functions which should remain with the DECLO. However, the DECLO should not be involved in every child's IDP and, therefore, should delegate operational functions to an appropriate service in the HB, especially where subject specific technical knowledge is required, or a health professional is already involved in care.

### **Partnership working**

12.49 The DECLO should work in partnership with and cooperate with other services to promote better outcomes for children and young people in education with ALN, by promoting effective multiagency working between health (primary and secondary care), public health, education and social care departments, service users and the third sector.

12.50 The DECLO should work across the HB and involve all relevant health professionals to ensure the health interventions agreed in IDPs are holistic, prudent and ultimately delivered by health professionals.

12.51 The DECLO should work with both children's and adults' services to ensure successful transitional arrangements are in place for children.

12.52 The DECLO should contribute to a community of practice, making contacts with the DECLOs from other HBs to promote new ways of working, share best practice and learn from others.

12.53 The DECLO should cooperate with counterparts across Wales to establish clear and consistent care pathways for children with ALN throughout Wales, to reduce inequity across health board areas especially for individuals who move areas or are placed out of area.

### **Individual Development Plans (IDPs)**

12.54 The DECLO should ensure efficient and consistent systems are in place so that health professionals (including speech and language therapists, occupational therapists, physiotherapists, CAMHS, community paediatrics, learning disability services, and primary care teams including GPs, health visitors and school nurses) are able to undertake appropriate, timely assessments, make evidence based recommendations on effective



interventions, deliver agreed health services, monitor outcomes, and quality assure advice to minimise variation in practice and promote realistic expectations. This should include:

- considering how best health professionals can be pro-actively involved in the development of IDPs (where the input, help and advice of health professionals is required);
- assisting local authorities in gaining health advice, where it is considered necessary for the development or review of IDPs, by ensuring clarity of the educational need and outcomes, and the realistic, specific and timed interventions that are planned for the child or young person;
- taking responsibility for managing HBs responses to requests for help from local authorities made under section 58 of the Act (see Chapter 12), for example, by putting a referral management system in place to coordinate and manage cases and ensure that responses are in compliance with the legal duties in that section and regulations made under it;
- working with local authorities in relation to the powers and duties in section 18 of the Act, including, in particular:
  - agreeing what provision the HB should secure as part of an IDP in fulfilment of their general obligation to provide a comprehensive health service in Wales;
  - ensuring a consistent approach to such decisions; and
  - ensuring that the HBs legal duty to secure requirement treatments and services is met.

### **Managing complaints, disputes and appeals to the Tribunals**

12.55 Strong problem solving and negotiating abilities and communication skills will be essential for the DECLO to identify and implement innovative and cooperative solutions across agencies and across services within the HB.

12.56 The DECLO should put in place a process to manage first stage complaints and disputes relating to health provision for ALN, securing a second or expert opinion, and escalating any unresolvable issues within the HB as appropriate

12.57 The DECLO should also assist in dispute resolution arrangements (see Chapter 18). When a local authority believes it would be beneficial for a health body to be involved in avoidance and disagreement resolution arrangements, they should contact the relevant DECLO to seek their advice.

12.58 The DECLO should also have a role in cases taken to the Tribunal, including supporting the local authority, providing evidence themselves and overseeing the engagement of the HB generally in appeals.



## **Measuring success**

12.59 The DECLO should ensure the HB develops processes to collect and analyse robust data to measure the compliance and quality assurance of HB activities in relation to children with ALN. Measures of success should include monitoring:

- Feedback from children, young people and parents;
- Outcomes for children and young people;
- Measures of effectiveness of partnership working; and
- Numbers and resolution time of complaints, disputes and Tribunal appeals.

## **Health care needs**

12.60 There is an overlap of children and young people with health care needs in schools with children with ALN in school. As such, the DECLO should liaise to promote effective coordination of health support for children with health care needs in schools. The DECLO should ensure oversight of and promote the uptake of whole school or classroom based interventions aimed at promoting better outcomes and reducing inequalities.

12.61 The DECLO should promote and advise on any public health interventions that may impact on learning, such as free breakfast provision in primary schools, healthy school food and exercise choices, and interventions aimed at improving language development, behaviour, attention span, mental health or other aspects of classroom learning and wellbeing.



## Chapter 13: Considerations for Local Authorities when preparing IDPs

### *Summary*

13.1 Local authorities are likely to be responsible for the preparation of IDPs for children and young people with more severe or complex ALN – in particular, cases which have been referred on from schools and FEIs. When doing so, local authorities should always prepare the IDP with reference to the child or young person's individual needs and circumstances. However, there are some further specific considerations – underpinned by provisions in the Act – which they will need to bear in mind, particularly in relation to the education setting the individual is to attend. This Chapter sets out further information on some of these issues.

### ***Duty to favour the education of children at mainstream maintained schools***

13.2 Local authorities **must** favour educating children at mainstream maintained schools<sup>174</sup>, that is, at a community, foundation, voluntary or maintained nursery school but not in a special school or a pupil referral unit. This reflects the view that mainstream schooling will be in the best interests of the child in most cases.

13.3 This duty underpins the inclusive approach to education that local authorities should adopt at all times and is based on evidence that the presence and participation of all learners in the school/classroom community enhances the quality of the educational experience, both for the individual and for the school/classroom community as a whole. In taking this approach, local authorities should be mindful that inclusivity goes beyond the mere physical presence of the child in the mainstream classroom or school. The emphasis should be on ensuring that the child is as fully engaged as possible, where appropriate, in all the usual, everyday lessons and activities.

13.4 There are four exceptions to this<sup>175</sup>:

- where educating the child in a mainstream school is incompatible with the provision of efficient education for other children;
- where educating the child otherwise than in a mainstream maintained school is appropriate in the child's best interests and compatible with the provision of efficient education for other children.
- where the child's parent wishes the child to be educated otherwise than in a mainstream maintained school;
- any prescribed in regulations.

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<sup>174</sup> Section 45 of the Act, and as defined at section 86 of the Act.

<sup>175</sup> Section 45(2) of the Act.



13.5 The first exception referred to above may only be relied on by a local authority where there are no reasonable steps it could take to prevent the incompatibility<sup>176</sup>. Therefore, if there are reasonable steps which a local authority could take to ensure that a placement in a mainstream school was not incompatible with the efficient education of other children, the local authority will be required to take those steps, rather than place a child at a non-mainstream school.

13.6 What constitutes a reasonable step will depend on all the circumstances in the individual case, but the following are some of the factors that may be taken into account:

- whether taking the step would be effective in removing the incompatibility;
- the extent to which it is practical for the local authority to take the step;
- the extent to which steps have already been taken in relation to a particular child or young person and their effectiveness;
- the financial and other resource implications of taking the step, in particular whether the step would result in a disproportionate shift in resources towards meeting the needs of one learner such that the education of other children is potentially compromised;
- the extent of any disruption that taking the step would cause; and
- the extent to which the step is compatible with the needs of the child – for example, in the case of some children with ALN, the provision of full time one to one support may facilitate their presence in a mainstream school or classroom, but would reinforce dependency and hinder the acquisition of independence.

13.7 There will inevitably be circumstances in which there are no reasonable steps available that could prevent placement at a mainstream setting being incompatible with the provision of efficient education for other children (for example, where the child's behaviour systematically, persistently or significantly threatens the safety and/or impedes the learning of others).

13.8 However, a decision not to educate a child in a mainstream setting should not be taken lightly in any circumstances, especially if the child or their parent would prefer mainstream schooling. It is important that all decisions are taken on the basis of the circumstances of each case and taking into account the views of the child or child's parents. The views of educational psychologists and other specialist professionals may also be relevant to the particular case.

13.9 The duty of the local authority to have regard to the views, wishes and feelings of the child and the child's parent applies equally here.<sup>177</sup> Therefore, one of the considerations for the local authority when determining whether children will not be educated at a mainstream maintained school is whether the child or child's parent is expressing that view, wish or feeling. Where the

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<sup>176</sup> Section 45(3) of the Act.

<sup>177</sup> Section 6 of the Act



child or child's parent is expressing that view, the local authority will need to consider it alongside other relevant factors, including the ability of the setting to offer appropriate ALP and whether such mainstream education would be incompatible with the provision of efficient education for other children.

13.10 Children are not prevented from being educated in an independent school, or a school approved under section 342 of the Education Act 1996 (i.e. a non-maintained special school), where the cost is met other than by a local authority<sup>178</sup>.

13.11 Moreover, where a child with ALN is being educated in a mainstream maintained school in Wales, those concerned with making ALP for the child **must** secure that the child engages in the activities of the school together with children who do not have ALN.<sup>179</sup> This duty applies so far as it is reasonably practicable and is compatible with the child receiving the ALP called for by their ALN; the provision of efficient education for the children with whom they will be educated with and the efficient use of resources.<sup>180</sup>

### ***Naming a maintained school for the purpose of securing admission***

13.12 In most cases, children with ALN will be able to receive the ALP they need in any maintained school. However, the needs of some children will be such that a place at a specific maintained school should be secured for them. Local authorities may name a maintained school in Wales in an IDP for the purposes of securing admission of a child to that school. This is referred to below as 'naming a school'. Of course, schools or other educational institutions at which the child or young person will receive their ALP will be referenced in the IDP for a variety of other purposes, so it is essential that, where a local authority names a school *for the purposes of securing admission*, this fact is made clear in the IDP.

### ***The Test to Consider***

13.13 For a local authority to name a maintained school for the purposes of admission, the following two tests **must** be met<sup>181</sup>:

- Firstly, the local authority **must** be satisfied that the child's interest requires the ALP identified in their IDP to be made at that school.<sup>182</sup>
- Secondly, it **must** be appropriate for the child to be provided with education or training at that school<sup>183</sup>.

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<sup>178</sup> Section 45(5) of the Act.

<sup>179</sup> Section 41 of the Act.

<sup>180</sup> Section 41 of the Act.

<sup>181</sup> Section 42 of the Act.

<sup>182</sup> Section 42(4)(a) of the Act.

<sup>183</sup> Section 42(4)(b) of the Act.



13.14 When considering the issue, local authorities should consider whether:

- the school has the required specialism in low incidence provision, such as visual or hearing impairment;
- the school has members of staff with specialist expertise or training;
- it would be unreasonable for a more local school to provide the child's ALP; and
- specific characteristics of the school make it especially good at making the required ALP – this might include a variety of different matters, including the school's physical characteristics.

13.15 If the tests set out at section 42(4) are not met, the local authority **must not** name the school.

13.16 Where a local authority names a school, it **must** set out its reasons for doing so in the IDP.

13.17 Where a child or their parent has requested that a school be named but the local authority decides not to do so, it **must** set out its reasons for not doing so in the IDP.

### ***Consultation with and Duties of the School and Local Authorities***

13.18 If the local authority proposes to name a maintained school, it **must** consult the school (and the local authority for the area in which the school is located, if that is the admission authority) before doing so<sup>184</sup>. Where the school is located in another local authority's area, but the governing body is the admission authority for the school, the other local authority should be notified by the home local authority preparing the IDP that it is considering naming the school in any event.

13.19 The local authority should carefully consider any representations from the governing body and other local authority. In particular, it should carefully assess whether the admission of the child would take the year group at the school above the school's admission number and any prejudice to the provision of efficient education or the efficient use of resources that this might cause<sup>185</sup>.

13.20 Where a maintained school in Wales is named, the governing body of the school **must** admit the child<sup>186</sup> regardless of the governing body's duty in

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<sup>184</sup> Section 42(3) of the Act.

<sup>185</sup> Section 86(5) of the School Standards and Framework Act 1998 and Chapter 3 of the School Admissions Code (Statutory Code document no: 005/2013) provides more detail on 'admission numbers'.

<sup>186</sup> Section 42(2) of the Act.



relation to the statutory infant class size limits<sup>187</sup>. However, this does not affect any power of the governing body to exclude a learner from a school<sup>188</sup>.

### ***Placements at Independent Schools***

13.21 Occasionally, a child or young person's needs may be such that it would not be possible for them to be met in a maintained school. The local authority might then consider it appropriate for the individual to attend an independent school.

13.22 Section 49 of the Act sets out the circumstances in which a local authority may fund a placement at an independent school or independent educational institution for a child with ALN.

#### If the independent school is in Wales

13.23 There are two key tests that must be met:

- Firstly, the school must be included in the register of independent schools in Wales<sup>189</sup> and
- Secondly, the local authority is satisfied that the school can make the ALP as identified in the child or young person's IDP?<sup>190</sup>

13.24 If the tests above are met, the local authority may decide that the placement is appropriate – the placement details will then form part of the ALP described in the IDP. The local authority **must** secure the ALP described in the IDP, along with any related board and lodging<sup>191</sup> and **must not** charge the individual or parents for it<sup>192</sup>.

#### If the independent educational institution is in England

13.25 A similar test applies in relation to placements at independent educational institutions in England<sup>193</sup>;

- The institution **must** be included in the register of independent educational institutions in England; and

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<sup>187</sup> Section 42(5) of the Act.

<sup>188</sup> Section 42(6) of the Act.

<sup>189</sup> The Act makes amendments to the Education Act 2002 to require the Welsh Ministers to publish a list of the schools included in the register of independent schools in Wales – this is the document to which local authorities should refer. The list will specify the type or types of ALP made by a school for learners with ALN (if any) where this information has been provided by the proprietor of the school and section 48 of the Act.

<sup>190</sup> Section 49(1)(b)).

<sup>191</sup> Section 17(6) of the Act.

<sup>192</sup> Section 43 of the Act.

<sup>193</sup> Section 49 of the Act.



- The local authority **must** be satisfied that the institution can make the ALP identified in the child or young person's IDP.

13.26 Where a parent or child would prefer an independent school but the local authority is satisfied that the child's needs can be met within a maintained education setting, the local authority is not required to fund the learner's place at the independent school. However, where this situation arises, the local authority should ensure that they give the parent and child a full outline of how the learner's needs could be met without recourse to an independent placement, for example by funding transport to and from the maintained education setting.

13.27 When a local authority is considering whether they should place the child or young person at an independent school they should consider:

- whether evidence demonstrates that the ALP necessary to meet the child or young person's ALN is only available in that independent school;
- whether evidence demonstrates that an essential element of the child or young person's education and training can only be provided in a residential setting;
- whether the child or young person requires an educational setting with an extended curriculum which cannot be provided in a non-residential setting;
- whether the child or young person has medical and/or social care needs that cannot be met by, or in conjunction with, local providers in a mainstream education setting and which would prevent him/her from accessing education or training suitable to meet their identified needs;
- whether securing the provision would be compatible with the avoidance of unreasonable public expenditure.

### ***Placements at Independent Special Post-16 Institutions***

13.28 Whilst the ALP necessary to meet the reasonable needs for education and training of most young people with ALN can be met within a mainstream FEI, some young people will require a place at an independent special post-16 institution to ensure their reasonable needs are met. A learner would have a reasonable need for further education or training where educational or training provision specific to their additional learning need would continue their progress towards reaching their full potential or if that educational or training provision is available to someone of their age in an FEI.



13.29 When deciding whether a young person requires a placement at an independent special post-16 placement, the local authority should work with FEIs and schools.

13.30 Independent special post-16 institutions are institutions which provide education or training for persons over compulsory school age, and which are specially organised to provide education and/or training for individuals with ALN.<sup>194</sup>

13.31 The following are *not* independent special post-16 institutions:

- an institution in the FE sector ;
- an independent school entered on the registered of independent schools in Wales;
- an independent educational institution entered on the register of independent educational institutions in England; or
- a 16-19 Academy.

13.32 Local authorities **must not** secure education or training for a young person at an independent special post-16 institution in Wales or England unless it is entered on the list of such institutions published by the Welsh Ministers<sup>195</sup>.

13.33 Where a local authority decides that a placement at an independent post-16 institution is appropriate, the placement details will then form part of the ALP described in the IDP. The local authority **must** secure the ALP described in the IDP, along with any related board and lodging<sup>196</sup> (if needed) and **must not** charge the individual or parents for it<sup>197</sup>. Such placements may particularly benefit those young people with more severe and complex needs. 13.34 In order for local authorities to decide whether a place at an independent special post-16 institution is necessary, they will need to understand the specialist provision required to meet the needs of the young person. Where the young person's needs cannot be met at a mainstream FEI, then a place at an independent special post-16 institution should be considered.

13.35 The local authority will need to consider the suitability and sustainability of a funded placement at an independent special post-16 institution over the duration of the programme of study, prior to its commencement. Consideration should be given to the benefits of the programme of study to the young person from an educational perspective. Once a programme of learning has commenced, the local authority should continue to fund the placement for the duration of the programme. Failure to do so can lead to wasted resources and distress and confusion for the young person.

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<sup>194</sup> Section 50(6) of the Act defines an 'independent special post-16 institution'

<sup>195</sup> Section 50(3) of the Act.

<sup>196</sup> Section 12(6) of the Act.

<sup>197</sup> Section 43 of the Act.



13.36 In many instances, placements at independent special post-16 institutions will be residential. In these cases, the requirements and guidance set out on residential placements below will apply.

13.37 When considering whether a place at an independent special post-16 institution is suitable, the local authority should consider:

- whether evidence demonstrates that the ALP necessary to meet the young person's ALN is only available in an independent special post-16 institution;
- whether evidence demonstrates that an essential element of the young person's education and training can only be provided in a residential setting;
- whether the young person requires an educational setting with an extended curriculum which cannot be provided in a non-residential setting;
- whether the young person has medical and/or social care needs that cannot be met by, or in conjunction with, local providers in a mainstream education setting and which would prevent him/her from accessing education or training suitable to meet his/her identified needs;
- whether the educational or training outcomes previously or currently specified in the young person's IDP have been achieved, and whether remaining in education or training would enable the young person to progress and achieve those outcomes;
- whether the young person requires additional time, in comparison to the majority of others of the same age who do not have ALN, to complete his or her education and training;
- whether securing the provision would be compatible with the avoidance of unreasonable public expenditure.

## ***Residential Placements***

13.38 The needs of some children and young people are such that they might require a residential placement at a school or other institution. A decision that this is appropriate will involve consideration of all of the circumstances, and, bearing in mind that it may require the child or young person to be resident away from their family, the duty to involve and support children, their parents and young people explained at Chapter 3 will have particular importance.

13.39 Where the local authority is satisfied that, having considered all relevant circumstances of the particular case, the reasonable needs of a child or young



person for ALP can only be met if it also secures the provision of board and lodging, it **must** include a description of this in the IDP<sup>198</sup>.

13.40 In determining whether board and lodging is required, local authorities should take account of the following factors:

- whether the child or young person's reasonable needs for ALP cannot be met in local day provision; and
- whether the child or young person requires a consistent programme during and after school hours that cannot be provided by parents and mainstream schooling when combined with support from other agencies.

13.41 Where a residential placement is to be secured, support arrangements should also be put in place, such as in relation to the child or young person's contact with their family.

13.42 Any additional services required alongside education, ALP, and board and lodging should also be co-ordinated from the outset. This might include:

- health care;
- personal care;
- social care; and
- transport (see Chapter 10 and Annex B).

13.43 This is an area in which multi-agency and cross-departmental working will be extremely important. In particular, local authorities and LHBs should consider appropriate joint funding arrangements, and local authorities should ensure that they apply a co-ordinated approach internally to the funding of the education and social care elements of the placement<sup>199</sup>.

13.44 Where a child or young person's residential placement is at a school or institution outside of the local authority's area, the local authority should consider what information local service providers operating in that other area might need to be provided with.

### ***Additional Learning Provision otherwise than in Schools***

13.45 Local authorities may arrange for the ALP, or any part of the ALP, identified in a child's IDP to be made otherwise than at school<sup>200</sup>. However, the emphasis should always be on inclusive education and such arrangements should not be commonplace (except in relation to those children who have not yet started school). Local authorities **must not** arrange

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<sup>198</sup> Sections 12(6) and (7) of the Act. Where this duty applies, the local authority **must not** direct a school to prepare and/or maintain an IDP – see section 12(9).

<sup>199</sup> The Social Services and Well-being Act (Wales) 2014 and developing subordinate legislation under the Act provide the basis on which social care provision is to be made.

<sup>200</sup> Section 47(1) of the Act.



for ALP to be made otherwise than in a school unless they are satisfied that it would be inappropriate for the ALP to be made in a school<sup>201</sup>.

### ***Additional Learning Provision Outside Wales and England***

13.46 Very rarely, it may be appropriate for a child or young person requiring specialist ALP to be placed at an institution outside of Wales and England. However, a local authority **must not** make arrangements for a child or young person to attend such an institution unless it is organised to make ALP that corresponds to the ALN described in the child or young person's IDP<sup>202</sup>.

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<sup>201</sup> Section 47(2) of the Act.

<sup>202</sup> Section 53 of the Act.



## Chapter 14: Review and Revision of IDPs

### *Summary*

14.1 This Chapter sets out mandatory requirements and also guidance about the review and revision of IDPs, including when an IDP **must** and should be reviewed.

14.2 Whilst there are minimum requirements for how often the IDP **must** be reviewed, the IDP needs to accurately reflect the child or young person's needs and detail the ALP required to meet those needs. This means that an IDP should be constantly assessed to see if it is still accurate and reviewed as necessary.

14.3 As set out below, the IDP review process needs to be done in a way that ensures that the IDP is accurate and in the best way to meet the needs of the child or young person.

### *Review of an IDP*

#### **Circumstances when the IDP must be reviewed (unless the child is looked after)**

14.4 A school, FEI or local authority maintaining an IDP **must** review it within:

- the 12 month period starting with the date on which the IDP was first given to the child, child's parent or young person; and
- each subsequent period of 12 months.<sup>203</sup>

or, if the IDP has been reconsidered by the local authority (see Chapter 15), within:

- the 12 month period starting with the date on which a decision not to revise the IDP was notified to the child, their parent, or the young person by the local authority, or a revised plan was given to them; and
- each subsequent period of 12 months starting with the date on which the decision is notified or the revised plan is given.<sup>204</sup>

14.5 A school, FEI or local authority **must** review an IDP it is maintaining if the plan includes ALP that a Health Body is required to secure and the NHS Body requests it to review the IDP<sup>205</sup>.

14.6 A school, FEI or local authority maintaining an IDP for a child or young person **must** also review the IDP if a request is made to it by the child, the

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<sup>203</sup> Section 21(1) of the Act.

<sup>204</sup> Section 21(3) of the Act.

<sup>205</sup> Section 21(4) of the Act.



child's parent or young person, unless it considers a review to be unnecessary<sup>206</sup>.

14.7 The circumstances in which a review would be considered unnecessary might include where:

- a recent review has taken place; and/or
- there is no evidence of a material change in the child or young person's circumstances or no new significant information has come to light.

### **Circumstances when the IDP must be reviewed and the child is looked after**

14.8 A local authority maintaining an IDP for a looked after child **must** review it within:

- the 12 month period starting with the date on which the IDP was first given to the child, child's parent or young person; and
- each subsequent period of 12 months.<sup>207</sup>

14.9 A local authority **must** review an IDP it is maintaining if the plan includes ALP that a Health Body is required to secure and the NHS Body requests it to review the IDP<sup>208</sup>.

14.10 A local authority maintaining an IDP for a child **must** also review the IDP if a request is made to it by the looked after child, unless the authority considers a review to be unnecessary<sup>209</sup>.

14.11 The circumstances in which a review would be considered unnecessary might include where:

- a recent review has taken place; and/or
- there is no evidence of a material change in the child or young person's circumstances or no new significant information has come to light.

### **Guidance on other situations when the IDP should be reviewed**

14.12 In order to be responsive to the needs of the child or young person it will often be appropriate to review the IDP, or part of the IDP, within a shorter time period. The Act gives schools, FEIs and local authorities the power to review the plan at any time; and revise the plan following a review.<sup>210</sup>

14.13 A review should be carried out within a time period that reflects:

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<sup>206</sup> Section 21(5) of the Act.

<sup>207</sup> Section 21(1) of the Act.

<sup>208</sup> Section 21(4) of the Act.

<sup>209</sup> Section 22(3) of the Act.

<sup>210</sup> Sections 21(6) and 22(4) of the Act.



- the intended outcomes, or any particular outcome, set out in the IDP and the target date for the achievement of these, or milestones towards their achievement;
- the timescales for the delivery of any activities or provision in the IDP;
- anticipated significant changes that are likely to impact on the child or young person's ALN or required ALP;
- whether there are proposed assessments or tests whose results would impact on the intended outcomes, planned activity or provision; and
- the child or young person's age and likely rate of development - for example, for very young children, three to six months should be considered the maximum amount of time, to ensure the ALP continues to be appropriate.

14.14 The timing of a review should also take account of the circumstances of the child or young person and any action that might flow from the review. Schools and FEIs will want to consider the impact on staff resources when planning reviews and may want to arrange them so they do not all take place at the same time or in close proximity to one another.

14.15 A proposed review date may be changed to an earlier or later date (providing this later date falls within the 12 month mandatory timeframe).

14.16 An earlier, unscheduled review will often be appropriate where there has been a significant change in circumstances or new information has come to light. An earlier review may also be warranted where an intended outcome has been achieved, or it becomes obvious that an intended outcome will not be achieved or because it is no longer felt that a child or young person has ALN and, therefore, no longer requires an IDP. Continual tracking and monitoring of a learner's progress will be critical to identifying sudden changes. Changing a review to a later date (still within the 12 month period) might be appropriate, for example, when additional time is considered necessary to examine the impact of a particular intervention or when the results of a medical test or examination relevant to the review are pending.

14.17 Where a child or young person has ALN, the school or FEI will need to talk to the child, child's parent or young person regularly, monitor progress with them, and discuss the activities that will support the child or young person to achieve their potential. These discussions contribute to on-going monitoring and the evidence gathered from these discussions could be used to inform the review. They can also build confidence in the actions being taken by the education institution and can strengthen the impact of any ALP by increasing the child, child's parent or young person's engagement in the approaches and strategies that are being used. The child, child's parent or young person can also provide essential information on the impact of ALP outside the education setting and any changes in the child or young person's ALN. This ongoing dialogue will form an important element in determining when an early review might be appropriate.



## ***IDP review meetings***

### **Before the meeting**

14.18 Where a local authority is responsible for maintaining an IDP, they **must** provide a list of all the children and young people who will require a review of their IDP in the forthcoming term to head teachers and principals of any relevant educational institutions attended by a child or young person with an IDP, at least two weeks before the start of each term.

14.19 The school, FEI or local authority responsible for maintaining the IDP **must** invite to the review meeting all those agencies and professionals they consider necessary to conduct an effective review. This will always include the child, child's parent or young person. Agencies or professionals already engaged in the delivery of provision within the IDP **must** be invited to the meeting. It may not always include all those who were involved in the preparation of the original IDP. Agencies or professionals need only be invited if their continued involvement is likely to be useful in identifying or delivering future ALP for the child or young person, or if their advice is likely to change over time. Normally, this will have already been recorded in the IDP.

14.20 The school, FEI or local authority responsible for maintaining the IDP should inform other agencies and professionals who will be invited to be involved in the IDP review at least two weeks before the start of each term. For meetings which will take place at the start of a new term, notification should be provided earlier than two weeks before where possible. They should also indicate if the review will have a focus on transition and/or preparation for adulthood (see Chapter 17). Where the review does have a focus on preparing for adulthood, different professionals might be involved, such as career specialists. Where it is decided, at any time, that additional professionals should be invited to the review, this should happen as soon as possible.

14.21 Those agencies and professionals invited to the meetings should make every effort to attend. However, it might be that not all relevant professionals will be able to attend every review meeting. It may, therefore, be helpful when inviting them, to indicate the priority attached to their attendance. Liaison between the respective parties, over time and well in advance of the meeting, will help professionals decide whether it is appropriate to attend and also give them adequate prior notice. Where agencies or professionals cannot attend they should provide in writing, in advance of the meeting, any necessary advice and evidence required to inform the meeting.

14.22 Any contribution to a review meeting, whether in person or in writing, should consider:

- the child or young person's progress towards achieving the intended outcomes;



- whether the child or young person still has ALN and, if so, whether their needs have changed;
- whether the ALP is still appropriate; and
- the continued suitability of the intended outcomes and, if appropriate, new or revised outcomes that ought to be discussed at the meeting.

14.23 Written contributions might be usefully provided using the Person-Centred Practice headings (Chapter 10).

14.24 Before a review meeting, the school, FEI or local authority responsible for maintaining an IDP should provide a report to the child, child's parent or young person on their progress. They should also invite feedback and views from the child, child's parent or young person two weeks before the meeting. However, the child, child's parent or young person may wish to wait and make their feelings known at the meeting.

14.25 Where professionals have supplied advice in advance of the meeting, this should also be sent to the child, child's parent or young person. The school, FEI or local authority responsible for maintaining an IDP should explain to the child, child's parent or young person that professionals may not always be able to attend all review meetings and that if beyond the review meeting, the child, child's parent or young person wish to discuss matters of concern in the professionals' reports, they should first approach the school, FEI or local authority responsible for maintaining the IDP.

14.26 Where the review is likely to have a particular emphasis on the child or young person's transition to adulthood, such as next steps or leaving school, it should be considered whether a careers advisor should be invited. Further information is found in Chapter 17.

14.27 When a child has been excluded from school, the views of the most appropriate former teacher and any other professionals who know the child should be sought. Children that have been excluded from school, and their parents, may need sensitive and positive encouragement to contribute to all stages of the review.

### **The location of review meetings**

14.28 In most cases, the most suitable setting for the review meeting will be at the school, FEI or early years setting which the child or young person attends. Sometimes, it will be more appropriate for the meetings to take place in a hospital, the parent's home or the local authority's offices. It is usually appropriate that someone who works with the child or young person regularly, in most cases a person from the school or FEI, leads the review. This might be the ALNCo, but may also be the learner's head of year, form tutor, teacher or lecturer who is closely involved in supporting the child or young person. They will know the child or young person well, will have the closest contact with them and will have the clearest information about progress and next steps.



14.29 Reviews led by the school or FEI will engender the greatest confidence amongst the child, child's parent and young person. The discussion being led by a member of staff with good knowledge and understanding of the child or young person, who is aware of their ALN, will further strengthen this confidence.

### **The format of reviews**

14.30 The format for the IDP review meeting should be the same as that for developing an IDP. This includes having regard to the views, wishes and feelings of the child, child's parent or young person, the importance of the child and the child's parent or the young person participating as fully as possible in decisions relating to the exercise of the function concerned and the importance of the child and the child's parent or the young person being provided with information and support necessary to enable participation in those decisions.<sup>211</sup> Although the professionals invited to attend the meeting will depend on the child or young person's needs, the conduct of the meeting should always follow a similar format.

14.31 The principal difference of a review meeting compared with the original IDP preparation meeting is that it will require those contributing to the review to consider whether the ALP which has been delivered has led to the outcomes being achieved. There should be no need to repeat or reconsider background information or evidence unless a change has occurred, in which case it can simply be annotated on the IDP. Children, their parents or young people are likely to become disengaged if reviews are repetitious.

14.32 The review meetings **must**:

- gather and analyse any new information or evidence that has come to light in relation to the child or young person's ALN;
- consider if the description of ALN set out in the IDP is still correct in the light of any new information or evidence;
- explore whether the outcomes set out in the IDP are still suitable and whether new outcomes and/or interim targets would be appropriate, and update the IDP to reflect this;
- consider the continuing suitability of the ALP in the IDP in the light of the child or young person's progress towards the outcomes and any interim targets set around those outcomes;
- assess whether any additional ALP is required; and
- seek advice from all relevant professionals.

14.33 To aid in the evaluation and assessment of the child or young person's ALP, impact monitoring is a useful tool. The shorter term targets can indicate which ALP is meeting the needs of the child or young person, and ALP which is no longer required and/or not having its desired effect.

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<sup>211</sup> In order to comply with the requirement of section 6 of the Act – see also Chapter 3.



14.34 At the end of the review meeting a date should be agreed, at least in principle, of when the next review will take place. This **must** be within 12 months of the review<sup>212</sup>.

14.35 Also at the end of the meeting, any action that will be taken to help meet the needs of the child or young person should be clearly explained to the child, their parent, or young person and any one else involved in the review.

14.36 If the conclusion of the review is that a child or young person no longer has ALN and no longer requires an IDP, the specific provisions on ceasing to maintain an IDP will apply. See Chapter 15.<sup>213</sup>

14.37 If following a review of the child's or young person's needs it is determined that the child or young person still has ALN and requires an IDP, a revised IDP **must** be provided. This revised IDP will need to note the review and any new information gained. However, it might be that in the revised IDP the ALN identified and the ALP provided will be the same because the review has indicated that this is meeting the child's or young person's needs

14.38 A copy of the revised plan **must** be given to:

- the child or young person; and
- if the plan applies to a child, the child's parent.<sup>214</sup>

14.39 Where the child is looked after and the local authority revises the IDP, it **must** give a copy of the revised IDP to:

- The looked after child
- The looked after child's parent, and
- The looked after child's independent reviewing officer.<sup>215</sup>

14.40 A copy of the revised plan should also be sent to anyone else who attended the IDP review meeting or provided information for the IDP review. This should be done as soon as possible and within the 12 month period of issuing the previous IDP.

14.41 As well as sending a copy of the IDP to the child or young person, the school/FEI or local authority responsible for reviewing the IDP **must** also send:

- the name and contact details of the ALNCo in the school/FEI or the relevant local authority officer;
- copies of the relevant information and advice made available by the local authority or details of how to access it<sup>216</sup>;

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<sup>212</sup> Section 21 of the Act

<sup>213</sup> There are specific requirements relating to ceasing to maintain IDPs in section 29 of the Act.

<sup>214</sup> Section 21(8) of the Act.

<sup>215</sup> Section 22(6) of the Act



- details of the local authority avoidance and resolution of disagreement arrangements, as well as details of the local authority independent advocacy services.

14.42 Where a maintained school has sent a copy of the IDP, they **must** also outline the child's, young person's or parent's right to contact their local authority to discuss the issue further and ask the local authority to take over responsibility for the IDP<sup>217</sup>. Where it is a FEI or local authority which has sent a copy of the IDP, they **must** also outline the right to appeal to the Education Tribunal.

14.43 This should be in a format which is accessible and meet any specific communication needs the family has<sup>218</sup>.

### Example

Dear,

Please find enclosed the new IDP following the meeting of xx/xx/xxxx

If you would like to discuss this further please feel free to contact *[provide name and contact details of the ALNCo in the school/FEI or relevant local authority officer.]*

You might be interested in the information and advice provided by the local authority on Additional Learning Needs *[this might be provided alongside this notification or details of how to access the local authorities' information and advice **must** be provided]*.

You may also wish to engage in the local authorities' arrangements for avoiding and resolving disagreements. This can be accessed by *[provide details of how a child, child's parent or young person can access the local authorities' arrangements for avoiding and resolving disagreements.]* You may also wish to use the local authorities' independent advocacy services. This service provides advice and assistance to the child or young person. *[provide details of the local authorities' independent advocacy service.]*

*[Where a maintained school has sent a copy of the IDP]* If you would like to challenge the proposed IDP, you can contact the local authority to discuss the issue further and formally request the local authority to take over responsibility for the IDP *[provide relevant details of how this can be done.]*

*[Where a FEI or local authority has sent a copy of the IDP]* If you would like to challenge the proposed IDP, you have a right to appeal the decision to the Education Tribunal. We can provide more details on this matter.

<sup>216</sup> As per the duty on local authorities set out at section 7 of the Act.

<sup>217</sup> Section 21

<sup>218</sup> See duties outlined in Chapter 3



## ***Timescales for when a child, child's parent or young person requests a review***

14.44 Where a child, the child's parent or young person requests that the school/FEI or local authority reviews the IDP, the school, FEI or local authority **must** review the IDP unless it considers it unnecessary.<sup>219</sup> Or if the child is a looked after child, the local authority **must** review the IDP unless the authority considers it unnecessary.<sup>220</sup>

### **Where the school/FEI/local authority consider a review to be unnecessary**

14.45 If the school/ FEI or local authority considers that it is unnecessary to review the IDP they **must** inform the child, child's parent or young person within 2 weeks of receiving that request.

14.46 As well as explaining their decision not to review the IDP, the school/FEI/local authority **must** send:

- the name and contact details of the ALNCo in the school/FEI or the relevant local authority officer;
- copies of the relevant information and advice made available by the local authority or details of how to access it<sup>221</sup>;
- details of the local authorities avoidance and resolution of disagreement arrangements, as well as the local authorities independent advocacy.

14.47 Where a maintained school has sent a notification of this decision, they **must** also outline the child's, child's parent or young person's right to contact their local authority to discuss the issue further and ask the local authority to take over responsibility for the IDP.

14.48 Where it is a FEI or local authority which has sent the notification, they **must** also outline the right to appeal to the Education Tribunal.

14.49 This should be in a format which is accessible and meet any specific communication needs the family has in order to reflect the importance of the child, child's parent or young person participating as fully as possible in decisions and being provided with the information and support necessary to enable participation in those decisions.<sup>222</sup>

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<sup>219</sup> Section 21(5) of the Act.

<sup>220</sup> Section 22(3) of the Act.

<sup>221</sup> As per the duty on local authorities set out at section 7 of the Act.

<sup>222</sup> Section 6 – Duty to involve and support children, their parents and young people – see also Chapter 3.



**Where the school/FEI/local authority considers it necessary to review the IDP.**

14.50 Where a school, or FEI is maintaining the IDP and considers it necessary to review the IDP following a request to do so, they **must** have completed the review, prepared a revised IDP and provided a copy of the revised of the IDP to the child, child's parent or young person within a maximum of **7 school/FEI weeks (35 school/FEI days)**.

14.51 Where a local authority is maintaining the IDP and consider it necessary to review the IDP following a request to do so, they **must** complete the review and give a copy of the revised plan to the child, child's parent or young person within a maximum of **10 weeks**.

14.52 As well as sending a copy of the revised IDP to the child or young person, the school/FEI or local authority reviewing the IDP **must** also send:

- the name and contact details of the ALNCo in the school/FEI or the relevant local authority officer;
- copies of the relevant information and advice made available by the local authority or details of how to access it<sup>223</sup>;
- details of the local authorities avoidance and resolution of disagreement arrangements, as well as the local authorities independent advocacy.

14.53 Where a maintained school has sent a copy of the IDP, they **must** also outline the child's young person's or parent's right to contact their local authority to discuss the issue further and ask the local authority to take over responsibility for the IDP<sup>224</sup>. Where it is a FEI or local authority which has sent a copy of the IDP, they **must** also outline the right to appeal to the Education Tribunal.

14.54 This should be in a format which is accessible and meet any specific communication needs the family has<sup>225</sup>.

14.55 Where a school or FEI is reviewing the IDP, it might become apparent that the child's or young person's needs are such that the local authority is required to take over responsibility for the IDP (See Chapter 16).

### ***Conducting reviews with other plans***

14.56 As highlighted in Chapter 10 (IDP), a school, FEI or local authority may prepare, review or revise an IDP at the same time as it, or another body, is preparing, reviewing or revising another document in the case of the person

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<sup>223</sup> As per the duty on local authorities set out at section 7 of the Act.

<sup>224</sup> Section 34 of the Act.

<sup>225</sup> See duties in Chapter 3



concerned and may include the other document within the IDP<sup>226</sup>. It may be appropriate that an IDP review is conducted at the same time as a review for other plans. To ensure efficiency and effectiveness, there should be as much synergy as possible with any review processes that are required to take place in relation to a child or young person. This could mean having one meeting where the child or young person's ALN is discussed at the same time as any other needs or requirements.

14.57 Where reviews are conducted at the same time, they **must** follow the legal requirements of the relevant legislation. Whilst it may be beneficial to undertake reviews of different plans at the same time, reviews and assessment of needs should not be delayed to the detriment of the child or young person. It may be that the plans will need to be reviewed separately to best meet the needs of the child or young person.<sup>227</sup>

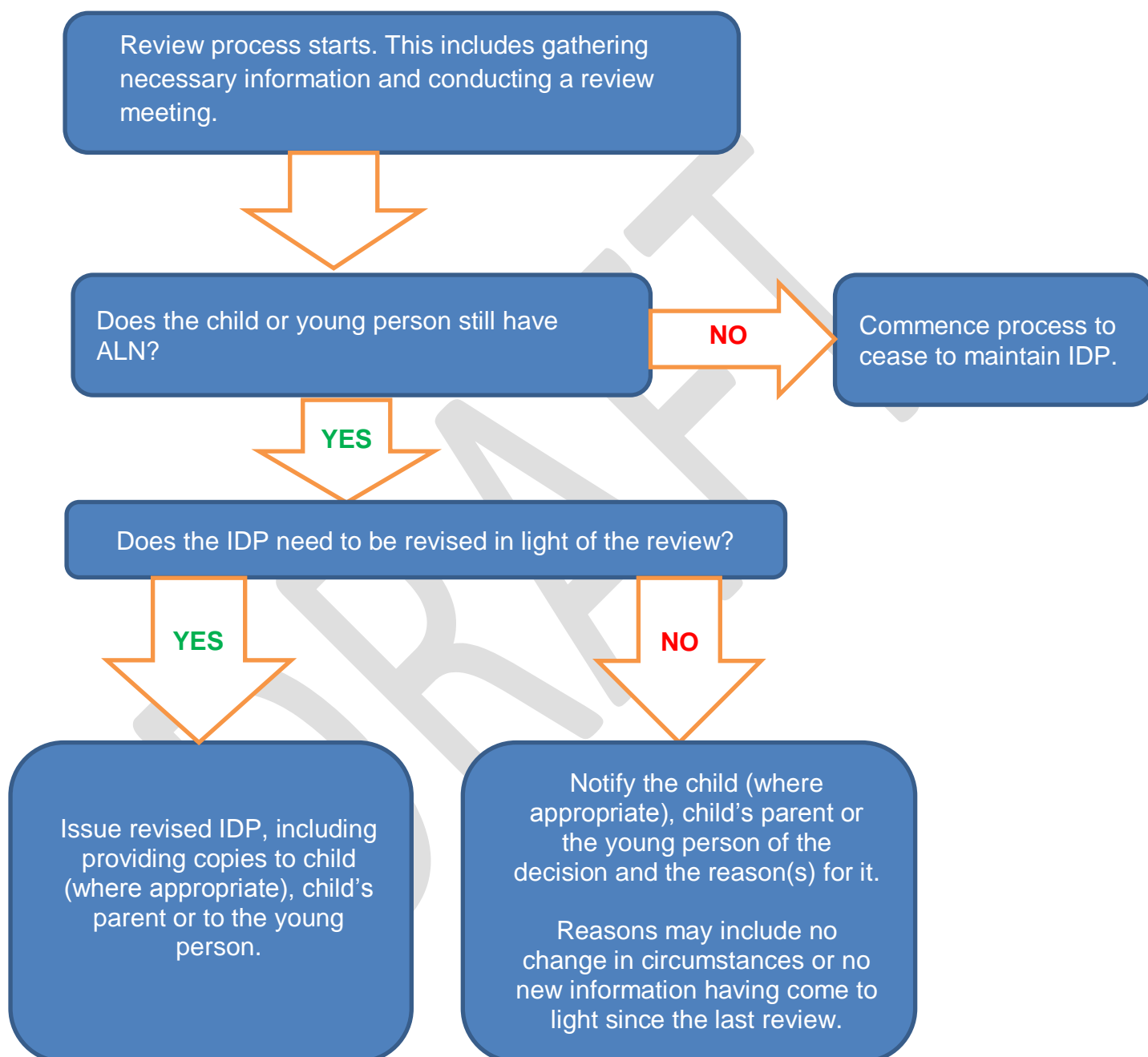
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<sup>226</sup> Section 23 of the Act.

<sup>227</sup> See also Chapter 20 in relation to reviews of IDPs for looked after children.

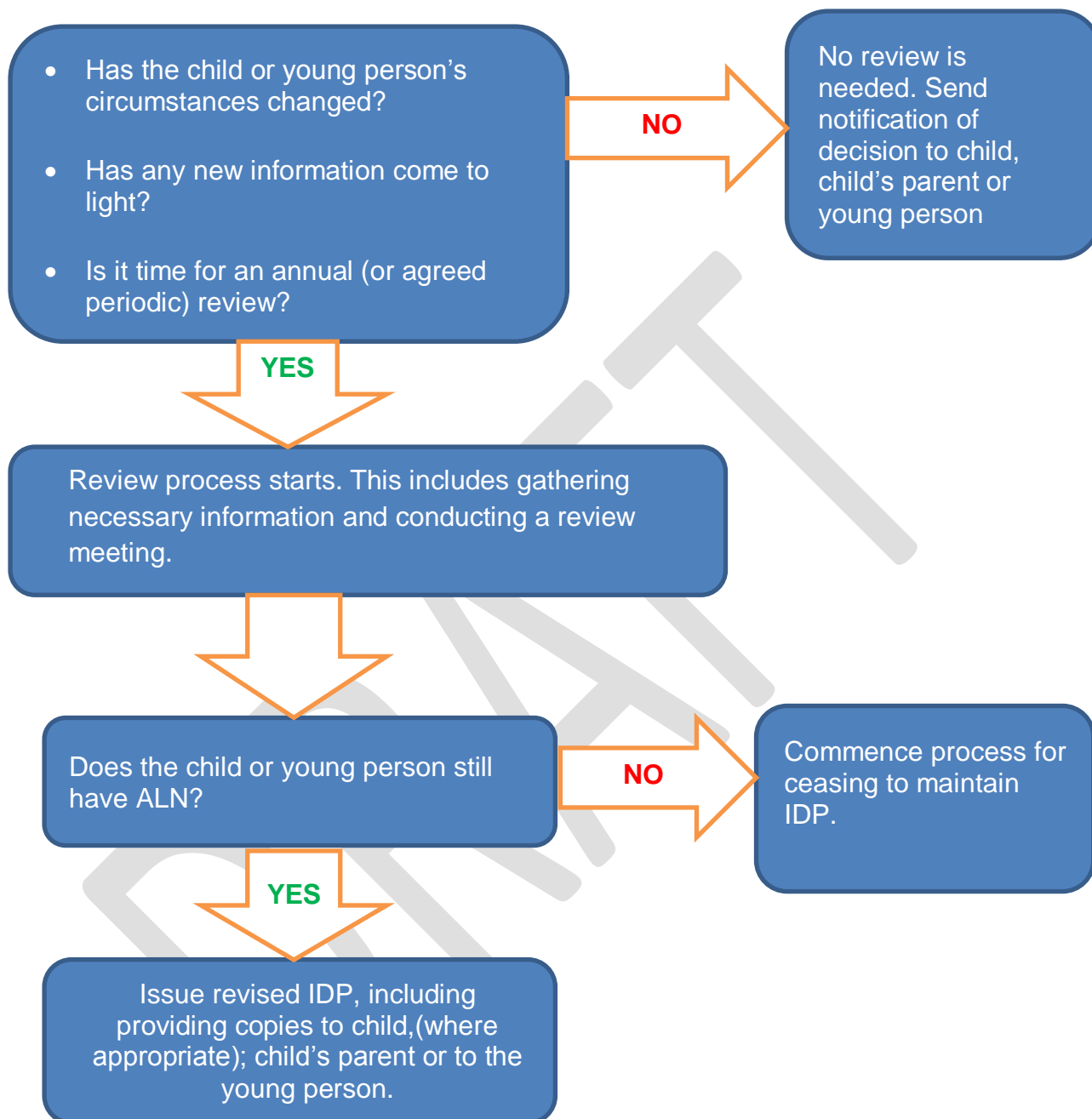


**PROCESS FOR REVIEWING AN IDP – INCLUDING MANDATORY REVIEW WITHIN 12 MONTHS OF LAST REVIEW (UNLESS A REQUEST IS MADE BY THE CHILD, CHILD’S PARENT OR YOUNG PERSON – See next flowchart)**





## PROCESS FOR REVIEWING AN IDP WHERE A REQUEST IS MADE BY THE CHILD, CHILD'S PARENT OR YOUNG PERSON





## Chapter 15 – Ceasing to maintain an IDP

### ***Summary***

15.1 This Chapter deals with the various circumstances in which duties to prepare and maintain an IDP cease. In some of these circumstances, the duties cease due to a change in circumstances, such as a child ceasing to be a registered pupil at a school. In these cases, another body might then have a duty to maintain the IDP – see section 33 and Chapter 16 on transferring an IDP. In other cases, the duty to maintain an IDP ceases following a decision that the person no longer has ALN or (only in the case of a local authority maintaining an IDP for a young person), that it is no longer necessary to maintain it. This Chapter sets out the steps to be taken before and after such a decision is made, and the individual's options for appealing the issue. It should be read alongside sections 29 to 32 of the Act.

### ***The Circumstances in which an IDP might cease to be maintained***

15.2 Section 29 of the Act sets out the circumstances in which the various duties to prepare or maintain an IDP cease to apply.

15.3 A school's duty to prepare or maintain an IDP ceases if the person ceases to be a registered pupil at the school.<sup>228</sup> Similarly, an FEI's duty to prepare or maintain an IDP ceases if the person ceases to be a student enrolled at the FEI.<sup>229</sup> In these cases, another institution may be under a duty to maintain the plan.<sup>230</sup>

15.4 Particular duties to prepare or maintain an IDP also cease to apply upon a person becoming a looked after child, or ceasing to be looked after.<sup>231</sup> So a school's duty to prepare or maintain an IDP ceases if the child becomes looked after. Similarly, when a child ceases to be looked after, the looking after local authority's duty in section 17 to maintain the IDP ceases. However, usually in these cases there will be a duty on (the same or a different) local authority under another section of the Act to prepare or maintain an IDP.<sup>232</sup>

15.5 A local authority's duty to prepare or maintain an IDP also ceases if the local authority ceases to be responsible for the person,<sup>233</sup> that is, if the person ceases to be in the local authority's area.<sup>234</sup> This would be the case if a child and their family move to live in another local authority area, in which case, the child would become the responsibility of that other local authority.

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<sup>228</sup> Section 29(1)(a) of the Act.

<sup>229</sup> Section 29(2) of the Act.

<sup>230</sup> Section 33 [and any regulations made under section 34 of the Act].

<sup>231</sup> Sections 29(1), (3)(b) and (4) of the Act.

<sup>232</sup> Section 33 of the Act.

<sup>233</sup> Section 29(3)(a) of the Act.

<sup>234</sup> Section 86(4) of the Act.



15.6 Duties to prepare and maintain an IDP also cease if the person becomes detained.<sup>235</sup>

15.7 The duties also cease to apply at the end of the academic year during which the young person becomes 25.<sup>236</sup> For these purposes, an “academic year” is<sup>237</sup>:

- in relation to a young person who attends an FEI, a period of 12 months ending on 31 July; and
- in relation to any other young person, a period of 12 months ending on the day the young person’s course of education or training ends or the day before the young person attains the age of 26 (whichever is earlier).

15.8 A duty to maintain an IDP ceases if the body maintaining it decides that the child or young person no longer has additional learning needs.<sup>238</sup> Such a decision would usually be reached as an outcome of a review. There should not be any presumption that because a child or young person has been given an IDP they will continue to need one until they leave education or training. In considering this issue, practitioners should refer back to the basic definition of ALN in the Act<sup>239</sup> (and the further guidance in Chapter 6 of this Code) and consider whether that test is still met.

15.9 The duty on a local authority maintaining an IDP for a young person ceases if the local authority decides that it is no longer necessary to maintain the plan, having regard to the young person’s reasonable needs for education or training.<sup>240</sup>

15.10 The rest of this Chapter deals with process involved in making these decisions (that the person no longer has ALN or that it is no longer necessary to maintain an IDP), the ways in which it can be appealed and when it takes effect.

### ***Deciding that a person no longer has ALN or (for a young person) that it is no longer necessary to maintain an IDP***

15.11 There will be points at which it is no longer necessary to maintain an IDP for a young person. This might be because the young person no longer has ALN. It might also be because it is no longer necessary to maintain an IDP for a young person having had regard to their reasonable needs for education or training. An example of this might be where a young person completes their further education study and moves into employment.

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<sup>235</sup> Section 29(10) and see the duties in sections 37 and 39 of the Act.

<sup>236</sup> Section 32 of the Act.

<sup>237</sup> Section 32(2) of the Act.

<sup>238</sup> Section 29(5) of the Act in the case of a school or FEI and section 29(6)(a) of the Act in the case of a local authority.

<sup>239</sup> Section 2 of the Act.

<sup>240</sup> Section 29(6)(b) of the Act.



15.12 A question of whether a child or young person still has ALN is most likely to arise in the course of a review of an IDP. Children, their parents and young people may find the prospect of an IDP and ALP ceasing alarming. They should be reassured that appropriate, ongoing, support through differentiated teaching, and other relevant strategies and practice, can and will be delivered, and that if ALN re-emerges an IDP will be reinstated with prepared. It should be possible to prepare the IDP quickly and in advance of the statutory deadlines because the majority of the information should already be available. If it is being considered at a review meeting that the child or young person no longer has ALN, these matters can be discussed at that time.

15.13 Before a school, FEI or local authority can take either of these decisions, it **must** notify the child, child's parent or young person, and in the case of a looked after child, the independent reviewing officer, that it proposes to make such a decision<sup>241</sup>. It should then allow sufficient time and opportunity for representations to be made in relation to the decision. In most cases, this can occur through the normal review process.

15.14 After the school, FEI or local authority has considered any representations and gone on to decide that the person no longer has ALN or that it is no longer necessary to maintain an IDP, it **must** notify the child, child's parent or young person and, in the case of a looked after child, independent reviewing officer, of the decision, and the reasons for it<sup>242</sup>.

15.15 The notification **must** contain:

1. the name and contact details of the ALNCo in the school/FE or relevant contact at the local authority;
2. copies of the relevant information and advice made available by the local authority or details of how to access it<sup>243</sup>;
3. details of the independent advocacy services available and of the relevant avoidance of disagreement service;

15.16 A maintained school **must** also notify the child and their parent, or the young person, of their right to request a reconsideration of the matter from the local authority<sup>244</sup>.

15.17 An FEI or local authority **must** notify the child, child's parent or the young person, of their right to appeal to the Tribunal.

15.18 Where the child or young person is continuing in education or training, the notification should also contain an outline of what action the school or FEI will undertake to ensure the child's or young person's needs are met. This might include any strategies or facilities that form part of the differentiated

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<sup>241</sup> Section 29(7) of the Act.

<sup>242</sup> Section 29(8) of the Act.

<sup>243</sup> As per the duty on local authorities set out at section 7 of the Act.

<sup>244</sup> Section 29(9) of the Act.



classroom teaching that can be utilised. This notification should meet any specific communication needs the child, their parent or young person has.

**Example of letter from a school to a parent notifying them that it has decided that their child no longer has ALN**

Dear,

Following our correspondence of xxx, we would like to confirm that we have decided that *[insert child's name]* no longer has additional learning needs. We have made this decision following a consideration of their needs. *[outline reasons that the decision was made]*.

The consequence of this decision is that we will cease to maintain *[insert child's name]* individual development plan. That is unless you wish to ask the local authority to reconsider the decision the school has reached. Further information on this is included below.

Should you ask the local authority to reconsider our decision and remain unsatisfied with the outcome, you will have the option of appealing to the Education Tribunal.

To support *[insert child's name]* we will be implementing the following actions:

*[Insert a description of the actions the school will take to ensure the child's needs are met. This might include any strategies or facilities that form part of differentiated classroom teaching which can be utilised.]*

If you would like to discuss this further please feel free to contact *[insert name and contact details of the ALNCo in the school.]*

You might be interested in the information and advice provided by the local authority on additional learning needs. I have enclosed a leaflet that outlines the local authority's arrangements and further information and advice can be accessed on the authority's website or by contacting the following telephone number. *[Insert web address and telephone number.]* *[Note – a leaflet does not have to be enclosed, but details of how to access the local authorities' information and advice **must** be provided].*

If you are unhappy with this decision you may wish to engage in the local authority's arrangements for avoiding and resolving disagreements. This can be accessed by *[provide details of how a child, child's parent or young person can access the local authorities' arrangements for avoiding and resolving disagreements.]* The local authority also provides independent advocacy services for children and young people intending to take part in the arrangements for avoiding or resolving disputes or considering an appeal to the Education Tribunal. This service provides advice and assistance to the child or young person or a child's case friend. *[Insert details of the local authorities' independent advocacy service.]*



*[Where a maintained school has sent the notification:] You have the right to request your/x local authority to reconsider this matter. [provide relevant details of how this can be done.]*

Yours sincerely,

### ***Reconsideration of a Maintained School's Decision to Cease to Maintain an IDP***

15.19 Where a child, their parents or a young person is unhappy about a maintained school's decision to cease to maintain an IDP on the grounds that the person no longer has ALN, they may initially wish to engage the local authorities' arrangements for resolving disagreements and/or independent advocacy services, with the aim of resolving the issue at school level.

15.20 Alternatively, children and their parents, and young people, are able to request a reconsideration of the school's decision<sup>245</sup>.

15.21 In this situation, the local authority **must** make its own decision as to whether the school should cease to maintain the IDP.<sup>246</sup>

15.22 Local authorities should take into account all available information and obtain any further information necessary in order to take an informed decision. It may be that the local authority reaches the same decision as the school did; or the local authority may take a different view.

15.23 The local authority **must** notify the child and the child's parent, or the young person and the school of the decision and the reasons for it.<sup>247</sup> The notification **must** be made as soon as practicable after the decision is made.

15.24 Where the decision is that the school should cease to maintain the IDP, the notification **must** also contain the information set out in the paragraphs above. Where the decision is that the school will continue to maintain the plan, the school **must** continue maintaining the plan.<sup>248</sup>

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<sup>245</sup> Section 30 of the Act.

<sup>246</sup> Section 30(2) of the Act.

<sup>247</sup> Section 30(3) of the Act.

<sup>248</sup> Section 30(4) of the Act.



### ***Limitation on ceasing to maintain plans to allow Reconsideration and/or Appeal***

15.25 Before a school, FEI or local authority is able to cease maintaining an IDP, a child, child's parent or young person is given the opportunity to challenge that decision through a reconsideration request to a local authority (where a decision to cease the IDP has been made by a maintained school – see above) and an appeal to the Education Tribunal or (in the case of an FEI or local authority decision) through an appeal to the Education Tribunal.<sup>249</sup>

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<sup>249</sup> Section 31 of the Act.



## Chapter 16: Transferring an IDP

### Summary

16.1 This Chapter sets out requirements and guidance in relation to the transfer of IDPs between one maintained school, FEI or local authority to another.

16.2 Section 33 of the Act deals with transferring the duty to maintain an IDP between local authorities, schools and FEIs.

16.3 Section 73 of the Act provides that regulations may be made in relation to the disclosure or use of information in relation to ALN, or for other purposes connected with the education of a child or young person.

16.4 The Statement of Policy Intent provides further information on how regulations made under section 34 will be made in relation to the transfer of IDPs between institutions and local authorities.

16.5 When an IDP is transferred, the school/FEI/local authority should review the IDP as soon as possible. This review should consider the new circumstances for the child or young person.

16.6 It is important to remember that the majority of times in which an IDP is transferred follow a known transition. As per the guidance in the next Chapter, these transitions should be planned for in advance and schools/ FEIs/ local authorities should be involved in the transition planning process ahead of any move. The IDP provides a space to list possible ALP which might be received in the future.

16.7 *[As per Section 34 of the Act regulations may make further provision around transferring the duty to maintain an IDP between local authorities, schools and FEIs].*



## **Chapter 17: Transition and Preparing for Adulthood**

### ***Summary***

17.1 Children and young people with ALN need to be supported to make a smooth transition between different settings or schools. To ensure this happens, planning and preparing for transition will need to occur well in advance of any move taking place. Preparation for transition will be a key topic for IDP review meetings (see Chapter 14). Transitions within the same setting should also be planned for.

17.2 Young people with ALN will need particular support when they are preparing to leave school or further education.

17.3 This Chapter sets out the arrangements that should be put in place to ensure smooth and effective transitions for children and young people with ALN between the various phases of education, including the use of IDP reviews to support a smooth transition.

17.4 The IDP (see Chapter 11) contains a specific section on transitions which should aid this process.

### ***Preparing for adulthood***

17.5 Like all children and young people, those with ALN should be supported towards greater independence and employment. With the right support, the great majority of children and young people, can find work, live independently and participate in their community. This message should be delivered to the child, child's parent or young person where appropriate. The focus on preparing for adulthood should start early and should centre around the child's or young person's views, wishes and feelings. All professionals working with them should share high aspirations for the child or young person.

17.6 Schools and FEIs should raise the career aspirations of their ALN students and broaden their employment horizons. Children and young people should be helped to develop their skills and experience and achieve the qualifications and skills they need to succeed in their careers.

### ***Transition***

17.7 Transitions can refer to the movement between different institutions. Key transitions within a child or young person's education might include:

- home to a pre-school setting or school;
- pre-school setting to reception year;
- infant school to junior school;
- primary school to secondary school;
- secondary school to a FEI or independent special post-16 institutions;
- within school transitions;



- transitions in mid year if there is a change in school;
- transition to and from any specialist setting placements;
- from education to adult provision, for example to support the young person into employment.

17.8 Transitions can also be the movements, or changes from one position, class, stage, subject or concept to another. These changes can be gradual or sudden and last for differing periods of time.

17.9 For some children and young people transition and change can be particularly challenging. A smooth and successful transition can be achieved by understanding the underlying reasons for these difficulties and having a collection of strategies for staff to use. Smooth transitions can be achieved by discussing the matter with the child, child's parent or young person.

17.10 Smooth transitions can help the child or young person feel comfortable in their new surroundings. A smooth transition may reduce the stress of change and improve learning and outcomes, minimise disruptive behaviour, reduce exclusions and reduce the risk of a change or transition failing. This can help create a settled learning environment for all children and young people and support staff to undertake their functions.

## ***General Principles***

### **Key aspects of supporting transition**

17.11 Transitions can be an anxious time for all children and young people and their families, but it can be a particularly anxious time for those with ALN. Transitions should be considered when reviewing the IDP. It might be identified at a review meeting that further work is needed to secure a smooth transition. Transition should be considered as a process rather than a specific step.

17.12 As noted in Chapter 11, the IDP provides a space to list suggested possible ALP which might be appropriate in the future, such as when the child or young person attends a new setting. Where the child or young person is attending a new setting, there should be consideration of any required transport in order for the child or young person to attend the new setting.<sup>250</sup> Although the transport arrangements will not form part of the IDP document, it should still be considered at the same time.

17.13 In order to help the transition, the IDP, any further information on the needs of the child or young person, the wider support provided to the child or young person (as well as information on the ALP listed in the IDP) and information on the progress of the child or young person should be shared in

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<sup>250</sup> Local authorities will be aware of the duties under the Learner Travel (Wales) Measure 2008 and the statutory guidance made pursuant to section 15 of the Measure.



advance. This will help the new class/setting to prepare the child or young person with transition.

17.14 Transitions work best when they are planned well in advance with the needs of the child or young person placed at the centre. There should be a focus on the long term, with effective action planning and preparing for transitions. As part of this, institutions should consider how they can meet the child or young person's needs.

17.15 A number of methods can be used to support transition. They can include:

- Visits to the new class or setting and meeting the relevant members of staff;
- Transition booklets – which might contain photos so that children and young people can become familiar with staff, the rooms, the layout; and
- Using a buddy system;

17.16 A successful transition involves enabling the child, child's parent and young person to make an informed decision and then preparing the child, child's parent or young person and the setting for that transition and providing additional support as required. When considering transition, relevant professionals will need to be identified and involved.

17.17 Once a decision is made about the child or young person's next steps, there should be clear actions with clear responsibility to help the child or young person make a successful transition. It is important to bear in mind that the child's or young person's interests and aspirations and the options open to them can change, therefore the actions might need to change in light of this.

17.18 Planning for transitions should involve:

- Encouraging children, children's parents and young people to consider the transition they want to make;
- Identifying potential barriers to a smooth transition and considering appropriate responses to that. This might include providing information and advice to children, children's parents and young people and working with them to empower them to build their skills and resilience;
- Exchanging information between settings, alongside transferring the IDP (see Chapter 16);
- Encouraging children and young people to participate in bridging activities where appropriate, such as meeting relevant staff, experiencing new settings etc.;
- Making preparations before the transition – which might include physical adaptations, changing working practices and changes in workforce (such as recruitment and training).



17.19 Where a child or young person is making a transition between classes or phases, the setting should consider the ability for the new member of teaching staff to meet the child's or young person's ALN. The ALNCo might need to support the member of teaching staff in this. Where this is in a school, this should form part of the School Development Plan.

### ***Transitions between specific settings***

17.20 The general principles should help inform and support a smooth transition. This sub-section provides guidance in relation to specific transitions.

#### **Pre school – School:**

17.21 It can be a big step for a child when they are making a transition into school. In order to ease this transition local authorities and schools might consider arranging introductory meetings. These introductory meetings might include the child, the child's parents and the pre-school setting, it might also involve a health visitor when necessary.

#### **Good practice examples**

A child with ALN is due to transfer from a nursery provider to a primary school. Parents are invited and actively encouraged to attend a session a week over six weeks at the new school, with each session lasting 30 minutes (three hours in total). The sessions are led by staff from the nursery provider and the primary school ALNCo. These sessions aim to and can help develop relationships and allow the parents to discuss their child's needs and any concerns they have. This can support the creation of a one page profile for the child and the preparation or revision of the child's IDP before they start school. The input of the parents sits alongside information taken directly from the child to inform the one page profile and the IDP more widely. This offers the opportunity to develop a staged transition with personal actions and allows for ALP and wider support to be provided immediately.

A child with congenital ataxia which affects their physical development, core stability and speech attends a pre-school setting three times a week.

The local authority initiates contact with parents to plan for the child's transition into primary school.

An initial visit is made to the pre-school setting by a Foundation Phase ALN Advisory Teacher to meet the child and discuss the child's case with relevant staff. A term prior to the child commencing school, the parents are invited to a review meeting to discuss the IDP where they are able to discuss the child's needs and their hopes for the child's placement. At this meeting the relevant pre school staff and primary school staff attend and an action plan for a phased transition is planned and noted in the IDP.



In this instance:

The child is to have a phased transition period into school where they will be supported by a support worker. The child creates a photograph book during the transition period. During the transition period the child meets staff in the new school and visits certain areas of the school, including the reception class (five morning sessions and one whole day session). This allows the child to be confident in communicating their needs to all members of staff once transition takes place.

During the transition period the school also undertakes a health and safety risk assessment to ensure that any adjustments/amendments/safety measures and controls are in place. The school also ensures any required staff training is completed prior to the child starting school. The school also seeks further advice from relevant professionals where necessary. Arrangements are made for the Foundation Phase ALN Advisory Teacher to visit the child in pre-school at a later stage and before commencing school the child, child's parent and relevant agencies will be invited to review the IDP.

It is decided that following the child starting school, IDP review meetings will take place termly, with the child, child's parents and whoever else it is considered appropriate, invited.

### **Between Classes / Years / Change of teachers:**

17.22 Before a child is to move to a new class or year or they are about to change teacher, there may be a need to consider transition arrangements. This may include when the child is moving from the Foundation Phase to Key Stage 2. In order to support the child, a review meeting might be conducted in the summer term where the next teacher attends and a transition plan is created catering to the child's needs.

17.23 The transition plan will cover the most relevant topics, which might cover a change of curriculum, different school times, different break times, different toilets, unfamiliar staff and being with older pupils.

### **Transition from primary school to secondary school:**

17.24 The transition between primary school and secondary school can be particularly important. Schools already plan and organise transition between primary and secondary schools. Pupils should be, as far as possible, included in normal transition planning which occurs with all pupils. However, special account should be taken for children with ALN, such as partaking in activities over and above that normally taken, which might include, for example, meeting the ALNCo. It should be considered if it would be appropriate for the ALNCo of the secondary school to attend the child's IDP meeting in year 6.



17.25 The transition between primary and secondary school can be an anxious time for all pupils and their families, but it can be an especially anxious time for those with ALN. Primary and secondary schools should work together to support a smooth transition.

17.26 When a child moves school, as well as the IDP being transferred (see Chapter16), any other relevant information should be passed over.

17.27 A successful transition can help the child settle into the new school which can help to avoid a dip in performance.

### **Transition in year 9/10:**

17.28 Year 9 and year 10 should have a particular focus on next steps after the end of compulsory education with a focus on helping the child prepare for adulthood. Some children with ALN will continue with school, others will go to FE, others might choose a different career path. It should be considered whether to invite careers advisors (see below) to a child or young person's review.

17.29 At the review meeting post-school support should be discussed, especially if the child is not planning on staying in school. Where the child is intending to attend an FEI, the FEI should be invited to the review meeting to discuss future support needs.

### **School to FE Transition:**

17.30 Where a young person is planning on accessing FE and needs additional support to make a smooth transition and/or will require specialist provision, FEI staff should be invited to a year 11 review. Where a child has particularly complex needs it may be beneficial for the FEI staff to attend Year 10 or year 9 reviews. Where it is unclear whether an FEI placement would be suitable, the FEI should be invited to discuss whether the child or young person's needs can be met within an FEI. It may also be appropriate to invite careers specialists (see below) as well.

17.31 Schools, FEIs, local authorities and Independent Special post-16 institutions should work together to support the young person to make a smooth transition.

17.32 Where it is identified that the child or young person will need a placement at an independent special post-16 institution, the child, child's parent and young person will need to be supported to understand the implications of this and identify the appropriate placement. The child, child's



parent and young person will need to be provided with detailed information on the potential placement<sup>251</sup>.

17.33 To support FEI attendance, schools should plan reviews to ensure efficiency and FEIs should have a staffing structure that allows for their attendance.

17.34 The transition process will differ for each young person but might include one or more of the following:

- Attendance at open events
- 'Show-arounds' at college either during the college day or at quieter times
- Taster sessions
- Link programmes
- Opportunities to sit in on classes
- Extended inductions
- A bespoke visit arranged by the FEI.

17.35 Upon enrolling at an FEI, a review meeting of the IDP should be conducted as soon as possible, with a reconsideration of the young person's ALP. The ALP might need to change to reflect the circumstances of the different setting, the ALP which was delivered at school might not meet the needs of the young person in an FEI. For instance, FEIs should be helping the young person to work towards even greater independence. Where it is proposed to change the ALP, this **must** be discussed with the young person, including the reasons for that proposed change, this should include reassuring the young person about any concerns they might have and if required taking mitigating actions against these concerns.

17.36 It may be that the ALP will change to reflect the ALP which is noted under the transition section of the IDP (see Chapter 11).

17.37 However, there will be some circumstances when an FEI has not been involved in the transition process, this might be because a young person has changed their mind and made a late decision. When enrolling, applicants should be provided with an opportunity to disclose any ALN, or disability and state whether they have previously had an IDP or not. This provides an opportunity for discussion between the young person and the FEI about their needs and the support required. The FEI should support the young person to understand the environment and provide information as required, such as details of the ALNCo and a personal tutor. When the FEI is conducting a review of the IDP or are establishing a new IDP following a previous IDP lapsing, where further clarity or more information is needed the ALNCo or relevant member of staff from their previous school should be invited to

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<sup>251</sup> Where there are questions about a young person's capacity to understand, the relevant provisions of the Mental Capacity Act 2005, associated case law and the Code of Practice will apply.



attend. It may also be suitable to involve a careers advisor where they have been previously involved with the young person.

### **Good Practice Examples**

At FEI X, their staff attend school transition reviews to provide information and guidance to the child, child's parent or young person. In addition the FEI has regular ALN meetings with its local secondary schools where the needs of ALN learners can be discussed.

#### **Jenny**

Jenny has severe learning difficulties and is very vulnerable. She attends a special school and has been there for the last seven years. She would like to do a Life Skills course at an FEI but is very worried about leaving school. The Transition Officer from the relevant FEI attended Jenny's Year 12 review where he was able to describe the range of courses on offer and provide other information to Jenny and her parents about what the FEI could offer (under new arrangements, we would anticipate the FEI ALNCo could be the one to do this). During the Year 13 review, dates were agreed for Jenny to try out some taster sessions at an FEI. A visit was arranged before the taster sessions so that Jenny could be shown around the FEI and meet some of the staff and students.

Following the taster sessions Jenny was invited with her parents for an informal interview at the FEI. The taster sessions, along with information from her IDP and review, provided FEI staff with enough detail to make a judgement about Jenny's support needs. Support arrangements were discussed and agreed with Jenny and her parents and this information was added to her IDP. Jenny and her parents were also provided with all the information they needed to apply for transport and financial assistance, along with details of the FEI's enrolment and induction arrangements.

### **Careers Advisors**

17.39 For most children or young people with ALN the careers advice they receive as part of their mainstream education will meet their needs. Those learners with ALN who are at risk of becoming NEET (Not in Education, Employment, or Training) should already be identified as a priority group requiring enhanced services. Careers Wales will need to be involved in supporting those children and young people with ALN who would benefit from enhanced services.

17.40 Where the person organising an IDP meeting believes that the child or young person requires the input of careers advisors in a face to face format they should invite them to the review meeting. This will be particularly



important where the review meeting will have a focus on transitions and preparing for adulthood to discuss the child's or young person's careers options.

17.41 Careers advisors can provide careers information, advice and guidance to the child, young person and the family of different career options, as well as sharing dates of open events, such as at the local FEI. They can also provide information on different courses and provide challenge and guidance to help an individual consider all available options, such as continuing education, different careers and occupational training. This might be particularly relevant, where a school is a natural feeder to one provision which might not be the most appropriate for the individual.

17.42 It may be appropriate to involve career specialists where a learner's needs are such that they are only likely to be met in an FEI with significant support provided by the local authority and a local authority maintained IDP.

### **Good practice examples**

#### **When to involve careers specialists**

Paul is a student in a mainstream school. He is in year 9 and about to choose his options. Paul is on the autistic spectrum and gets very anxious at the thought of change. He finds it difficult to make decisions and has panic attacks when placed under pressure.

The school have very good systems in place to support Paul and use visual aids to help Paul understand changes to his timetable. Paul's parents have expressed concern about his future and what will happen when he leaves school. The school ask the careers adviser to meet with Paul and his parents to help him think about how he makes decisions and to help them learn about post school options. The careers adviser meets Paul and his parents and also agrees to attend the year 9 review to help Paul explain his option choices.

#### **Using career specialist and FEIs**

Gavin is a year 11 student in a mainstream school who has speech and language and co-ordination difficulties. Gavin hoped to stay on in school for A-levels but is predicted to get D and E grades in his GCSEs. The careers adviser has met with Gavin during years 9 and 10 and Gavin has expressed an interest in a wide range of vocational areas.

In year 11 the school ask the careers adviser to meet with Gavin again to discuss his post school options in more detail. Gavin learns that the FEI offer a number of courses he would be interested in and he accepts that school may not offer the qualifications that would best suit him. As Gavin lacks confidence, he agrees that the careers adviser can discuss his options with his parents and that it would be a good idea for them to visit the FEI with him. The careers adviser contacts the ALNCo at the FEI to arrange a visit and with



Gavin's permission outlines his strengths and the support he may need in a new environment.

At a review of Gavin's IDP in December the FEI is represented by their ALNCo. Gavin was pleased with the courses on offer and has completed an application. The college ALNCo is able to give more detail on the course and the support that will be put in place. The IDP is updated to include this support. A number of further visits are arranged to help Gavin with the transition to college. The careers adviser agrees to maintain contact with Gavin during the summer to make sure that he still feels confident to attend in September.

### **Careers Wales - Case Study - Client leaving school to enter work based learning**

Jack is on the Autistic Spectrum. He attends a mainstream school and has LSA support to ensure that he has understood what is expected of him and to help him to meet deadlines for course work. Jack does not enjoy classroom based learning and is keen to leave school at the end of year 11. He has met with his careers adviser twice to discuss his options and has decided that he would like to enter work based learning and get practical experience. He is interested in catering.

Jack has discussed the support he would like to have on placement. The careers adviser arranges for Jack to visit two local work based learning providers. The ALNCo invites the careers advisor to attend the annual review of his IDP and the careers adviser suggests inviting the work based learning provider that Jack would like to go to. The support Jack needs on placement is discussed and Jack and his parents feel more confident that he will gain a placement and work towards further qualifications. The careers adviser follows this up later in the year and refers Jack to work based learning. Jack shares his updated IDP with the work based learning provider. The careers adviser maintains contact with Jack until he is settled in his placement.

### ***Young people leaving education/training***

17.43 Where a young person is leaving education or training to start their next phase of their life journey, they should be supported to make a smooth transition. This would include supporting them to understand what support is available and what careers options are available to them. This may include passing on the relevant information along with the IDP (with the young person's consent) to relevant agencies.

17.44 In order to help the young person make a smooth transition into adulthood it may be appropriate to invite careers specialists (see above for further information on when to invite careers specialists), when this is the case they should be invited.



17.45 Where it is known that a young person will soon be completing their time in education or training, the school/FEI/local authority should support the young person to engage with the services and provision they will be accessing once they have left education. The young person should know what will happen once the IDP ceases.

### ***Moving to Higher Education***

17.46 Where a young person is enrolling upon a HEI course, the school/FEI should support the young person to share relevant information, including the young person's IDP. This will allow the HEI to consider what support they can provide and help inform the DSA (Disabled Students' Allowances) Assessment.

17.47 Securing a place in higher education is a positive outcome for many young people with ALN. Where the young person has this ambition, the right level of support and provision should be offered to help them achieve that goal wherever possible. A smooth transition to higher education should be planned as early as possible.

17.48 The Equality Act 2010 places a duty on educational institutions to make 'reasonable adjustments' for disabled persons, which can include:

- making changes to a rule, requirement or practice;
- making changes to buildings or premises; or
- providing equipment that will help.

17.49 Schools, FEIs and local authorities should plan a smooth transition to higher education (and, where applicable, to the new local authority area) before ceasing to maintain a young person's IDP. Once the young person's place has been confirmed at a higher education institution, and where asked to by the young person, the school, FEI or local authority should pass a copy of the IDP to the relevant person in that institution at the earliest opportunity.

17.50 Young people should also be advised on what support is available to them in higher education, including how they can claim it.



## Chapter 18: Avoiding and Resolving Disagreements

### Summary

18.1 This Chapter relates to the requirement on local authorities to make arrangements with a view to both avoiding and resolving disagreements.<sup>252</sup> It also includes detail in relation to the duty on local authorities to make arrangements for the provision of independent advocacy services.<sup>253</sup>

18.2 From time to time, disagreements may arise about ALN or ALP. As far as possible they should be avoided or resolved through dialogue at the earliest opportunity.

18.3 The inclusive process of developing an IDP and the requirement to take into account the views, wishes and feelings of the child, child's parent or young person (see Chapter 3), is intended to help to overcome concerns and avoid disagreement. Schools, FEIs and local authorities' focus should be on providing the parties with the opportunity to raise concerns or questions at every stage of the process and prevent problems from escalating.

### Standards

18.4 The local authority is responsible for ensuring that the arrangements for avoiding and resolving disagreements are appropriate and of suitable quality. For example, in delivering these arrangements, the local authority are expected to:

- take responsibility for the overall standard of the arrangements, including having a development plan with clear targets which are reviewed regularly;
- ensure there are appropriate management structures for the arrangements, which includes overseeing, regularly monitoring and reviewing the arrangements and taking account of local or national best practice;
- ensure there is adequate resource and staffing to meet the needs of children, their parents and young people in their area;
- ensure that staff providing the arrangements receive appropriate training and development to undertake their role effectively and training is refreshed to improve standards;
- ensure that the arrangements are well-publicised, accessible and easy to use for every child, child's parent and young person;
- actively seek feedback about the arrangements from those using them to inform the development and continuous improvement of the arrangements;
- have clear funding and budgeting plans for the arrangements; and
- provide the arrangements to be free at the point of delivery;

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<sup>252</sup> Section 61 of the Act.

<sup>253</sup> Section 62 of the Act



18.5 Staff that are delivering these arrangements **must** have a detailed understanding of the ALN system. They should also have no vested interest in the outcome of any potential disagreements.

18.6 The arrangements should be child and young person friendly.

18.7 Many children will want to access these arrangements via their parents. However some children, especially older children, may want to access the arrangements separately from their parents. Local authorities **must** facilitate this.

18.8 Whilst young people **must** be able to access these arrangements in their own right, local authorities should recognise the specific needs of young people at the same time as ensuring co-ordination and consistency in what is offered to children, their parents and young people.

18.9 Young people may be finding their voice for the first time and may, therefore, need support in exercising choice and control over the support they receive.

### Avoiding disagreement arrangements

18.10 Local authorities **must** make arrangements for avoiding and resolving disagreements between a maintained school, FEI, local authority and proprietor of a relevant institution.<sup>254</sup> Relevant institutions might, for example, include an independent school, and a child, child's parent or young person. These arrangements **must** cover the way that schools/FEIs/local authorities undertake their duties under the Act and the way that ALP is made and delivered, including if it is felt that the ALP is not being delivered in a suitable manner or to a suitable quality.

18.11 The purpose of the arrangements is to help to unpick and uncover the underlying nature of any potential disagreements. It can also help to support the child, child's parents and young person to further understand the ALN system. The arrangements should encourage parties to compromise or negotiate as much as possible.

18.12 The avoidance of disagreement arrangements must be able to work with the school, FEI and local authority and the child, child's parent and young person. The arrangements can help to build and maintain partnerships and help foster the understanding that the child or young person is central, with everyone working together to support the child or young person.

18.13 The arrangements can provide the following:

- Advice on the rights and responsibilities of a child, child's parent or young person needing support;

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<sup>254</sup> Section 61 of the Act.



- Support to unpick difficulties and plan a way forward with the other people involved;
- Face to face meetings to work out what to do next;
- Support to attend and contribute to meetings;
- Ongoing support if problems are difficult to solve.

18.14 The arrangements can help to build trust and avoid disagreements by:

- Supporting the child, child's parent or young person and professionals, as appropriate, to have the same information from the same trusted source;
- Reassuring children, their parents and young people that discussions and decision-making will be centred on the best interests of the child or young person and they will receive the level of support that they need;
- Improving communication and building trust between the parties to create an environment where the child, family and young person understand that they are full partners in this process and there is nothing influenced by vested interest and concerns can be addressed through open and constructive dialogue;
- Ensuring decisions are properly explained in a way that is understandable to the child, child's parent or young person;
- Explaining the legislation underpinning decisions that are taken and support the child, child's parents or young person to challenge these, offering or signposting advocacy as required;
- Providing an early opportunity to question decisions, which is key to avoiding disputes, as through appropriate questioning issues are presented and dealt with - so that positions do not become entrenched;
- Supporting the examination of the IDP to understand how the decisions made were reached and see if there is any evidence that has not been taken account of.

18.15 Independent advocates and, where they have been appointed, case friends, may have a critical role to play in the effective functioning of the arrangements for avoiding disagreements.

## ***Resolving Disagreements***

18.16 Where it has not been possible to prevent disagreements arising, the focus will necessarily shift to resolving them as quickly and efficiently as possible. Early resolution of disagreements significantly benefits the child, child's parent or young person and can avoid unnecessary stress and expense.

18.17 Local authorities **must** make arrangements for resolving disagreements between a maintained school, FEI, local authority and proprietor of a relevant institution, and a child, child's parent or young person<sup>255</sup>. These arrangements

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<sup>255</sup> Section 61(1) and (2) of the Act.



**must** cover the way that schools/FEIs/local authorities undertake their duties under the Act and the way that ALP is made and delivered, including if it is felt that the ALP is not being delivered in a suitable manner or to a suitable quality.

18.18 In the first instance the child, child's parent or young person should be supported to raise their concerns at the most suitable local level. In many instances this will be with the education setting that the child or young person attends, e.g. the pre-school setting, school or FEI.

18.19 Local authorities should consider how their arrangements can incorporate or complement existing complaint procedures which exist within schools and FEI in order to ensure that disagreements can be resolved as soon as possible at the most local level possible.

18.20 The purpose of resolution disagreement services is to be a positive way of resolving disagreements quickly. The arrangements can help resolve the issues and provide the opportunity to restore or improve the relationship between the child, child's parent or the young person and the school, FEI or local authority and help foster the understanding that the child or young person is central, with everyone working together to support the child or young person.

18.21 Furthermore, where a maintained school has made a decision that a child or young person has ALN, or has refused to make a decision, the child, child's parent or young person has an opportunity to request that the local authority reconsiders the matter.<sup>256</sup> Similarly, if a school maintains an IDP for a child or young person and the child, child's parent or young person considers that the IDP does not meet the needs of the child or young person, then the local authority can be asked to reconsider and revise the plan.<sup>257</sup>

18.22 The local authority's disagreement resolution arrangements should deal with any questions from the child, child's parent or young person. It should be explained that the arrangements are informal and accessible, and provide a simple process designed to bring two parties together to clarify the issues and reach a resolution.

18.23 Using the disagreement resolution arrangements will generally reduce the need to take a dispute to the Tribunal. It should lead to a quicker resolution of any disagreements, save significant time and money, and minimise disruption to the child or young person's learning.

18.24 Disagreement resolution arrangements should:

- be practical;
- be accessible;
- help to bring together the relevant parties;

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<sup>256</sup> Section 24 of the Act.

<sup>257</sup> Section 25 of the Act.



- support the needs of the child and young person;
- help to achieve early and informal resolution of disagreements through discussion and agreement;
- discuss the full range of options;
- ensure the minimum disruption to the child or young person's education.

18.25 All participants, including the child, child's parent or young person, need to feel confident that their views, wishes and feelings will be listened to. The purpose of disagreement resolution is not to apportion blame, but to seek to resolve disagreements by achieving a solution to a difference of views in the best interests of the child or young person. The arrangements should be suited to the participants.

18.26 When a child, child's parent or young person decides to use the disagreement resolution arrangements, the parties should arrange to meet at a time suited to all and an open communication channel should be kept with prompt responses to any requests. This should be arranged at the earliest possible opportunity to enable a prompt resolution. The child, child's parent or young person should be supported to make their views known.

18.27 For example, good use of resolving disagreement arrangements should:

- narrow down the areas of disagreement in one or more component parts of a dispute;
- identify points of difference whilst maintaining or creating good working relationships between the parties;
- unlock provision of further information or assist parties to agree key facts;
- clarify the key questions which need to be answered in order to resolve the dispute; and
- try to reach agreements on particular points.

18.28 The arrangements can include aspects such as pre meeting conversations with both sides of the disagreement, a neutral venue within an agreed timescale (there may need to be more than one meeting) and an 'agreements reached' and/or 'agreement to disagree' statement following the process.

### ***Independence of Persons Helping to Resolve Disagreements***

18.29 As part of the disagreement resolution arrangements, the local authority **must** include provision for parties to the disagreement to access help in resolving that disagreement from persons who are independent of the



parties.<sup>258</sup> Independent person(s) helping to resolve disagreements will need a range of experience, knowledge and qualifications, including for example:

- training and experience in disagreement resolution, e.g. mediation;
- counselling and negotiating skills;
- the ability to establish and maintain effective communications;
- knowledge of ALN legislation, associated regulations, this Code and other relevant educational issues; and
- the capacity to maintain confidentiality and have no vested interest.

18.30 This list is not exhaustive.

18.31 The person should not have been previously been involved with the child, family or young person and should have no vested interest in the outcome. The independent person can help parties discuss the disagreement and find a mutually acceptable solution.

### ***The involvement of health bodies in avoiding and resolving disagreement arrangements***

18.32 Whilst the child, child's parent or young person is engaging in the local authorities' avoiding disagreement arrangements, or resolving disagreement arrangements, the local authority should consider whether it would be beneficial to involve the relevant NHS body in these arrangements. This might be where the child, child's parent or young person raises concerns in relation to health, or ALP which a health body is responsible for.

18.33 When a local authority believes it would be beneficial for a health body to be involved in avoidance and disagreement resolution arrangements, they should contact the relevant DECLO to seek their advice. This should form part of the DECLO's role (see Chapter 12).

18.34 The DECLO should consider whether the involvement of health bodies in the arrangements can help to resolve disagreements and partake in the arrangements where they believe this to be the case.

18.35 As well as using the local authorities' avoidance of disagreement arrangements and disagreement resolution arrangements, where there is a concern surrounding the involvement of health, or the provision provided by NHS bodies, then the child, child's parent or young person should be encouraged to discuss their concern with the health provider.

18.36 The Welsh Government has put in place arrangements for the management of concerns and complaints relating to the NHS in Wales: *Putting Things Right*.<sup>259</sup> Putting Things Right is based upon an integrated

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<sup>258</sup> Section 61(3) of the Act.

<sup>259</sup> Putting things right can be found at:

<http://www.wales.nhs.uk/sites3/home.cfm?orgid=932>



approach, bringing together the management of complaints, incidents and claims and is based upon the principle 'investigate once, investigate well.'

18.37 Where it becomes apparent to the local authority that the concern/disagreement/complaint concerns health, then the local authority should direct the child, child's parent or young person towards the NHS' Putting Things Right. The local authorities' arrangements and Putting Things Right can be used in parallel.

18.38 Where the child, child's parent or young person wants to use Putting Things Right, if they feel confident to do so, they should be encouraged to raise their concern directly with the staff who are providing the ALP delivered by the health service. NHS staff should try to sort out the concern immediately. Where the child, child's parent or young person does not think this has resolved the problem, or they do not want to talk about their concern directly to the member of staff responsible for delivering the ALP, they should be directed to contact a member of the concerns team. This will be someone from the local health board or relevant NHS Trust.

18.39 If the child, child's parent or young person's concern has been looked at by NHS and they are still not happy with the response, they would be able to contact the Public Services Ombudsman for Wales.

### ***Interrelationship with the Tribunal***

18.40 Using disagreement resolution arrangements, or deciding not to use them, does not affect rights to appeal to the Tribunal. No inference will be drawn by the Tribunal if the child, child's parent or young person involved in the disagreement has not used the disagreement resolution arrangement.

18.41 Disagreement resolution meetings are confidential and without prejudice to the Tribunal process. The Tribunal may cover similar ground to that explored through the disagreement resolution arrangement but will reach its own independent findings and conclusions. Partial agreement achieved by using such arrangements can help to focus on the remaining areas of disagreement in any subsequent appeal to the Tribunal.

18.42 Following an appeal, the local authority's arrangements could also support the family and local authority to work together and prevent further disagreements.

### ***Independent Advocacy Services***

18.43 The Act requires that a child, or young person has access to independent advocacy services to support the avoidance and resolution of



disagreements, including in relation to matters that proceed to the Tribunal. A local authority **must**<sup>260</sup>:

- make arrangements for the provision of independent advocacy services for the children and young people for whom it is responsible;
- refer any child or young person for whom it is responsible who requests independent advocacy services to an independent advocacy service provider; and
- refer any person who is a case friend for a child or young person for whom it is responsible and who requests independent advocacy services to an independent advocacy service provider.<sup>261</sup>

18.44 Independent advocacy services provide advice and assistance, by way of representation or otherwise, to a child, young person or child's case friend, where the child or young person is:

- making, or intending to make, an appeal to the Tribunal;
- considering whether to appeal to the Tribunal; or
- taking part, or intending to take part, in arrangements for avoiding or resolving disagreement<sup>262</sup>.

18.45 Advocacy services can help the child and young person to express and to represent their views, wishes and feelings. Advocacy can:

- Assist the child or young person to communicate their views, wishes and feelings and ensure that the child or young person is heard and listened to;
- Speak on behalf of the child or young person where the child or young person is not able to communicate their views, wishes or feelings, or only partly able to express their views, wishes or feelings ;
- Work in partnership with the child or young person and support them by providing information, advice and support;
- Support the child or young person to understand their needs, understand the relevant processes, understand their rights, take an active participation in decision making and understand the implications of any decisions made;
- Support the child or young person to access information, explore and understand their options and make informed decisions and challenge the local authority or FEI where they feel their needs are not being met;
- Assist the child or young person to seek resolution to any problems or concerns which have been identified by the child or young person, help the child or young person to clarify the complaint and help them to understand the outcomes they are seeking;

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<sup>260</sup> Section 62 of the Act.

<sup>261</sup> Section 62(1) of the Act.

<sup>262</sup> Section 62(2) of the Act.



- Provide children and young people with support from any emotional challenges which arise from the process, such as expressing a different view from their parents.

18.46 The local authority is responsible for ensuring that the advocacy services are appropriate and of suitable quality. For example, in delivering these arrangements, the local authority should:

- Ensure the advocate is trained in communicating with children and young people, including those with communication difficulties;
- Ensure the advocate is child and young person friendly and be flexible in order to meet their needs and be adaptable to working with both children and young people, including those with access needs;
- Ensure that advocacy is led by the views and wishes of the child or young person, champion their needs and rights and provide assistance taking into consideration the needs of the child or young person;
- Ensure that advocates are well-publicised, accessible and easy to use and available to contact in a variety of ways;
- Ensure that the advocate understands and has relevant knowledge of the child's or young person's needs, including any disability they may have;
- Ensure that advocacy is responsive and provide help and advice quickly when contacted;
- Ensure the service has clear funding and budgeting plans, have adequate resources and are well managed and provide value for money;
- Ensure that advocates are suitably trained and continue to receive appropriate training and development to undertake their role effectively and to improve standards;
- Ensure that advocates understand the ALN system;
- Ensure the service has a clear and easy to use complaint procedure, encourages feedback and utilises feedback to drive improvement;
- Ensure the service maintains confidentiality to establish the trust of the child or young person, maintain confidential records and ensure that individuals and partner agencies are aware of its confidentiality policies.

18.47 If a child or young person is considering using the independent advocacy service, the information the service provides **must** be factual and unbiased. It **must** clearly outline that engaging with the service is a voluntary process.

18.48 Whilst children and young people can choose to ask for advocacy, local authorities should actively offer the chance to use an advocate whenever necessary. Staff should be suitably skilled to identify those children and young people who would benefit from having an advocate.



## ***Independence of advocate***

18.49 The local authority **must** have regard to the principle that any services provided under the arrangements **must** be independent of any person who is:

- the subject of an appeal to the Tribunal; or
- involved in investigating or adjudicating on such an appeal.<sup>263</sup>

18.50 The independence of the advocate is essential to enable them to be able to act on behalf of the individual. Services providing advocacy should, as far as possible, be funded and managed in a way that ensures independence from the commissioning organisation.

18.51 Current practice in Wales is to achieve independence by commissioning advocacy services from an external provider which reinforces the perception and the experience that the service is independent. To preserve independence of advocacy arrangements, commissioners and providers should ensure that any issues of challenge and conflict are transparent and robust, and identified and addressed in the service level agreement between the commissioner and service provider.

## **Local authority working with independent advocacy**

18.52 When the child or young person does have an advocate, relevant bodies should recognise that an advocate's role is to support and represent the child or young person, they should therefore take into account any representations made by an advocate.

18.53 The local authority should ensure that relevant people, such as school/FEI staff, are aware of advocacy services, a child or young person's choice to have an advocate and the local authority's duty to make independent advocacy available.

18.54 The local authority, school and FEI should take reasonable steps to assist the advocate in carrying out their role, for example letting other agencies know that an advocate is supporting a child or young person, facilitating access to the child or young person, and if appropriate, to relevant information. The advocate should be kept informed of any developments.<sup>264</sup>

18.55 The local authority should consider whether providing advocacy under the Act may be best provided in connection with the local authorities duties to provide advocacy under other Acts.<sup>265</sup>

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<sup>263</sup> Section 62(3) of the Act.

<sup>264</sup> Page 34 of SSWB Code

<sup>265</sup> for instance: section 130E of the Mental Health Act; section 332BB of the Education Act or paragraph 6D of Schedule 17 to the Equality Act 2010; section 35 of the Mental Capacity Act



18.56 In these circumstances, consideration should be given to maximise the opportunities to secure continuity in individuals' advocacy needs, this should include reducing the need for the individual to have to repeat their experiences and desired outcomes to different advocates. Wherever possible, the parties should seek to agree a single advocate to support the person.

18.57 Local authorities should consider combining their advocacy services with other advocacy services they are required to provide. Where this happens, the local authority should ensure that advocates are suitably qualified to provide advocacy and understand the systems they are providing advocacy on (such as ALN or functions under the SSWB Act). Local authorities may wish to have one distinct advocacy service.

### ***Promoting Arrangements***

18.58 Local authorities **must** take the steps they consider appropriate for making their arrangements for avoiding and resolving disputes, and for providing independent advocacy services known to:

- children and young people for whom it is responsible;
- parents of children for whom it is responsible;
- head teachers and governing bodies of the schools it maintains; and
- other persons it considers appropriate, e.g. case friends, Health Boards, early years education settings, FEIs etc.

18.59 The local authority **must** also promote the use of such arrangements, for example by ensuring that children, their parents and young people receive details of the arrangements when they receive notice of a decision by the local authority. Chapters 8, 16 and 17 already set out that information about these arrangements **must** be provided when a decision has been made not to prepare a plan, a revised IDP is being proposed, or a decision has been made to cease to maintain an IDP. Other similar opportunities to provide information will also arise. Furthermore, local authorities **must** make information about their arrangements available on their websites.

18.60 When providing this information it should be in a suitable format to assist children, their parents and young people to understand what the arrangements are, for example, by using plain language. The information should include how to access these arrangements, such as providing a name, telephone number, point of contact etc.



## **Case friends**

18.61 *[This section sets out the detail relating to case friends, as it appears on the face of the Bill. Regulations may make further provision regarding case friends. This section will be expanded in due course to reflect the detail included in the regulations and provide further guidance as necessary]*

18.62 Section 76 of the Act provides for a child who lacks capacity to understand information or documents given to them, or understand what it means to exercise the rights conferred on them by the Act (for example, their right to access arrangements for resolving disputes), have a person support them, known as a “case friend”<sup>266</sup>.

18.63 Case friends are appointed by the Tribunal on the application of any person or on the Tribunal’s own initiative and may:

- Represent and support the child; and
- take decisions and act on behalf of the child.

18.64 The Act provides that a case friend **must**:

- act fairly and competently;
- have no interest adverse to that of the child;
- ensure that all steps and decisions taken by the case friend are for the benefit of the child; and
- take account of the child’s views, so far as possible.

## **Good practice examples - avoiding and resolving disagreements**

### **An example of dispute avoidance**

Local authority X offers a parent drop-in service where parents of children with ALN are invited to discuss any concerns they may have regarding their child. Parents are able to initiate a meeting by contacting the ALN administrative support team to discuss the nature of their concerns and arrange an appointment. Alternatively, the local authority ALN team may contact the parents and invite them to attend a drop-in meeting.

The local authority representatives chosen to host the meeting will depend upon the nature of the concerns or matter to be discussed, their role within the team and their knowledge of the individual child.

Meetings can be arranged in a variety of locations to ensure they are convenient for parents. These meetings offer a forum where concerns can be discussed openly, as well as where advice and support on how best to resolve concerns can be provided.

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<sup>266</sup> Section 76 of the Act.



Experience has shown that these meetings help to prevent concerns escalating by providing an appropriate pathway for parents who are beginning to feel frustrated. They offer early intervention and reassurance as well as forging positive relationships between parents and local authority representatives. They also ensure that early decisions can be taken on the support the learner receives, which is in the interests of all involved, particularly the child or young person.

## **Placement**

Frank has Autistic Spectrum Disorder and Global Developmental Delay. In the early years and primary school phases of his education he received specialist unit placement. There is a disagreement between the local authority and the family as to where his needs can best be met at secondary school level. This includes a disagreement about how his needs are being described.

The local authority informs the family of the resolving disagreement arrangements and an independent person is assigned. This independent person supports the family to be involved by helping them to understand and fully participate in the process. The independent person works with the family, school and local authority to unpick where genuine disagreements lay and to support several meetings where there is disagreement between the local authority and the parents over Frank's placement and agreement cannot be reached.

The resolving disagreement arrangements comprise the following actions:

- Paperwork is sent to the child's parents to gain explicit consent to proceed
- Once consent is gained, an independent person was appointed, having first checked that this person had no vested interest
- The independent person contacts the family and clarifies their concerns and then contacts the local authority to clarify its position in relation to those concerns.
- Through this process the independent person learns that the local authority holds a strong and well evidenced view that the preferred placement would not meet the child's needs
- A neutral venue is selected
- Time frames are selected to fit in with the father's work requirements and up to three shorter meetings agreed
- An Educational Psychologist and specialist teacher attend from the local authority. Arrangements are also made for a Speech and Language Therapist to attend.
- At the first meeting there is a great deal of disagreement
- The independent person ensures that the family had several



breakout sessions to discuss how to ensure they get their point of view across and present their evidence

- At the second meeting the family attends it is possible, by this time, to gain shared perspectives and see where agreement is close
- At this meeting the independent person supports the local authority officer to explain why she believes that the placement would not meet the child's needs. Although all his needs were well documented they have not been laid out in this way before
- This also involves supporting the parents to listen to the full nature of their son's needs which is painful for them to hear, but necessary for the process of moving closer to a solution
- On the third meeting the family and the local authority begin to work out acceptable wording of need and agree what provision is acceptable to all parties
- The use of resolving disagreements arrangements ends with the agreement document signed and shared, with both parties keen to continue the work together.

### **Outcome**

Frank attended the local authority school with trained and adequate support to facilitate educational programmes deemed necessary by the parents and agreed by the local authority.



## Chapter 19: Appeals and Applications to Tribunal

### ***Introduction***

19.1 The Education Tribunal for Wales (“the Tribunal”) hears and decides appeals and applications in relation to children and young people with ALN. Specifically, it hears and decides appeals about the decisions of an FEI or a local authority in Wales and hears and decides applications in relation to the capacity of a child to understand. It also hears disability discrimination claims in relation to schools. The Tribunal is independent of government and local authorities and its decisions are legally binding.

### ***Matters about which appeals applications can be made***

19.2 A child, child’s parent or young person may appeal to the Tribunal about<sup>267</sup>:

- a decision by a FEI or local authority as to whether the child or young person has ALN;
- in the case of a young person, a decision by a local authority as to whether it is necessary to prepare and maintain an IDP;
- the description of a person’s ALN in an IDP;
- the ALP in an IDP, or the fact that ALP is not in an IDP, including whether the plan specifies that ALP should be provided in Welsh;
- s.12(6) or 17(5) decisions, where the reasonable needs cannot be met unless the local authority also secures board and lodging, prescribed provision<sup>268</sup> or a place at a particular school or other institution
- the school named in an IDP for the purpose of admitting a child to a named institution (section 42 of the Act);
- if no school is named in an IDP for the purpose of admission;
- a decision by the local authority not to take over responsibility for an IDP, which is maintained by a school, where it is requested to do so (section 26 of the Act);
- a decision to not revise an IDP where the local authority has been asked to reconsider the IDP maintained by a maintained school; and
- a decision to cease to maintain an IDP;
- A refusal to decide a matter on the basis that there is no change in needs and no new information.

19.3 A child or a child’s parent may apply to the Tribunal for a declaration that the child either does or does not have the capacity to understand<sup>269</sup>:

- Information or documents that must be given to a child under part 4 of the Act; or
- What it means to exercise the rights conferred on a child by Part 4

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<sup>267</sup> Section 63 of the Act.

<sup>268</sup> [To be set out in regulations made under section 12 of the Act.]

<sup>269</sup> Section 63 of the Act.



## ***Decisions the Education Tribunal Can Make***

19.4 The Tribunal may<sup>270</sup>:

- dismiss the appeal;
- order that a person has, or does not have, ALN of a kind specified in the order;
- order a governing body, FEI or local authority to revise an IDP as specified in the order;
- order a governing body, FEI or local authority to prepare an IDP as specified in the order
- order a governing body, FEI or local authority to maintain an IDP (with or without revisions);
- order a local authority to take over responsibility for maintaining an IDP;
- remit the case to the governing body or local authority responsible for the matter for it to reconsider whether, having regard to any observations made by the Tribunal, it is necessary for a different decision to be made or different action to be taken;
- on a s.63 application, declare that a child either does or does not have the capacity to understand
  - a. Information or documents about ALN
  - b. what it means to exercise rights under the ALN Act; and
- appoint and remove a person to be a case friend for a child.<sup>271</sup>

## ***The Appeal Process***

19.5 *[Section 68 of the Act provides that regulations may make provision about the initiation of an appeal and the proceedings of the Tribunal and other detail. The need for further guidance will be considered in the light of the regulations which the Welsh Ministers will make].*

19.6 The Tribunal provides advice and guidance on registering an appeal and on the procedure. This is available on the Tribunal's website.

19.7 Appeals are heard in private<sup>272</sup> at different locations throughout Wales. The Tribunal will notify the relevant parties when and where the hearing will take place. Appeals are heard by a group of Tribunal members, who constitute the Tribunal Panel.<sup>273</sup> The Panel has specialist knowledge and experience in order to assess the case.

19.8 Once an appeal has been lodged and the Tribunal has registered the appeal they will notify the relevant parties and request relevant information and evidence.

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<sup>270</sup> Section 64 of the Act.

<sup>271</sup> Section 76(2) of the Act

<sup>272</sup> Section 68(3) of the Act, subject to exceptional circumstances which may be provided for in regulations

<sup>273</sup> Section 79(2) of the Act.



19.9 When an appeal has been heard by the Tribunal they will notify the parties to the case of their decision.

### ***Timescales relating to appeals***

19.10 *[The regulations to be made under section 68 will set out timescales within which appeals must be made. For illustration, the existing regulations on appeals require appeals to be made within two months beginning with the date on which a written notice of a decision is issued by a local authority with the ability to extend this to three months where a disagreement has been referred for disagreement resolution].*

### ***Compliance with Orders***

19.11 If the Tribunal makes an order, the governing body or local authority concerned **must** comply with it before the end of the prescribed period beginning with the date it is made.<sup>274</sup> *[The tribunal procedure regulations will include this].*

### ***Appealing Against the Decision of the Tribunal***

19.12 A party to any proceedings before the Tribunal may appeal to the Upper Tribunal on any point of law arising from a decision made by the Tribunal.<sup>275</sup> An appeal to the Upper Tribunal may be brought forward only if the Tribunal or the Upper Tribunal has given its permission for the appeal to be brought.

19.13 This means that if a child, child's parent or young person considers the decision of the Tribunal is wrong in law they can appeal to the Administrative Appeals Chamber of the Upper Tribunal. The Upper tribunal will not consider the merits of the case, or hear any disagreements arising from the case, except for on points of law.

### ***Judicial Review***

19.14 Parents and young people can make an application to the Administrative Court for Judicial Review in relation to some aspects. The Administrative Court can consider decisions of local authorities in the exercise of their duties including decisions about additional learning needs for children and young people. For example, a judicial review in relation to an IDP may be a review of the way in which decisions that are reflected in the plan were made rather than the content of these decisions. An application for judicial review will be considered only once all other options for remedy have been exhausted. Any application for judicial review is time bound.

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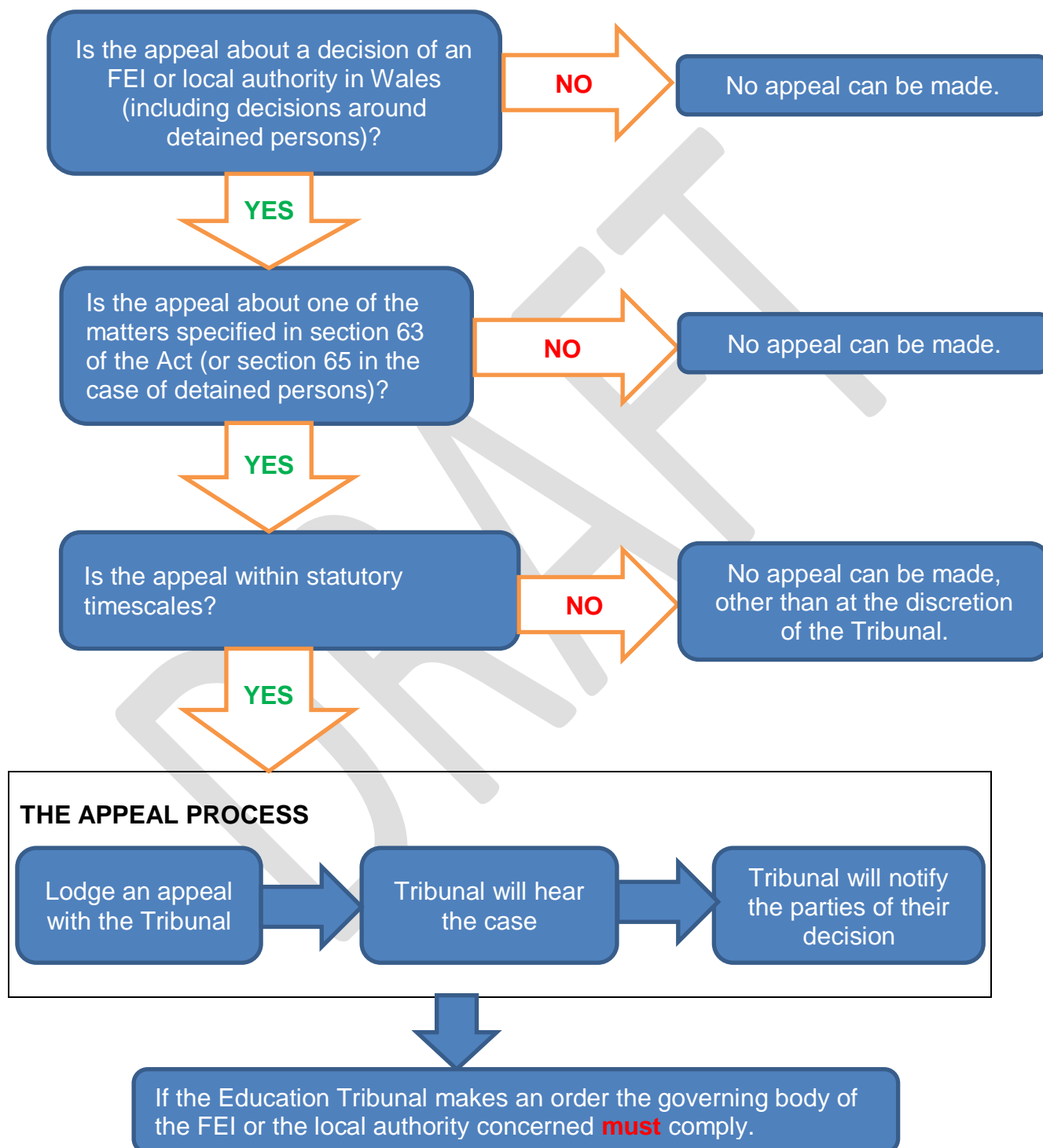
<sup>274</sup> Section 69 of the Act.

<sup>275</sup> Section 72 of the Act.



## APPEALING A DECISION TO THE EDUCATION TRIBUNAL FOR WALES

Where the child, child's parents, young person or case friend on behalf of the child wishes to make an appeal to the Education Tribunal, the process is outlined below:



\* Please note that English resident children attending school in Wales have slightly varied appeal rights \*



## Chapter 20: Children and Young People in Specific Circumstances

### Summary

20.1 This Chapter deals with children and young people in particular circumstances.

20.2 These groups are:

- looked after children;
- other children and young people with care and support plans;
- those children and young people who are dual-registered;
- those receiving education otherwise than at school (EOTAS);
- children and young people with ALN receiving elective home education;
- children of service personnel; and
- children and young people in the youth justice system.

### Looked after children

20.3 *[Further guidance on the integrated planning of educational provision for looked after children will be included in later versions of this Code. This is likely to be developed alongside new guidance for potential inclusion in the relevant Code made under the Social Services and Well-being Act (Wales) 2014].*

20.4 The Act has specific duties and provisions applying to looked after children. A child is looked after for the purposes of the Act if:

- he or she is looked after by a local authority (in Wales) for the purposes of Part 6 of the Social Services and Well-being (Wales) Act 2014 (this covers children in care and children being accommodated by a local authority in the exercise of particular social services functions<sup>276</sup>);
- is not detained; and
- is not within a category of looked after children prescribed in regulations.<sup>277</sup>

20.5 The specific provisions in the Act for looked after children only apply in respect of “children” as defined in the Act i.e. those not over compulsory school age. They do not apply to young people who are still looked after by a local authority in Wales – although the general provisions of Act apply in those cases.

20.6 The main difference in the Act as between looked after children and other children and young persons is that the duties to decide whether the

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<sup>276</sup> See section 74 of the Social Services and Well-being (Wales) Act 2014.

<sup>277</sup> Section 13(1) and (2) of the Act.



person has ALN and to prepare, maintain and review an IDP are placed upon the local authority that looks after the child<sup>278</sup> – rather than a maintained school in Wales attended by the child or the local authority in whose area the child is (which could be different to the local authority which looks after the child). The main exception to this is if the child is in the area of a local authority in England<sup>279</sup> (which would be the case if the child were to be placed in England other than on a temporary basis, in which case the local authority in England may be responsible for the child under the Children and Families Act 2014<sup>280</sup>).

20.7 The local authority that looks after a child **must** decide whether the child has ALN if it is brought to its attention, or otherwise appears to it, that the child may have ALN.<sup>281</sup> The exceptions to this are:

- if an IDP is being maintained for the child;
- the local authority has previously decided the matter and is satisfied that the child's needs have not changed materially since then and that there is no new information that materially affects that decision;
- (as noted above) the child is in the area of a local authority in England.<sup>282</sup>

20.8 They might become aware that the child has, or may have ALN, through being referred the matter by the school the child attends, or another local authority.

20.9 Where the local authority decides that the child has ALN they **must** maintain and prepare an IDP.<sup>283</sup>

20.10 Where a child already has an IDP upon becoming looked after, the looking after local authority **must** maintain the IDP under section 17 and if a different body had been maintaining it (e.g. a maintained school), it ceases to be responsible for doing so.<sup>284</sup>

20.11 If the local authority maintains an IDP under section 17 of the Act for a child it looks after, that IDP **must** be incorporated into the child's personal education plan.<sup>285</sup> The personal education plan is usually a required part of the care and support plan which must be prepared for looked after child.<sup>286</sup>

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<sup>278</sup> Sections 16 and 17 of the Act.

<sup>279</sup> Section 16(2)(c) and 17(3)(a) of the Act. If the child is in the area of a local authority in England but attending a maintained school in Wales, the school is subject to the duties to decide upon ALN and prepare and maintain an IDP as it would be for any other English resident pupils: sections 9(5) and 10. The other exception is to the duties to prepare and maintain an IDP if the child is ordinarily resident outside England and Wales: section 17(3)(b).

<sup>280</sup> See section 24 of that Act.

<sup>281</sup> Section 16 of the Act.

<sup>282</sup> Section 16(2) of the Act.

<sup>283</sup> Section 17 of the Act.

<sup>284</sup> Section 33(9) and (10) of the Act.

<sup>285</sup> Section 83(2C) of the Social Services and Well-being (Wales) Act 2014, which was inserted by section 14(2) of the Act.

<sup>286</sup> Section 83 of the Social Services and Well-being (Wales) Act 2014.



20.12 The incorporation of the IDP in to the personal education plan will facilitate a holistic approach to the planning of educational provision for these children. Local authorities should take every opportunity to ensure that the child's additional learning provision and the wider educational provision made for them, complement one another.

20.13 There is also a specific requirement for looked after children on reviews of IDPs maintained by local authorities in respect of children they look after, which reflects the position on reviews for other children and young persons.<sup>287</sup> As the IDP for a looked after child forms part of the child's care and support plan, it might also be reviewed and revised under the Social Services and Well-being (Wales) Act 2014, or regulations made under that Act.<sup>288</sup>

20.14 Also, for looked after children, there are requirements to notify or give copies of the IDP to the child's independent reviewing officer, as well as the child and the child's parent.<sup>289</sup>

### ***Other Children and Young People with Care and Support Plans***

20.15 It should be noted that the Social Services and Well-being (Wales) Act 2014 ('the 2014 Act') generally defines a child as a person who is aged under 18 and an adult as a person who is aged 18 or over.<sup>290</sup> Therefore, a person defined as a young person for the purpose of the Act could be a child or an adult in the Social Services and Well-being (Wales) Act 2014 depending on their age.

20.16 Where a child or young person has a care and support plan under Part 4 of the Social Services and Well-being Act (Wales) 2014 Act or a person was formerly looked after has a pathway plan<sup>291</sup> and also has ALN, consideration should be given to holding the IDP review and the care and support plan / pathway plan meeting at the same time (see Chapter 10). Considering care and support needs and ALN simultaneously may inform what support and ALP is most suitable to meet their needs in a more holistic way. The reviews should utilise the principles outlined under Chapter 14.

20.17 Where reviews are conducted at the same time, they **must** follow the requirements of the relevant legislation. Whilst it may be beneficial to undertake reviews of different plans at the same time, reviews and assessment of needs should not be delayed to the detriment of the child or young person. It may be that the plans will need to be reviewed at different times to best meet the needs of the child or young person.

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<sup>287</sup> Section 22 of the Act.

<sup>288</sup> See section 83 of the 2014 Act and regulations made under it.

<sup>289</sup> For example, section 20(3) of the Act.

<sup>290</sup> Section 3 of the Social Services and Well-being (Wales) Act 2014.

<sup>291</sup> Under section 107 of the 2014 Act .



## ***Dual-registered children and young people***

20.18 Some children and young people are dual-registered. This term is used in this Code to refer to children or young people who are registered or enrolled at more than one school or FEI, or a school and an FEI, (where at least one of the institutions is a maintained school in Wales or FEI in Wales) at the same time and the child or young person is to be provided with education or training at both institutions.<sup>292</sup>

20.19 The principle given effect in the Act is that in such cases, the local authority responsible<sup>293</sup> for the child or young person should be subject to the duties to decide upon ALN and prepare and maintain an IDP.

20.20 Where a child or young person is dual-registered and the school or FEI believes that the child or young person may have ALN then they **must** refer the child's or young person's case to the local authority responsible for the child or young person to decide if the child or young person has ALN.<sup>294</sup>

20.21 Where a school or FEI is maintaining an IDP for a child or young person and they then become registered or enrolled at another school or FEI (i.e. they become dual-registered) then the school/FEI **must** inform the local authority responsible for the child or young person of these circumstances.<sup>295</sup> The local authority will become responsible for maintaining the IDP when it is aware that the child or young person is dual-registered (either by being notified by a school or FEI, or by any other means).<sup>296</sup>

20.22 Where a child is dual-registered a local authority is not able to direct a school to prepare and maintain an IDP or maintain an IDP.<sup>297</sup>

## ***Education Otherwise Than At Schools (EOTAS)***

20.23 Under section 19 of the Education Act 1996, children may receive education outside the school setting (EOTAS). This refers to any type of education outside the school, where local authorities have a duty to provide suitable education for learners of compulsory school age who might not otherwise receive any education. Children are educated outside mainstream schools for a number of reasons. They may be ill or injured, have been excluded or have emotional and behavioural difficulties. The EOTAS provision can include Pupil Referral Units (PRUs), schools established in hospitals, FEIs, and individual tuition (but not elective home education).

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<sup>292</sup> See section 28(1) and (3) of the Act.

<sup>293</sup> If the child or young person is in the area of a local authority in England, then the maintained school or FEI in Wales attended by the English resident would be responsible for ALN matters, as it would be for other English residents: section 28(1)(e) and 28(3)(d) of the Act.

<sup>294</sup> Section 28(2) of the Act.

<sup>295</sup> Section 28(6) of the Act.

<sup>296</sup> Section 28(5) of the Act.

<sup>297</sup> Section 28(7) of the Act.



20.24 A local authority may arrange for the ALP identified in an IDP it maintains for a child, or any part of that provision, to be made otherwise than in a school, but the local authority may only do so if it is satisfied that it would be inappropriate for the ALP to be made in a school<sup>298</sup>.

20.25 Where a child is educated otherwise than at school and it is brought to the attention of the local authority that the child may have ALN, and an IDP is not being maintained for that child, the local authority **must** decide whether the child has ALN, unless exceptions apply.

20.26 Parents are required to ensure that a child of compulsory school age receives suitable education<sup>299</sup>. Suitable education means efficient education, suitable to a child's ability and aptitude and to any ALN they may have. This education **must** be full-time, unless the local authority determines that, for reasons relating to the physical or mental health of the child, a reduced level of education would be in the child's best interests.

20.27 Where a child has an IDP and it is arranged that the child will be educated otherwise than at school, it would often be appropriate for the local authority to become responsible for maintaining an IDP, where it was not previously, and reviewing the IDP in consideration of the new setting the child will be attending.

20.28 Where an alternative provider has concerns that the child's needs are not being met, or they have, or may have ALN, they should raise their concerns with the responsible local authority.

20.29 Where a child is educated otherwise than at school, the duties on the local authority to put in place an IDP, where it determines that the child requires one, and reviewing IDPs remain the same.

20.30 In the case of a child educated otherwise than at school, the range of professionals involved in the IDP process may be wider and, in some respects, different from those professionals involved where a child does attend a school. The IDP meeting, or the review meeting, should take place in the most appropriate location, such as in the local authority's offices, a hospital or the parent's home.

## **Children and young people in alternative provision because of health needs**

20.31 Children and young people who are in hospital or placed in other forms of alternative provision because of their health needs, should have access to education that is on a par with that of mainstream provision (where that is suitable), including appropriate ALP to meet the needs of those with ALN. The education they receive should be good quality and prevent them from slipping

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<sup>298</sup> Section 47 of the Act.

<sup>299</sup> Section 7 of the Education Act 1996.



behind their peers. It should involve suitably qualified staff who can help learners progress and enable them to successfully reintegrate back into school as soon as possible.

20.32 Local authorities and health professionals should work together to minimise the disruption to a child or young person's education. Ideally, the local authority will be notified before any hospital placement in order to arrange education and provide any ALP.

20.33 Where a child or young person with an IDP is admitted to hospital for a sustained period of time, the IDP should be reviewed to ensure it remains relevant and that the child or young person's ALN continues to be met.

20.34 Where a child or young person with health needs is returning to mainstream education, the local authority should work with the child, child's parent or young person and the school or FEI to support a smooth reintegration.

## **Pupil Referral Units**

20.35 Pupil Referral Units (PRUs) are a form of EOTAS provision. There is a high correlation between those children and young people who attend a PRU and who have ALN. It is important to remember that the general principles and requirements which apply throughout the Code, also apply to those children and young people with ALN in PRUs.

20.36 Where it is brought to its attention, or otherwise appears that a child or young person attending a PRU may have ALN, and an IDP is not being maintained for them, the local authority is responsible for deciding whether they have ALN under section 11 of the Act.

## ***Children with ALN receiving Elective Home Education***

20.37 Section 7 of the Education Act 1996 (as amended) places a duty on the parents of every child of compulsory school age to ensure their child receives efficient, full-time education suitable to their age, ability, aptitude, and to any ALN that they may have, either by regular attendance at school or otherwise<sup>300</sup>.

20.38 Local authorities should work in partnership and support parents to help them meet the ALN of children receiving elective home education.

20.39 Local authorities should not assume that because the provision being made by parents is different from that which was being made or would have been made in school, that the provision is necessarily unsuitable. Local authorities should also consider helping parents make suitable provision.

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<sup>300</sup> It is our intention that section 7 of the Education Act 1996 will be amended to replace the words 'special educational needs' in this section with 'additional learning needs'.



20.40 Parents who choose to educate their child at home and believe the child or young person has ALN, have the right to ask the local authority to determine the matter<sup>301</sup>. Where the local authority decides not to put in place an IDP, the child and the child's parents have the same right to appeal as everyone else. Equally, the child and the child's parents have the same right to appeal about the ALP in the IDP or the fact that ALP is not in a plan.

20.41 Further information on the responsibilities of schools and parents where a registered pupil is receiving education otherwise than at school and the local authorities' responsibility for ensuring the child's needs are being met can be found within the Welsh Government's Inclusion and Pupil Support Guidance<sup>302</sup>.

### ***Children of Service Personnel***

20.42 The Children's Education Advisory Service (CEAS) within the Ministry of Defence (MoD) provides advice and guidance to Service parents, educational establishments and local authorities on educational issues relating to Service children, including issues relating to ALN. Service Children's Education (SCE) provides mainstream education for service children in some overseas locations. As the resources available overseas are different from the UK, MoD services complete an MoD Assessment of Supportability Overseas (MASO) for all Service children with complex needs before an overseas posting is agreed.

20.43 Children whose parent(s) are Service Personnel may face difficulties that are unique to the nature of their parent's employment. These needs may arise from:

- Service-induced mobility – Service Personnel may relocate more often than the rest of the population and, sometimes, at short notice. Such transitions should be well managed to avoid Service children with ALN experiencing delays in having their needs assessed and met; or
- the deployment of serving parents to operational arenas – while not constituting ALN in itself, may result in a Service child experiencing anxiety, dips in educational performance and/or emotional difficulties. Children may also be affected similarly by siblings' deployment.

20.44 Educational institutions should to meet the aspirations of the Armed Forces Covenant, which attempts to eliminate or mitigate some of the potential disadvantages faced by Service families. All those with statutory responsibilities towards Service children with ALN should ensure that the impact of their policies, administrative processes and patterns of provision do not disadvantage such children because of their Service-related lifestyle.

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<sup>301</sup> Section 11 of the Act.

<sup>302</sup> <http://gov.wales/topics/educationandskills/publications/circulars/2463797/?lang=en>



20.45 Local authorities should take account of the particular needs of any Service communities within their boundaries when providing or planning ALP for Service children with ALN.

20.46 In respect of Service children, the school, FEI or local authority responsible for preparing and/or maintaining the IDP should:

- ensure that all reviews for Service children with ALN consider those Service-related issues (e.g. service induced mobility) relevant to the outcomes of those reviews;
- ensure that access to appropriate assessments, interventions and provision is determined solely on the nature, severity and complexity of the needs presented by Service children with ALN and is not related to the amount of time they have left in a particular school;
- consider the likely impact on the Service child's needs and the provision made to meet those needs of any relevant Service-related issue, and when determining whether or not a Service child has ALN it may be appropriate to seek advice from the CEAS; and
- use all relevant evidence – including EHC plans in England, statements in Northern Ireland, Co-ordinate Support Plans in Scotland and the Service Children's Assessment of Need (SCAN) completed for them by the SCE – when assessing appropriate provision for Service children with ALN.

## **Education Tribunal for Wales**

20.47 In reaching decisions about appeals from Service parents, the Tribunal should consider, on the basis of the evidence available to them, the extent to which Service-induced mobility has had, is having, and will have an impact on the appropriateness and effectiveness of the ALP in an IDP and that requested by a parent.

## ***Children and Young People with ALN in the Youth Justice System***

20.48 Sections 36–40 of the Act impose duties in relation to children and young people who are sentenced or remanded by the Courts to custody and detained in relevant youth accommodation in Wales or England.<sup>303</sup> The term 'detained person' will be used in this section to refer to these children and young people.

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<sup>303</sup> Section 36(1) of the Act defining "detained person", using definitions from section 562 of the Education Act 1996.



20.49 Relevant youth accommodation includes secure colleges, secure training centres and young offender institutions,<sup>304</sup> but which is not in a young offender institution (or part of one) used wholly or mainly for the detention of persons aged 18 and over.

20.50 'The person in charge of relevant youth accommodation' refers to the Governor, Director or Principal in charge of the accommodation.

20.51 The 'home authority' is, in the case of a child/young person who was looked after immediately before the detention or any time since then, the local authority that most recently looked after the person, otherwise the local authority where the child or young person is ordinarily resident (ignoring any period when the person is subject to a detention order).<sup>305</sup>

20.52 It is important to remember that the general principles which apply throughout the Code, also apply to those children and young people with ALN in the Youth Justice System.

### ***Help and Sharing of Information***

20.53 A youth offending team ("YOT") **must** notify the home authority of the place of detention when a child or young person aged 18 and under is detained (or moves to a new place of detention).<sup>306</sup>

20.54 All children and young people entering the youth justice system are assessed by the YOT, using the approved Youth Justice Board (YJB) assessment tool. As part of the assessment process, YOTs will seek information from a number of sources, including local authorities, schools and/or FEIs and the education provider in the custodial establishment. Local authorities must, on a request from a YOT for information connected with the provision of education or training for a detained person, provide such information they hold relating to the detained person as soon as practicable.<sup>307</sup> Schools and FEIs who have provided education for a detained person, can provide information relating to the detained person to the home authority for the purposes of, or in connection with the provision of education

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<sup>304</sup> It also captures accommodation provided by or on behalf of a local authority for the purpose of restricting the liberty of children and young persons; accommodation provided for that purpose under s.82(5) of the Children Act 1989 and any other description of accommodation specified by the Secretary of State by order, provided it is not in a young offender institution used wholly or mainly for the detention of people aged 18 and over: section 562(1A), which refers to the definition of youth detention accommodation in section 107(1) of the Powers of Criminal Courts (Sentencing) Act 2000.

<sup>305</sup> Section 36(1) importing the definition in section 562J(1) subject to any modifications as may be made in regulations under section 36(2) of the Act.

<sup>306</sup> Section 39A of the Crime and Disorder Act 1998

<sup>307</sup> Section 562F(2) – (4) of the Education Act 1996. This duty also applies in respect of such requests from other persons, including the person in charge of any place where the detained person is detained.



or training for the detained person<sup>308</sup> and may have to provide it following a request from the local authority for it.<sup>309</sup>

20.55 Chapter 12 provides further information regarding instances where a local authority requires help and information from other bodies, including YOT's and the person in charge of relevant youth accommodation.

### ***Education within the youth justice system***

20.56 The home authority **must** take such steps as the home authority consider appropriate to promote the fulfilment of the detained person's learning potential during detention and following release, whether they have an IDP or not.<sup>310</sup> It is, therefore, important that the home authority monitors the education and training of a detained person and continues to engage with them whilst they are in custody.

20.57 The detained person's YOT will be the key point of contact between the person in charge of the relevant youth accommodation and the home authority. However, the home authority may also need to discuss the provision directly with the person in charge of the relevant youth accommodation and the education provider.

### ***Preparing an IDP for a detained person***

20.58 Where it is brought to the attention of, or otherwise appears to, a home authority in Wales, (for example by notification from the YOT), that a detained person may have ALN and an IDP is not being kept for them under section 37 of the Act, the home authority **must**:

- decide whether or not the detained person has ALN; and
- if it decides that the detained person has ALN, decide, in accordance with regulations, whether it will be necessary for an IDP to be maintained for the detained person when they are released from detention<sup>311</sup>.

20.59 A home authority is not required to make this decision where:

- the detained person is a young person who does not consent to the decision being made; or
- the home authority has previously decided whether the detained person has ALN and is satisfied that the person's needs have not changed materially since the decision was made, and there is no new information that materially affects the decision<sup>312</sup>.

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<sup>308</sup> Section 562F(1) of the Education Act 1996.

<sup>309</sup> Under section 58 of the Act.

<sup>310</sup> Section 562B of the Education Act 1996. This does not apply if the child is looked after, but the looking after local authority is subject to a similar duty under section 78 of the Social Services and Well-being (Wales) Act 2014.

<sup>311</sup> Section 37(2) of the Act.

<sup>312</sup> Section 38 of the Act.



20.60 Where the home authority is required to make the decision it **must**, before doing so, invite the person in charge of the relevant youth accommodation to participate in the decision, and, if needed, in the preparation of the IDP<sup>313</sup>.

20.61 In coming to this decision, the home authority should consider any relevant information, for instance from YOTs, the YJB assessment tool and relevant youth accommodation as well as from schools and FEIs attended by the person. Carers, health and social care professionals and youth workers can also support the identification of ALN.

20.62 If the home authority decides that a detained person has ALN and decides in accordance with regulations that it will be necessary for an IDP to be maintained for the detained person when released, the home authority **must**<sup>314</sup>:

- prepare an IDP for the detained person; and
- give a copy of the plan to the detained person, the parent of a detained person who is a child, and the person in charge of the relevant youth accommodation.

20.63 Where the local authority decides that the detained person does not have ALN, or that it will not be necessary for an IDP to be maintained for the detained person when released, it **must** notify the detained person, the parent of a detained person who is a child, and the person in charge of the relevant youth accommodation of the decision and the reason for the decision<sup>315</sup>.

20.64 When giving a copy of the IDP or notifying the decision that the detained person does not have ALN or that an IDP is not being prepared, the home authority **must** also provide details of how to access its information and advice arrangements, avoidance and resolution of disagreements arrangements, and independent advocacy services and inform the recipient of the rights of appeal to the Education Tribunal for Wales. This does not apply in relation to the copy or notification given to the person in charge of the relevant youth accommodation.

### **Duty to keep an IDP for detained persons and arrange appropriate learning provision**

20.65 Where a detained person had an IDP maintained for them immediately before the beginning of their detention by a school, FEI, or local authority, or a home authority has prepared an IDP during detention under section 37 of the Act, the home local authority **must** keep the IDP whilst the person is detained.<sup>316</sup>

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<sup>313</sup> Section 37(3) of the Act.

<sup>314</sup> Section 37(5) of the Act.

<sup>315</sup> Section 37(4) of the Act.

<sup>316</sup> Section 39 of the Act



20.66 Where an IDP was being maintained by a school or FEI or other LA prior to detention, the duty to keep an IDP only applies where this is brought to the attention of the home authority.<sup>317</sup>

20.67 The home authority **must** inform the detained person and the parent of a detained person who is a child that it is keeping an IDP while the person is detained in relevant youth accommodation.<sup>318</sup> The authority must give a copy of the IDP to the person in charge of the relevant youth accommodation.<sup>319</sup>

20.68 Where the home authority keeps an IDP, it **must** arrange for appropriate learning provision to be provided to the detained person while they are being detained.<sup>320</sup>

20.69 Appropriate learning provision is defined as<sup>321</sup>:

- ALP specified in the IDP; or
- if it appears to the home authority that it is not practicable for the ALP specified in the IDP to be provided, then educational provision corresponding as closely as possible to that ALP, or
- if it appears to the home authority that the ALP specified in the IDP is no longer appropriate for the detained person, then ALP which the home authority considers appropriate.

20.70 The above recognises that it might not always be practicable to deliver the provision set out in the IDP. However, where the provision is not currently available within the relevant youth accommodation, it does not necessarily mean that it is impracticable for it to be arranged. Where it is not practicable to arrange specified provision in the IDP, the home authority should work with the person in charge of the relevant youth accommodation and the education provider to identify provision corresponding to that set out in the IDP.

20.71 If it appears to the home authority that the ALP specified in the IDP is no longer appropriate, e.g. the detained person's needs have changed since their last review or they have previously unidentified needs, the home authority **must** arrange additional learning provision that the home authority considers appropriate.<sup>322</sup> They should work with the child or young person to determine what appropriate ALP would consist of.

20.72 Failure to meet the needs of the child or young person might lead to a higher chance of reoffending. Home authorities should work closely with the person in charge of relevant youth accommodation and the YOT who **must** provide information or other help to the home authority upon its request in

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<sup>317</sup> Section 39(5) of the Act.

<sup>318</sup> Section 39(6) of the Act.

<sup>319</sup> Section 39(7) of the Act.

<sup>320</sup> Section 39(8) of the Act.

<sup>321</sup> Section 39(9) of the Act

<sup>322</sup> Section 39(8) and (9) of the Act.



order to enable that authority to exercise its functions related to ALN, unless they consider that doing so would be incompatible with their own duties or otherwise have an adverse effect on the exercise of their functions.<sup>323</sup>

20.73 In practice, educational provision in relevant youth accommodation, including any additional support that a detained person may require as part of an IDP, will be delivered by an education provider under contractual arrangements with the YJB or the custodial operator and is commissioned and funded centrally.

20.74 A home authority should work closely with the providers to arrange provision. The home authority should seek to do this as soon as they become aware of the detained person entering custody, using the custodial establishment's and YOT's existing planning procedures wherever possible.

20.75 Whilst the person is detained, the duty to maintain the IDP and other duties that depend on it (for example, the duty to review it) do not apply.<sup>324</sup>

20.76 Custodial sentences for detained children and young persons are often short. As such, it is important for decisions to be made as soon as possible to enable the provision to be put in place without delay.

## **IDP's for children and young people on release from relevant youth accommodation**

20.77 Where a YOT becomes aware that a detained person has been released from relevant youth accommodation, the YOT **must**, as soon as practicable, notify the following of this fact: the home authority, the local authority where the detained person was detained and any other local authority where it is expected that the detained person will live on release.<sup>325</sup> This assists the resettlement process.

20.78 On the date the detained person is released, if a local authority in Wales is responsible for that person the local authority **must** maintain the plan that was kept for the person during the detention<sup>326</sup>. However, if the person is a child looked after by a local authority upon release, then it is the looking after authority that must maintain the plan.<sup>327</sup>

20.79 The local authority should review the IDP as soon as it is reasonably practicable. The authority should take into account any evidence provided by the custodial establishment, education provider and YOT to ensure the IDP is informed by any previous assessments undertaken.

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<sup>323</sup> Section 58 of the Act.

<sup>324</sup> Section 39(3) of the Act

<sup>325</sup> Section 39A of the Crime and Disorder Act 1998

<sup>326</sup> Section 40 of the Act

<sup>327</sup> Section 40(3) and (4) of the Act.



20.80 In some instances a Welsh-resident child or young person will be detained in relevant youth accommodation in England and English-resident child or young person detained in Wales.

20.81 Where a Welsh-resident child or young person is detained in youth custody in England, the home Welsh local authority may have to prepare and keep an IDP, or keep an existing IDP in accordance with sections 37–39 of the Act. Where it does so, it should work closely with the YOT, the person in charge of relevant youth accommodation and the education provider.

## **Appeal to the Education Tribunal for Wales**

20.82 A detained person, or the parent of a detained person who is a child, may appeal to the Tribunal against the following matters<sup>328</sup>:

- a decision of the home authority as to whether a detained person has ALN;
- a decision of the home authority as to whether it will be necessary to maintain an IDP for a detained person when they are released from detention;
- the description of a person's ALP in an IDP;
- the ALP in an IDP, or the fact that ALP is not included in the plan (this will be the ALP applicable on release from detention);
- the school named in an IDP for the purpose of securing admission to the school (which would be admission on release from detention); or
- if no school is named in an IDP for that purpose.

20.83 On appeal, the Tribunal may<sup>329</sup>:

- dismiss the appeal;
- order that a person has or does not have ALN of a kind specified in the order;
- order the home authority to prepare an IDP;
- order the home authority to revise an IDP as specified in the order; or
- remit the case to the home authority responsible for the matter for it to reconsider whether, having regard to any observations made by the Tribunal, it is necessary for a different decision to be made or different action to be taken

20.84 Please refer to Chapter 19 for further guidance on appeals to the Education Tribunal for Wales.

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<sup>328</sup> Section 65 of the Act

<sup>329</sup> Section 66 of the Act



## Annex A – Glossary

In this glossary “the Act” refers to the Additional Learning Needs and Education Tribunal (Wales) Act 2017

**“additional learning needs”** (*“anghenion dysgu ychwanegol”*) has the meaning given by section 2 of the Act, i.e.:

- (1) A person has additional learning needs if he or she has a learning difficulty or disability which calls for additional learning provision.
- (2) A child of compulsory school age or person over that age has a learning difficulty or disability if he or she—
  - (a) has a significantly greater difficulty in learning than the majority of others of the same age, or
  - (b) has a disability for the purposes of the Equality Act 2010 (c. 15) which prevents or hinders him or her from making use of facilities for education or training of a kind generally provided for others of the same age in mainstream maintained schools or mainstream institutions in the further education sector.
- (3) A child under compulsory school age has a learning difficulty or disability if he or she is, or would be if no additional learning provision were made, likely to be within subsection (2) when of compulsory school age.
- (4) A person does not have a learning difficulty or disability solely because the language (or form of language) in which he or she is or will be taught is different from a language (or form of language) which is or has been used at home.

**“additional learning provision”** (*“darpariaeth ddysgu ychwanegol”*) has the meaning given by section 3 of the Act, i.e. :

- (1) “Additional learning provision” for a person aged three or over means educational or training provision that is additional to, or different from, that made generally for others of the same age in—
  - (a) mainstream maintained schools in Wales,
  - (b) mainstream institutions in the further education sector in Wales, or
  - (c) places in Wales at which nursery education is provided.
- (2) “Additional learning provision” for a child aged under three means educational provision of any kind.
- (3) In subsection (1), “nursery education” means education suitable for a child who has attained the age of three but is under compulsory school age.

**“beginning of detention”** (*“dechrau’r cyfnod o gadw person yn gaeth”*) has the



meaning given by section 36 of the Act;
<b>“case friend”</b> ( <i>“cyfaill achos”</i> ) means a person appointed by the Education Tribunal under section 76 of the Act for children who lack capacity;
<b>“child”</b> ( <i>“plentyn”</i> ) means a person not over compulsory school age;
<b>“clinical commissioning group”</b> ( <i>“grŵp comisiynu clinigol”</i> ) means a body established under section 14D of the National Health Service Act 2006 (c. 41);
<b>“detained person”</b> ( <i>“person sy’n cael ei gadw’n gaeth”</i> ) has the meaning given by section 36 of the Act;
<b>“education”</b> ( <i>“addysg”</i> ) includes full-time and part-time education, but does not include higher education; and <b>“educational”</b> ( <i>“addysgol”</i> ) and <b>“educate”</b> ( <i>“addysgu”</i> ) (and other related terms) are to be interpreted accordingly;
<b>“EHC plan”</b> ( <i>“cynllun AIG”</i> ) means a plan within section 37(2) of the Children and Families Act 2014 (c. 6) (education, health and care plans);
<b>“governing body”</b> ( <i>“corff llywodraethu”</i> ), in relation to the governing body of an institution in the further education sector, has the meaning given by section 90 of the Further and Higher Education Act 1992 (c. 13);  in relation to the governing body of a school, has the meaning given by The Government of Maintained Schools (Wales) Regulations 2005.
<b>“home authority”</b> ( <i>“awdurdod cartref”</i> ) has the meaning given by section 36 of the Act;
<b>“independent reviewing officer”</b> ( <i>“swyddog adolygu annibynnol”</i> ) has the meaning given by section 13 of the Act;
<b>“individual development plan”</b> ( <i>“cynllun datblygu unigol”</i> ) has the meaning given by section 8 of the Act;
<b>“institution in the further education sector”</b> ( <i>“sefydliad yn y sector addysg bellach”</i> ) means an institution falling within section 91(3) of the Further and Higher Education Act 1992.  In the Act— <ul style="list-style-type: none"> <li>(a) an institution in the further education sector is in Wales if its activities are carried on wholly or mainly in Wales;</li> <li>(b) an institution in the further education sector is in England if its activities are carried on wholly or mainly in England.</li> </ul>
<b>“lay panel”</b> ( <i>“panel lleyg”</i> ) means the panel of persons appointed under section 79(5) of the Act;
<b>“legal chair panel”</b> ( <i>“panel cadeirydd cyfreithiol”</i> ) means the panel of persons



appointed under section 79(4) of the Act (and “legal chair” (“ <i>cadeirydd cyfreithiol</i> ”) means a member of the panel);
<p>“local authority” (“<i>awdurdod lleol</i>”) means the council of a county or county borough in Wales, except where specific reference is made to a local authority in England.</p> <p>For the purposes of the Act, a local authority is responsible for a child or young person if he or she is in the area of the authority (see section 82 of the Act).</p>
“Local Health Board” (“ <i>Bwrdd Iechyd Lleol</i> ”) means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 (c.42);
“Looked after child” A reference in the Act (however expressed) to a child who is looked after by a local authority has the meaning given by section 13 of the Act.
“mainstream institution in the further education sector” (“ <i>sefydliad prif ffrwd yn y sector addysg bellach</i> ”) means an institution in the further education sector that is not specially organised to provide education or training for persons with additional learning needs
<p>“mainstream maintained school” (“<i>ysgol brif ffrwd a gynhelir</i>”) means a maintained school that is not—</p> <ul style="list-style-type: none"> <li>(a) a special school, or</li> <li>(b) a pupil referral unit.</li> </ul>
<p>“maintained school” (“<i>ysgol a gynhelir</i>”) means—</p> <ul style="list-style-type: none"> <li>(a) a community, foundation or voluntary school,</li> <li>(b) a community or foundation special school not established in a hospital,</li> <li>(c) a maintained nursery school, or</li> <li>(d) a pupil referral unit.</li> </ul> <p>In the definition of “maintained school” a community, foundation or voluntary school, and a community or foundation special school, have the meaning given by the School Standards and Framework Act 1998 (c. 31).</p>
“National Health Service Commissioning Board” (“ <i>Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol</i> ”) means the body established under section 1H of the National Health Service Act 2006;
<p>“NHS body” (“<i>corff GIG</i>”) means—</p> <ul style="list-style-type: none"> <li>(a) a Local Health Board, or</li> <li>(b) an NHS trust.</li> </ul>
“NHS foundation trust” (“ <i>ymddiriedolaeth sefydledig GIG</i> ”) has the meaning given by section 30 of the National Health Service Act 2006;
“NHS trust” (“ <i>ymddiriedolaeth GIG</i> ”) means a National Health Service trust established under section 18 of the National Health Service (Wales) Act 2006;



“personal education plan (“ <i>cyllun addysg personol</i> ”) has the meaning given by section 13 (4) of the Act;
“President” (“ <i>Llywydd</i> ”) means the President of the Education Tribunal for Wales appointed under section 79 of the Act;
“proprietor” (“ <i>perchennog</i> ”), in relation to an institution that is not a school, means the person or body of persons responsible for the management of the institution;
“prescribed” (“ <i>rhagnodedig</i> ” and “ <i>a ragnodir</i> ”) means prescribed in regulations;
“pupil referral unit” (“ <i>uned cyfeirio disgyblion</i> ”) has the meaning given by section 19(2) of the Education Act 1996 (c. 56);
“regulations” (“ <i>rheoliadau</i> ”) means regulations made by the Welsh Ministers;
“relevant youth accommodation” (“ <i>llety ieuenctid perthnasol</i> ”) has the meaning given by section 36 of the Act;
“Special Health Authority” (“ <i>Awdurdod Iechyd Arbennig</i> ”) means a Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006 or section 28 of the National Health Service Act 2006;
“training” (“ <i>hyfforddiant</i> ”) includes— (a) full-time and part-time training; (b) vocational, social, physical and recreational training;
“Tribunal” (“ <i>Tribiwnlys</i> ”) means the Education Tribunal for Wales (see section 79 of the Act);
“young person” (“ <i>person ifanc</i> ”) means a person over compulsory school age, but under 25;
“youth offending team” (“ <i>tim trosedd wyr ifanc</i> ”) means a team established under section 39 of the Crime and Disorder Act 1998 (c. 37).



## Annex B - Transport

### *Summary*

This Annex sets out mandatory duties and provides guidance in relation to transport matters in the context of preparing an IDP and is particularly relevant in more severe and complex cases. This **should** be read in conjunction with Chapters 10 and 11, which deal with the content of IDPs.

### *Transport*

As part of the process of creating an IDP, home to education institution travel arrangements, including the availability of suitable transport and the accompanying funding options, **should** be discussed fully with the child, child's parent or young person, where relevant.

For children younger than compulsory school age, local authorities are required to assess their travel needs when they attend nursery education and are ordinarily resident in the authority's area. However, local authorities are not under a statutory duty to provide free or subsidised transport to children in nursery education (under the age of 5). Local authorities are required to publish information about nursery learners' travel provisions under the Learner Travel Information (Wales) Regulations 2009.

Children receiving primary education are entitled to free transport to a maintained school or non-maintained special school, if it is their nearest suitable school and it is two miles or further from their home. That is unless the local authority has arranged for the learner to board at, or near, the school. For children receiving secondary education, free transport is provided if they live three miles or further from the school. Where free transport is not provided in such circumstances, the local authority **must** reimburse public transport costs, petrol costs or provide a travel pass.

The criteria for determining the suitability of a school would include whether the school was able to provide the ALP set out in the child's IDP. For some children of compulsory school age with ALN, the nearest suitable school might be beyond the two or three mile threshold from their home. These children would, nevertheless, qualify for free transport.

Furthermore, if a child of compulsory school age cannot walk to their nearest suitable school (accompanied or unaccompanied as age appropriate), then the child is entitled to free transport, even if the distance between home and school is less than the statutory limit applicable to their age group.

Under current learner travel legislation, there is a statutory duty on local authorities to risk assess all walked routes to school. If a walking route that a child of compulsory school age would take to their nearest suitable school (accompanied or unaccompanied as age appropriate) is assessed as being



‘unavailable’ when a risk assessment is undertaken, then the child is entitled to free transport, even if the distance between home and school is less than the statutory limit applicable to their age group.<sup>330</sup>

There is no statutory duty on local authorities to provide transport for young people in post-16 education or training, including those with ALN. For those young people, travel requirements and funding **should** be considered as part of the transition planning process. This is particularly important when a child or young person is due to leave school and is expected to take up a place in further education.

Those preparing IDPs for young people **should** consider the local authority’s transport policy for those aged between 16-19 and, if it has one, the local authority’s transport policy for those aged between 19-25. In particular, they **should** consider what concessionary schemes are available and what support, including financial assistance, is available. If, in preparing the IDP, it is considered that specific transport arrangements are required, relevant transport officers from the local authority **should** be invited to discuss the options available.

Local authorities **should** consider having a named point of contact to discuss funding for transport and set out clear timescales when it comes to funding decisions. The dates **should** provide enough time for the child, child’s parent or young person to make alternative arrangements, including possibly considering a different provider of education if necessary.

Under the Learner Travel (Wales) Measure 2008, local authorities **must** assess the travel needs of learners aged under 19 in their authority area, including having regard to the needs of disabled learners and learners with learning difficulties, and publish their transport policy for those learners. They **should** also consider including a specific part identifying their policies for those aged 19-25.

FEIs **should** set out their transport policy and provide easily accessible information on the transport available for those with ALN on their website and in their prospectuses. They **should** also make clear their policies when they are offering young people a place on a course.

Independent travel **should** be promoted, where appropriate, by local authorities, schools and FEIs. FEIs are in a unique position and are able to build on available good practice. The promotion of independent travel can be delivered through volunteers, students, peers, trainers, mature students or students doing care courses, who can be DBS checked and who are willing to

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<sup>330</sup> For more information on the risk assessment process, please refer to Chapter 5 of the Learner Travel Statutory Provision and Operational Guidance 2014 by clicking [here](#).



be trained as bus buddies or escorts to support those who require additional help – especially in the first year.

Where learners are able to travel independently to their educational establishment, it might be appropriate for the local authority to provide Blue Badges, concessionary bus passes or community transport.

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## **Annex C – Different external agencies**

### **Introduction**

Local authorities provide a range of auxiliary services to help identify and meet the needs of children and young people.

Local authority support services can provide further advice to teachers and ALNCoS. This might include advice on techniques and strategies and appropriate ALP.

### **Specialist Teachers**

Where there is, or appears to be, a noted sensory loss there should be access to specialist teachers of pupils with hearing, visual and communication challenges. This would include qualified teachers of those with Visual Impairment, teachers of the deaf and teachers holding the mandatory qualification in multi-sensory impairment. As well as observing the child or young person and contributing to the IDP, they may also liaise with other specialists in their field.

Other specialist teachers can provide advice on specific challenges and advise the school and teachers on suitable strategies, required provision and contribute to the IDP.

### **Educational Psychologists**

Educational psychologists can be a very important resource. They have a unique knowledge of the educational landscape and different settings within the education system. Education psychologists can apply psychological methods to support children and young people. This includes, for instance, knowledge around cognition, development, behaviour. They can provide help in clarifying problems and devising problem solving strategies. They can help to observe and assess children and young people, including techniques in managing behaviour and evaluating individual pupil progress. In addition to working with individual children and young people, an education psychologist can work with groups of pupils and teaching staff. Education psychologists may devise or recommend training for the relevant member of staff and the education institution. Educational psychologists can also build capacity across the whole setting to meet the needs of all their learners.

When a school or FEI is considering referring the matter to the local authority, an education psychologists should be consulted before that referral is made. When a local authority has received a request to take over an IDP they must consult with an educational psychologist.

### **Other local authority services**

Local authorities should also have wider support available through welfare and/or inclusion services. These services can work with the child, their



parents and young people and education providers to help resolve wider issues, such as resolving attendance issues for all children. They can also work with a child, child's parent and the education provider when the child is at serious risk of disaffection or exclusion. They may also support the child through providing advice and counselling on wider issues such as emotional wellbeing, mental health and other social factors such as housing. They may contact other agencies where required.

These local authority support services may be required when there is a lack of expertise within the education setting and external advice and support is required.

### **Careers advisors**

Careers advisors provide careers advice for children and young people. For most children and young people, including those with ALN, the careers advice that is normally provided is sufficient. However, for some children and young people they may need personalised or additional careers advice, this may be particularly important during transition.

### **Speech and Language Therapists**

Speech and Language Therapists can advise on the speech and language provision which would be suitable. This would include the outcome, the input and timescales, as well as in some cases directly delivering the provision. Speech and Language Therapists may advise, devise and oversee the provision to be delivered by a suitable member of staff and monitor the progress of the child or young person.

### **Occupational therapists**

Occupational therapist can advise on purposeful activity and play, to help a child or young person attain maximum levels of functional performance. Occupational therapists assess motor, sensory, perceptual, social, emotional and self-care skills. The occupational therapist can use therapeutic techniques (such as advising on equipment and environmental adaptations) where appropriate, to improve a child's or young person's ability to access the physical and learning environment. As well as in some cases directly delivering the provision, occupational therapists may advise, devise and oversee the provision to be delivered by a suitable member of staff and monitor the progress of the child or young person.

### **Physiotherapists**

Physiotherapists can advise on physical approaches to promote, maintain and restore a child's or young person's physical, psychological and social well-being. As well as in some cases directly delivering the provision, physiotherapists may advise, devise and oversee the provision to be delivered by a suitable member of staff and monitor the progress of the child or young person.



## ANNEX D – EXAMPLE INDIVIDUAL DEVELOPMENT PLANS

### Responsibility for the IDP

- The name of the school, FEI or local authority responsible for maintaining the IDP;
- The name of an individual to act as a main point of contact at the school, FEI or local authority responsible for maintaining the IDP; and
- The name of the school, FEI or local authority which prepared the IDP (if different to the body currently maintaining it).
- The name of the individual to act as a main point of contact at the school, FEI or local authority responsible for maintaining the IDP (if different from the individual responsible for coordinating the IDP preparation).

### Basic biographical information

- The child or young person's full name \_\_\_\_\_
- The child or young person's date of birth \_\_\_\_\_
- The child or young person's gender \_\_\_\_\_
- If the child or young person attends an education setting, the name of that setting \_\_\_\_\_
- The child or young person's home address \_\_\_\_\_
- The language spoken at home by the child or young person \_\_\_\_\_
- Where a child is looked after by a local authority, that fact \_\_\_\_\_
- The name of the local authority with parental responsibility for the child (where the child is a looked after by a local authority) \_\_\_\_\_
- Where a child or young person is a person formerly looked after by a local authority, \_yes or no \_\_\_\_\_
- The address(es) of the parent(s) of a child \_\_\_\_\_
- The contact telephone number(s) of the parent(s) of a child (where available) \_\_\_\_\_
- The contact email address(es) of the parent(s) of a child (where available) \_\_\_\_\_
- The following information, where a young person has consented to its inclusion:
  - The address(es) of the parent(s) of the young person \_\_\_\_\_
  - The contact telephone number(s) of the parent(s) of the young person (where available) \_\_\_\_\_
  - The contact email address(es) of the parent(s) of the young Person (where available) \_\_\_\_\_



<u>The views, wishes and feelings of the child or young person</u>  (This could include a One-Page Profile)																																		
<u>Record of information used to develop the IDP</u>																																		
<u>Description of the child or young person's ALN</u>																																		
<u>Description and delivery of the child or young person's ALP</u> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 12.5%;">ALP to be provided</th> <th style="width: 17.5%;">Organisation to provide the ALP</th> <th style="width: 17.5%;">Point of Contact (name and job title of providing organisation)</th> <th style="width: 12.5%;">How regularly the ALP will be provided</th> <th style="width: 12.5%;">Date from which the ALP will be provided</th> <th style="width: 12.5%;">Date until which the ALP will be provided</th> <th style="width: 15%;">Name of the body responsible for funding the ALP</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>							ALP to be provided	Organisation to provide the ALP	Point of Contact (name and job title of providing organisation)	How regularly the ALP will be provided	Date from which the ALP will be provided	Date until which the ALP will be provided	Name of the body responsible for funding the ALP																					
ALP to be provided	Organisation to provide the ALP	Point of Contact (name and job title of providing organisation)	How regularly the ALP will be provided	Date from which the ALP will be provided	Date until which the ALP will be provided	Name of the body responsible for funding the ALP																												
<u>If any ALP is to be provided in Welsh, please indicate</u>																																		
<u>Intended outcomes</u>																																		
<u>Transition</u>																																		



Reasons for decisions made

Timeline of key events

Date of the next proposed IDP meeting \_\_\_\_\_

The Date by which the IDP must be reviewed by \_\_\_\_\_

Record of the dates and organiser of each previous IDP:

Dates of previous IDP meeting	Organiser of IDP meeting

Record of early years settings/education settings attended since their first IDP:

Early years settings/education settings attended	Dates

(This could include other events that are significant and relevant to understanding the child or young person's ALN and planning the necessary ALP.)

Signature \_\_\_\_\_

Date signed \_\_\_\_\_



# Example IDP

## **Responsibility for the IDP**

- The name of the school, FEI or local authority responsible for maintaining the IDP Carmarthenshire County Council
- The name of an individual who will be responsible for coordinating the IDP preparation to act as a main point of contact at the school, FEI or local authority responsible for maintaining the IDP E.D.G. Morgans Chief Education Officer

## **Basic biographical information**

- The child or young person's full name Josie Thomas
- The child or young person's date of birth 06/03/2005
- The child or young person's gender Female
- If the child or young person attends an education setting, the name of that setting Teaching & Learning Centre, Sunny Hill CP School
- The child or young person's home address 28 Bridge Street, Sunny Hill, Carmarthenshire SA17 4TS
- The language spoken at home by the child or young person English
- The address(es) of the parent(s) of a child as above.
- The contact telephone number(s) of the parent(s) of a child 012672384059
- The contact email address(es) of the parent(s) of a child HThomas@gmail.com

Josie has assistance to communicate and works with her parents and key adults in school to prepare for reviews and share her views. She attends every review and takes an active part and prefers to communicate in English

Where of use, the IDP should also include the child or young person's Unique Learner Number (ULN) if allocated. 157



## The views, wishes and feelings of the child, child's parent or young person

### ONE PAGE PROFILE:

#### My One-Page Profile

Josie Thomas

I am 11 and in Year 6 at  
Sunny Hill teaching and  
learning centre

\*\* My friends

\*\* Me

\*\* My Family

#### What people appreciate about me

- Personality / Singing / Bows
- Confidence / Chatty
- Tights
- Bright lively conversation / knows peoples voices
- Determined / Asks questions / Open and Honest
- Everything – she is infectious
- Have a go at things
- Smile / Singing / Personality / Sense of humour

#### What is important to me

- Peppa Pig / Singing / Dancing
- Exploring new things
- Needs to be prepared for changes in advance
- Milk / Quavers
- Muffins
- Sausages
- Chicken Chow Mein/ Curry
- Mickey Mouse
- Horrid Henry

#### How to support me

- Available health care plan updated regularly
- Encourage her eating and for her to feed herself or to try
- Close home / school / agencies / health links and communication to ensure a collaborative plan
- Training of staff for health needs

#### What is important to me in the future

- Independent life skills, to be able to go out with her friends as a teenager, jump on a bus / train and go shopping.



## **Record of information used to develop the IDP**

- 12/11/2015 Paediatric review report. See annex
- 08/01/2016 Education & Child Psychologist update. See annex
- 08/01/2016 School review to discuss the reports and progress. Parents, Josie, Head Teacher, Class teacher, Key adult, Educational & Child psychologist, Sensory Impairment team, Community nurse and Occupational therapist. Concerns regarding attention and listening and assessments show the growing delay with attainment. Strategies discussed and increase in provision to support the use of frameworks in the classroom and play sessions 1:1 to support anxiety.
- 19/03/2016 Speech and Language assessment report. See annex
- 01/07/2016 Paediatric clinic report. See annex and updated medical care plan.
- 09/07/2016 Sensory Impairment reviews. See annex
- 09/07/2016 IDP Review with Josie, parents, Head Teacher, Key adult, class teacher current and Head Teacher and class Teacher from Sunny Hill Secondary teaching and learning centre, Sensory Impairment manager, teacher for hearing impaired, Brailist, habilitation teacher, Community nurse, Occupational therapist and speech and language therapist

### **Contributors:**

#### **Attendance in meetings**

Mrs Griffiths Head Teacher head@sunnyhill.ysgolccc.org.uk

Jordan Davies Class Teacher JTDavies@ysgolccc.ork.uk

Deborah Thomas teaching and learning centre teacher Sunny Hill secondary school

Class Teacher [DThomas@ysgolccc.org.uk](mailto:DThomas@ysgolccc.org.uk)

Katy Lewis Head Teacher Sunny Hill Secondary school

KLewis@SHSS@ysgolccc.org.uk

Nia Williams Key adult / 1:1 support

Mr & Mrs Thomas Parents 01267262964

Valerie Morgan family support VMorgan@carmarthenshire.gov.uk

Mary Kirkwood Educational & Child Psychologist MKirkwood@Carmarthenshire.gov.uk

Emma Morris Speech & Language Therapist EMorris@walesnhs.gov

Susan Jones Occupational Therapist SJones@walesnhs.gov

#### **Through report:**

Mandy Davies Sensory Impairment manager [MDavies@carmarthenshire.gov.uk](mailto:MDavies@carmarthenshire.gov.uk)

Fiona Williams Impairment teacher and brailist [Fwilliams@carmarthenshire.gov.uk](mailto:Fwilliams@carmarthenshire.gov.uk)

Sarah Rowlands Community nurse SRowlands@walesnhs.gov



Important to Josie now	Important for Jos/ How best to support..
<ul style="list-style-type: none"> <li>• Getting her coat on her own</li> <li>• What she has had for Christmas – the whole list!</li> <li>• Having friends</li> <li>• Playing with her friends</li> <li>• Being independent of adults</li> <li>• Beef crisps</li> <li>• Kian and Holly (her doll babies)</li> <li>• Playing with a ball</li> <li>• Muffins</li> <li>• Sausages</li> <li>• Chicken Chow Mein/ Curry</li> <li>• Mickey Mouse</li> <li>• Horrid Henry</li> </ul>	<ul style="list-style-type: none"> <li>• Training of staff for health needs</li> <li>• Braille courses to reinforce and support at home</li> <li>• Developing independent feeding</li> <li>• Supporting enthusiasm for learning braille</li> <li>• To support her in being able to make her own decisions – what activity she would like to do / problem solving (use of learning scripts and effective questioning.</li> <li>• To support safety – risk assessment and medical care plan available and followed by all with structured learning of developing Josie's knowledge and safety skills</li> </ul>
Important to Josie in the future	
<ul style="list-style-type: none"> <li>• Independent life skills, to be able to go out with her friends as a teenager, jump on a bus / train and go shopping.</li> <li>• Learn braille to be able to have a reading book like the other children in her class and also learn money to be able to buy something independent</li> <li>• To move independently around the yard</li> <li>• To reach her academic potential</li> <li>• Transition to the next school</li> </ul>	<ul style="list-style-type: none"> <li>• Travel training / Mobility skills / Habilitation skills (structured plans when relevant)</li> <li>• Access to a range of accessible books and materials – clear vision books for independent and shared reading opportunities for school and home</li> <li>• Planning well in advance to ensure materials are sourced as required for pre tutoring / the activity and post tutoring</li> <li>• Close home / school / agencies / health links and communication to ensure a collaborative plan</li> <li>• Regular reviews and action planning</li> <li>• Needs to explore the new school environment fully – feel and TA's to provide a verbal script to name using rich vocabulary</li> <li>• Reassurance to help calming</li> <li>• Knowing the risks - updating risk assessment regularly</li> <li>• Available health care plan updated regularly</li> <li>• Encourage her eating and for her to feed herself or to try</li> <li>• To get to know all new staff</li> <li>• Pre arranging visits with school</li> <li>• Provide challenge</li> <li>• Practical maths – objects</li> </ul>



What is working ?		What could be better?
<ul style="list-style-type: none"> <li>• Happy in school</li> <li>• She adores each and everyone of our family</li> <li>• Miss Taylor and Ta's understanding</li> <li>• Braille training</li> <li>• Feeding</li> <li>• School eating</li> <li>• Shapes, weight, number in maths</li> <li>• Reading progress</li> <li>• sleeps well</li> <li>• socialises with family / friends</li> <li>• Made lots of school friends</li> <li>• Home / school book</li> <li>• School and professionals working well together</li> <li>• Attend appointments with GOSH</li> <li>• Trachy care / change</li> </ul>	<p><b>Josie</b></p> <p><b>Parents</b></p> <p><b>School</b></p> <p><b>Others</b></p>	<ul style="list-style-type: none"> <li>• Using braille in all areas to develop independence</li> <li>• Braille at home</li> <li>• Independent feeding</li> <li>• Progress with braille</li> <li>• independence</li> <li>• Introduction to braille</li> <li>• Introduction to cane</li> <li>• Clear mobility / habilitation programme</li> <li>• OT needs to visit school more regularly</li> </ul>

Desired Outcome which this supports	What?	By who?	When? (By what date?)
<ul style="list-style-type: none"> <li>• Close links and collaboration with all agencies to ensure Josie is making progress and feeling safe and secure in her new class attending regularly</li> </ul>	<ul style="list-style-type: none"> <li>• Visits by agencies within the first half term in the new school</li> <li>• Review to discuss support and provision in the new school and liaise with the local authority</li> </ul>	ALNCo at Sunny Hill secondary school to liaise	<ul style="list-style-type: none"> <li>• October 18<sup>th</sup> 2016</li> </ul>
<ul style="list-style-type: none"> <li>• To develop greater independence and use the specialised resources provided to</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Habilitation</b> program – (attached). Showing clear targets and actions.</li> <li>• <b>Braille</b> (attached and targets) – alternative space is required to</li> </ul>	F Williams and school staff	<ul style="list-style-type: none"> <li>• 12/7/2016</li> </ul>



communicate what Josie wants and needs	<ul style="list-style-type: none"> <li>ensure a quieter area.</li> <li>1 TA to assist in the session – other TA to be producing materials and planning</li> </ul>		
<ul style="list-style-type: none"> <li>Transition to the new school and being settled and familiar with peers, staff and the environment</li> </ul>	<ul style="list-style-type: none"> <li>RWI training required as noted in previous action plan – contact the literacy coordinator</li> <li>Planning in advance of two weeks</li> <li>Keep equipment in a dedicated area for teaching independence</li> <li>To use the perkins more in class</li> <li>Have a range of braille books in the reading area on display and ensure inclusion</li> <li>Perkins braille for home</li> <li>Summer club additional 1 TA support at the secondary school following the plan to familiarise with the environment</li> <li>Medical training for all staff at the secondary placement</li> </ul>	<ul style="list-style-type: none"> <li>Class Teacher and ALNCo</li> <li>Nurse</li> </ul>	<ul style="list-style-type: none"> <li>By the end of July 2016</li> </ul>

### **Description of the child or young person's ALN**

Sensory impairments – visual and hearing.

Difficulties with speech, language and communication skills.

Medical reports note congenital arhinia, fine and gross motor difficulties, visual and hearing impairment and global developmental delay. Medical care plan attached)



**Description and delivery of the child or young person's ALP**

- Table of ALP
- i. Specialised placement working at p levels
- ii. Teaching and Learning Centre for global delay. Named school Sunny Hill Secondary school teaching and learning centre.



ALP to be provided	Organisation to provide the ALP	Point of Contact (name and job title of providing organisation)	How regularly the ALP will be provided	Date from which the ALP will be provided	Date until which the ALP will be provided	Name of the body responsible for funding the ALP	Medium of ALP to be delivered	Internal targets of ALP
<u>Placement at a specialised teaching and learning centre with an additional teaching assistant to be a key adult and work with the teacher to plan and provide the additional medical support and sensory interventions</u>	<u>Carmarthenshire County Council</u>  <u>School – Sunny Hill Secondary school T&amp;L centre</u>	<u>E D.G Morgans Chief education officer</u>  <u>School contact Mrs Katy Lewis Head Teacher Sunny Hill Secondary School.</u>	<u>full time 27.5 hours a week</u> <u>To provide support in all lessons</u>	<u>01/09/08</u>  <u>Placement from 01/09/16</u>	<u>Discussed in each review</u>	<u>C.C.C Inclusion department</u>	<u>English</u>	Following the medical care plan daily  Working towards all the targets set by outside agencies  To be familiar with the new peers, staff and environment
<u>Advice when required regarding progress and assessing for any adaptations</u>	<u>Occupational Therapy Hywel Dda</u>	<u>Susan Jones</u> <u>Occupational Therapist</u> <u><a href="mailto:SJones@walesnhs.gov">SJones@walesnhs.gov</a></u> <u>01267 238603</u>	<u>To attend reviews when required but will attend each transitional review</u>	<u>13/02/06</u>		<u>Hywel Dda</u>	<u>English</u>	<u>To provide advice regarding sensory and motor needs</u>



<u>Speech and language therapy, modelling, advice and review of progress</u>	<u>Speech and Language Therapy services Hywel Dda</u>	Emma Morris Speech & Language Therapist <a href="mailto:EMorris@walesnhs.gov">EMorris@walesnhs.gov</a> 012672382365	<u>Weekly visits and to provide a programme of work and liaise with the staff to advise and review the progress made.</u>	<u>01/09/11</u>		<u>Hywel Dda</u>	<u>English</u>	<u>To respond to 3 word level instructions</u>
<u>Visual Impairment teaching – braille. Hearing Impairment advice and monitoring. Advice and modelling adaptations and resources. Mobility support and habilitaion teaching – cane.</u>	<u>Carmarthenshire County Council Sensory impairment service</u>	Mandy Davies Sensory Impairment manager <a href="mailto:MDavies@carmarthenshire.gov.uk">MDavies@carmarthenshire.gov.uk</a>	<u>Weekly visits</u>	<u>01/09/08</u>		<u>CCC inclusion departments</u>	<u>English</u>	<u>Dedicated area to have Josie's resources that never changes. To use the Perkins twice a day To have braille books available in all display areas. To increase braille use To practice using the cane twice each day in</u>



								<u>school and home</u> <u>To introduce the can to the class</u> <u>Continue life skills of preparing a sandwich, dressing and eating.</u>
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Details of any disapplication of the National Curriculum specialised placement

The name of any school named by the local authority for the purpose of securing admission to it, pursuant to section 42 of the Act Sunny Hill Secondary specialised teaching and learning centre

Specialist equipment: Perkins, cane. Regular review and advice from agencies. Braille resources are supplied within the specialist resource base.

### **Intended outcomes**

- Close links and collaboration with all agencies to ensure Josie is making progress and feeling safe and secure in her new class attending regularly
- To develop greater independence and use the specialised resources provided to communicate what Josie wants and needs
- Transition to the new school and being settled and familiar with peers, staff and the environment

### **Transition**

Medical training for all the staff. Visits to the secondary school making a photo book to prepare for the change and new staff.

Timetable of the new day and working with the class teacher for 5 days in July.

Teaching assistant will continue for the medical plan.



### **Reasons for decisions made**

- Initial discussion shared parental request for a mainstream school placement. Organisation, level of differentiation and independence was discussed and the level of support and provision that would be needed. The safety and medical needs were shared and considered. The nurse and all agencies in attendance recommended specialist placement. Everyone agreed that the medical plan and level of attainment and independence require a small group setting with specialist knowledge of visual, hearing and severe learning difficulties. .

### **Timeline of key events**

Date of the next proposed IDP meeting October 16<sup>th</sup> 2016 at 2pm

The Date by which the IDP must be reviewed by end of Summer Term 2017

Record of the dates and organiser of each previous IDP:

Dates of previous IDP meeting	Organiser of IDP meeting
02/05/2008	Health Visitor
16/02/2009	ALNCo
09/01/2010	ALNCo
02/02/2011	ALNCo
06/11/2011	ALNCo
16/06/2012	ALNCo
10/10/2012	ALNCo
08/05/2013	ALNCo
12/05/2014	ALNCo
07/06/2015	ALNCo
08/01/2016	Head Teacher
09/07/2016	ALNCo

Record of early years settings/education settings attended since their first IDP:

Early years settings/education settings attended	Dates
Sunny Hill Primary Specialist teaching and learning centre	01/09/2008



Summary of Key events:

- 03/08/2006 Paediatric report noting medical needs and ongoing care plan referral to specialist health visitor for multiagency care plan.
- 03/11/2007 Multi agency meeting referral to entry to education
- 01/02/2008 Entry to education request for educational and child psychology full consultation
- 19/04/2008 Educational and child psychologist consultation and meeting with family, request for specialist placement
- 14/05/2008 Inclusion panel decision to name specialist placement Sunny Hill specialist teaching and learning centre from September 2008.
- 07/06/2008 IDP pre school review
- 15/06/2008 Staff training tracheotomy updated annually Summer Term.
- Paediatric reviews and updates August 2008, June 2009, July 2010, June 2011, May 2012, July 2013, June 2014, November 2015, July 2016. Tracheotomy procedures detailed in the medical care plan.
- Sensory Impairment reports annually from September 2008 – updated information is detailed in the IDP
- Occupational Therapist reports when required from 13/2/2006 – updated information detailed in the IDP
- Speech and Language therapy reports annually from September 2011 and updated information detailed in the IDP

Signature: EDG Morgans

Date signed: 18/07/2016

**Signature**

Signature of child's parent \_\_\_\_\_

Signature of young person \_\_\_\_\_



Annex:

Date	May 2014	June 2015	July 16
Personal & social	P4	P4	P5
Teacher Assess English	P4	P5	P6
Teacher assess maths	P4	P4	P5



All reports from agencies referenced would

### **Transition**

This could include transitions to new year etc, this could define the requirements to meet and plan for all transitions as set out in the Code Chapter.

This should also include key information and support needs for the child or young person during transitions. As described in Chapter x transitions might be within or between institutions.

This section should also include any provision which an institution might provide for in the future



DRAFT