



## Additional Learning Needs and Education Tribunal (Wales) Bill Parent Responses – Cardiff & Llandudno 9<sup>th</sup> February 2017

On the 9<sup>th</sup> of February 2017, in partnership with Assembly officials, SNAP Cymru organised two events for the Children, Young People and Education Committee to discuss with Parents the current system of Special Educational Needs and to what extent the Welsh Government's proposed changes will bring improvements. This formed part of the Committee's evidence gathering for its scrutiny of the general principles of the Additional Learning Needs and Education Tribunal (Wales) Bill.

Approximately 55 parents attended the two events, with parents attending from counties across Wales. Many of the parents who attended the events had experienced difficulties in accessing ALN support for their children and were able to pass on to Committee Members their views on the existing challenges and what needs to be done to address them.

The events were led by SNAP Cymru, who helped facilitate discussion with each group of parents. Committee Members were present for some of the group discussions, but not for the entire event. Discussions centred around six main topics. This is a summary of the key points raised at the event, captured by SNAP Cymru. It is not an exhaustive list of all comments made by participants, nor does it mean there was unanimous agreement on each point amongst all present although it is a reliable transcript of the parents' views. The comments listed below are not those of SNAP Cymru, the Assembly Committee or its supporting officials.

## Question 1: Replacing the three-tier system with Individual Development Plans (IDPs) for all learners with ALN

What are the advantages and disadvantages of replacing the current three tier, graduated system with one where all learners with ALN are entitled to a statutory Individual Development Plan (IDP)?

To what extent does providing an IDP to all learners with ALN risk watering down provision for learners with severe and complex needs?

Will the new universal framework of IDPs ensure that provision is still sufficiently tailored to the level of need of each learner with ALN?

Would the introduction of a template for IDPs provide consistency and portability?

- Parents expressed a general concern about the lack of detail in the Bill. “Too much important detail is left to the code and not in the “statutory instrument” – eg timescales to prepare IDPs and request reconsideration.”
- Some felt that the transformation programme lacks transparency of membership – “please can we have more detail of working groups, minutes, agendas, outputs etc – worrying”.
- Parents were concerned that different systems were being developed in each consortia because of innovation money and lack of WG direction to LAs, this could mean different interpretations in each authority. Different LAs have different interpretations of the Bill – is this because the bill is open to interpretation?
- Parents felt that the new Bill does not remove the fundamental conflicts of interest from the system, which are the root of the current system. If these are not dealt with by the current reform nothing will change.
- Parents felt Assessment should be independent of those responsible for budgets. Many many parents felt schools would not be prepared to allocate their budget to children with higher level needs. Schools encourage parents to go to the LA now to request Statutory assessment as a means of gaining additional funding – this wont change.
- Parents felt that the Bill should be more explicit about children and young people with severe and complex needs – about which IDPs should be developed and maintained by the LA . The Bill doesn’t explain sufficiently. What are severe and complex needs –

other than ‘may need ‘board and lodging! “Support for children with complex needs will be eroded in this Bill”.

- Concerns were expressed that the Bill overerly focussed on education and attainment above all else, well-being should also be considered.

### Legal entitlement removed

- Parents felt the Bill is not strong enough about a parent’s right to request an IDP. – They can ask for reconsideration of a schools decision or bring their needs to the attention of the LA.– NOT nearly strong enough in Bill– “you have to look hard for it” Less able parents children will miss out. Parents are currently able to formally request a statutory assessment and this is clear in the existing legislation.
- Whilst parents agreed provision should be based on a childs needs – many parents were very unhappy about the lack of ‘parental preference’ in the new Bill.
- Several parents felt that rights for placement for child in MS school is removed, although its recognised there is a section on inclusion in the Bill. Is the existing right to be educated in MS removed by changing the Bil to ‘appropriate’ placement?
- Parents felt there appeared to be a weakening of parent and carers choice, regarding schools and placements– yes it should be based on childs need– but LA always opt for cheapest rather than most appropriate. Parents will still have to provide private evidence for a choice of different schooling. This is always the case at 16+ where LAs always want local FEI even if the provision isnt appropriate.
- Parents choice of type of school/FEI needs to be safeguarded in the current Bill.

### IDPs

- Parents felt there wasn’t enough detail on the Bill about when or why a local authority will be responsible for developing and maintaining an IDP. Most parents felt this would be critical to the success of the reforms.
- Most schools and school staff are not sufficiently knowlegable regarding complex needs. There should be duties and responsibilities to bring in expertise beyond the school on the Bill not just the Code.
- Many parents attending felt the IDP is not fit for purpose.
- What if there are fundamental differences in opinion whilst producing an IDP? What happens then? Parents felt this was not clear in the Bill.
- Concerns that parents have a draft/proposed statement currently with a period to consider its contents. (15 days–and additional 15 can be requested) before a final statement is issued. Will there be a similar draft period with an IDP? And an

opportunity for families to request amendments? Parents were concerned they may agree to things in the IDP meeting and feel differently once they had considered the implications. There should be a draft produced and then accepted.

- With school being responsible for the majority of IDPs many parents felt this could be an opportunity to strip out provision for complex needs and more expensive provision. There is no guarantee that when statements are replaced with IDPs the children's provision will be protected. Particularly if needs become the school responsibility.
- All parents felt there could be a 'watering down' of provision for learners with statements, but also for children with less complex or less easily recognisable needs because the school budget would be spent on the more high tariff children.
- Many other parents had concerns that children or young people with less obvious needs might get overlooked. More children might slip through the system— because schools will be reluctant to complete the process. Many children are currently not added to an SEN register if they have specific learning needs. Is this a way of reducing the numbers and leaving a lot of SEN provision to the general differentiated learning in a class? This can often lead to three or four years before a child's needs are properly assessed.

### **Person centred element of IDPs**

- Person centred planning and One page profiles are welcomed as quick communication tools, however in reality how many schools will support the approach effectively. Parents were unsure about who fills in OPP and where does it go and who inputs or sees it? Several parents say LAs often ask for children's views now as part of statutory assessment and review and get very little back from the school.
- There were very many concerns regarding the practicalities of person centred reviews and the school being responsible for all but the most complex of IDPs. If 400 IDPs need to be done in a particular school, this would be unrealistic, the amount of writing on the template is still down to individual schools. There were concerns across the board about how the targets in an IDP would be measured. Will there be short and long term needs in the action plan section? Current action plans/IEPs are rarely shared with parents and the targets are never reviewed very often they're 'wishy washy', the new IDPs are more standardised. Hopefully smart targets are used which can be reviewed easily.

- PCP–“I like Lego” “I want to be a bus driver”–How will this help? Need clear specific targets–Smart– this is quite a skilled time consuming approach. Concerns about schools directing/leading children – independence required.
- Can children really take part in the process or is it tokenistic? Proper person centred approaches are time consuming. Throughout the pilots and at the moment some counties like Carmarthenshire pay for extra staff to support the schools with this type of review– what happens when this money goes?
- Parents worry that many schools will think that the 1 Page profile will be the only focus for the plan!
- Thin resources provided to 25+ forming extra people who need IDPs. Who will provide these? Not clear where the funding will come from.
- Confusion what is important to /important for? from different people involved in assessment. Takes a while to understand the concepts included in the process.
- Fidelity of plan–early years and right through transition – much more equal, and helpful for LAs to plan resources for children and young people possibly.
- Looking at children as needs based–rather than graduated approach, head straight to need–ie. Rather than having an eye on the next stage, even early on the child's needs and aspirations are highlighted and provision is given.
- Person centered planning– positive for focus of conversations and for sharing information.
- 1 page profile can be very positive and child friendly and a good opportunity for a child to understand their own needs and aspirations. Many children now aren't even aware of the process or that they have a statement.
- If implemented fully could be an advantage especially those on School Action and action(+) but concern for those with complex needs– will it be smart and structured enough?
- All parents referred to have re–course to tribunal which is good and more equal –But what about parents who can't do it on their own–Need access to SNAP earlier on.
- Positive for transitions– IDP will follow child/YP.

## Review of IDPs

- In the current COP IEPs are to be reviewed 2/3 times a year, (or not) how will suggesting IDPs are reviewed annually improve the current system? Need to add annually or more frequently as appropriate.
- Targets – how measurable are they going to be in reality? Might be too much work for schools – limited resources and time. Not clear how children's targets are going to be monitored. What provision will there be to monitor progress?
- Will schools be reluctant to inform parents of right to request reconsideration by LA with view to revising an IDP? This could mean extra pressure on the school budget!

## Advantage and disadvantage of current graduated response

- The current system of Graduated Response is clear and easy to understand. It shows when schools should review, who has responsibility and when further external expertise should be sought. Everyone knows where they are in the system and most know what they should expect at each stage in terms of provision.
- The LA have always interfered at a local level with this system. eg. In several LAs they have added additional structures to prevent children from receiving SA and a statement. The school 'action plus, plus', type approaches used in several LAs such as Ceredigion, Carmarthenshire, Gwynedd and others disadvantages families and prevent families and young people from redress since the process and provision offered cannot be appealed. They are often flimsy offers of funding which are short term and withdrawn or not implemented. What's to stop the LAs interpreting the new law in ways they choose?
- Schools and Local authorities also like the current graduated response, everyone knows where they are. Parents wanted a clear pathway and felt provision maps would help parents and professionals. Much like local offer in England.
- Previous systems enabled movement – Now IDPs risk over-provision possibly?

## Accountability and monitoring

- Are School IDPs legally protected? or does this only happen when they are maintained by the LA? The Bill should make this more explicit.
- Many parents felt LAs are not held accountable for their behaviour and actions.
- Parents felt there should be an independent auditor who could check quality of IDPs and ensure the sufficiency of training, provision. Ensure that standard documents

and process are followed and that across Wales everyone is singing to the same 'hymm' sheet. This was one of the main original reasons for the reform.

- Very concerned to hear that certain LA are allocating 100% of the ALN budget to schools– how will this spend be ringfenced and monitored?

### **Vulnerable children and young people not covered sufficiently**

- What about home educated CYP?–Either by choice or by school provision not being able to meet need? Poorly served in Bill currently.
- EOTAS–not clearly enough identified within Bill– who are they, why not list groups? Only one paragraph in Bill for some of the most vulnerable children and young people.
- What about vulnerable children and young people not in school or college? The Bill says that LAs 'may' provide for these children and young people– NOT strong enough!this was a chance to improve on previous law.

### **National standard template**

- National template – yes please! “Why do the Welsh Government allow LAs to be innovative– instead of implementing things equally and in the same way across Wales?”
- A template would be very helpful for both professionals and parents and for the Education tribunal or Ombudsman. A national template – not different ones for each country.
- One of the original aims of the reform was to prevent post code lotteries – different documents across Wales will not prevent this.
- Only one template, it should make things more consistent. It should be reviewed and amended accordingly, statements currently are not updated enough. Schools responsibility is to record act on the changes requested. There is a worry that its not a standardised template and that there are not clear guidelines on completing them and training is not provided. Unified process of an IDP, in some cases it could be quite simple whilst others are more detailed (0–25 but if they are working wekk–they develop with the child).
- Several parents say IDPs produced so far are weak–Several LAs are already using IDPs–Carmarthenshire/Ceredigion Torfaen, Gwynedd etc some are good others are

not sufficiently detailed and poor- resource panels cant make decisions because of lack of detail in IDP- send them back frequently. Many parents are concerned LAs are using IDPs now before the change in the law- Not on- The Civil servants know its happening and have encouraged it.

- There is a working group on the development of the IDP. Has the pilot template been evaluated?
- Nothing in the Bill about how current Statements will be transferred and guaranteed. Will the LA use this as a means of lessening their current responsibilities. Will everyone with an IDP before the Bill is implemented have their statements formally 'ceased to be maintained'? Will be very difficult to pull back once a LA has implemented their approach.
- Very poor experience in England where no standard template was introduced. Big rise in tribunals.
- What will the role of the Public Service Ombudsman be in this system? Couldn't see them mentioned. Will they police the timescales and system? Parents cannot afford to judicially review.

### Health provision

- Parents were not confident regarding the Health provision in IDPs. Currently if a child's health needs impact on their learning, it can be placed in sections 2/3 of the statement which are directly appealable to SENTW. In this Bill Health decisions are made by Health and can only be complained about through health complaints processes- a family may have an appeal and a complaint to health running at the same time- how does this prevent stress for families seeking appropriate support for their children. A weakening for the children and young people with health needs.
- Very disappointing watering down of original aims- WHY? Thought Tribunal would be given power over education and health- less powerful than in England.
- The Bill is very vague on how reports and in particular how what the NHS provides is shown in the IDP? No timescale for how long it takes to write an IDP. Waiting times for services to come in. In the 1996 act reports must be sought by the LA- will they still request these?
- IDPs need to be very clear about who is providing what. No differentiation on who is providing what, by when, by whom - school governing body chases this - how realistic



is this? Presumably this will be in the action plan section– this must be clear in the Bill.

- What happens if IDP is not implemented? Who monitors this? There is no mention of where the redress is here? LA? Ombudsman? Judicial Review?
- Parents reported that many schools use group IEPs – how ‘individual is this? ALN may be ‘cut & pasted’ into the new document.
- Define health board provision–research and competence– how successful particular approaches are–whats available –what does it look like?
- Need to be specific on provision not just open to speech and language, but how this will be provided. Speech and language will still be a battle ground. This should be an educational need not just provided in a community setting for blocks of a few weeks– fundamental to childrens communication and learning. This is why parents have always fought to get this provision in parts 2 and 3 of the statemet and that there is case law to support this.
- Time and resources to implement IDP provision need to be given or else the IDP action plan is worthless.
- Realtionships between school and parents is not always good. Good IDPs and provision relies on relationships between school and parents.

### Training implications

- Jobs, training skills, understanding and expertise needed before an IDP developed– this training should include parents– why not joint training sessions so schools understand parent perspective and vice versa parents understand school relaities. More trining needed for an IDP than for IEP– and even these aren’t written well. IDP’s are only as good as the relationship between schools and parents, but who polices that? IDP–Not all parents have the confideance to speak up the Bill does not make it clear enough that parents can have an advocate or support from avoidance of disagreement services early enough to prevent issues from escalating. Engaged parents will still advocate for their children– what about other more disengaged families– don’t see what the bill offers there.
- Issues for teacher training–not just for SENCo but every teacher is an SEN teacher!
- Assessment requires proffesionals with expertise to access children within schools Will there be outreach support/peripatetic or advisory support to help in schools to assist with the teaching who present with ALN.
- How does the Bill ensure experts have the appropriate training?
- Training programme for Welsh speaking specialist–targeted recruitment needed.

- Need to know what is specifically required– will the COP explain this? How will this be explained to parents– “SNAP Cymru explained it to me – not the school”.
- Competance + Consistency is essential after the initial training– wil this be always available?
- Need to be more aware of individual needs and requirments and what works when developing an IDP eg. intensive interaction etc... and what their needs are based on diagnosis/behaviour.

#### **Trust, accountability and monitoring the IDP process and contents of individual IDPs.**

- Who monitors IDPs? Who monitors schools use of funds and the decisions made?
- Schools will fit the child into the existing process and budget so will not be led by the childs individual needs as the current law says. Extreemly worrying.
- With schools being budget holders and very little ring fencing how do parents monitor this– why should they have to?
- Schools always wanted the SEN budget– but they are far less happy to spend it on SEN once its in their hands. One parent reported that school refused to spend the 10 /12k identified as required for the childs needs. Said they didn’t have it in their budget? LA said school had the budget–where does a parent go then?

#### **ALENCo Role**

- ALNCO – should the role be ‘protected’. Cluster SENCO’s roles shared between schools – LET’S AIM HIGH.
- ALNCO–Role could be overwhelming (eg. School with over 200 ALN Pupils?).
- Regulatons should specify training and experience for ALNCO’s and sufficient time to carry out their roles.
- Parents expressed concerns re resource provision–all without increasing provisions will give rise to failure. With ALN budgets decreasing – how can this huge reform be introduced without diluting provision–stretch to all SENCO’s.
- ALNCO role–Need to know the child very well, observe, go into the classroom and not just write a plan. The time and whos responsible for this increased workload.
- The new bill gives more process to follow to appeal.
- ALNCO being a senior members of the school needs to be very much aware of the budgets. Very often SENCOs are not included in the decision making of the budget. They need to be empowered to make decisions on how the funding is used. It is an important role and needs recognition. They need to be suitably qualified and experienced. They are the key person, if they don’t have the knowledge and understanding of our children so that things to not get adversarial. They need good communication skills and a level of empathy of the parents situation.

## Question 2: Responsibility for Individual Development Plans (IDPs): Governing body or local authority

Does the Bill make it sufficiently clear when a local authority, rather than a school/college governing body, will be responsible for assessing a learner's needs and for the learner's IDP?

To what extent could there be ambiguity and contention between schools or colleges and local authorities over where responsibility for a learner's ALN lies?

To what extent is there a risk that families will want the local authority to be responsible for a learner's IDP rather than the school and that this could replicate the battle to obtain statements?

### Duty to take 'all reasonable steps'

- How do parents know when the school has 'exhausted' all avenues? The term reasonable is open to huge interpretation. How will a school demonstrate they have taken 'all reasonable steps'? Will a parent have to pursue this. Will the school share the information with the parent?
- Parents must be INVOLVED not just INFORMED.
- Clearer clarification in the Bill – avoids fighting. If there is room for local interpretation there will be disagreements!
- Parent or family partnership – where is it? Why did this go from the green paper to the current Bill?
- Will there be a higher number of children going to tribunal? This will have resource implications certainly in the first five or six years.
- All parents felt that a local authority IDP will be better and more enforceable than the school based one? All parents felt there would be a rush for LA reconsideration or requests to revise school IDPs.
- If parents think they are getting a 'bad deal' from the school, where do they go? The Bill is very unclear on redress– you have to jump all over the Bill from 9, 10., 11, 12 etc to the 20s to see the full process. Is this deliberate?
- Parents forced to rely on school to inform them–what if relationship not good?
- What if accountability and sharing information is not transparent? Will parents be made aware of avoidance of disagreement service?

- Early years. Reasonable? Open to interpretation, anyone can bring attention to LEA– Does not clarify parents can bring to the attention and how?– which it should! Bring to the attention of is not as strong as a request for SA.
- The Bill is not clear about assessment. For those children and young people with a statement, certain reports and appendices must be sought, ie. EP, School, Parents, Health etc. this is missing and worrying!
- Massive ambiguity and contention due to timescales, and it's not clear who's duty it is to notify parents– will this be clarified in the Code? Who will police this will it be the ombudsman?
- Bill not clear as to ownership, responsibilities and to provision being provided–High risk. It appears that the only IDPs that you can challenge to ETW are LA IDPs or decisions is this true? LAs will put in all sorts of hurdles to prevent this.
- More LEA considerations–paperwork, headaches? Request for reconsiderations and reviews and requests to 'take over plans' could be overwhelming for departments which have shrunk considerably in the last few years. Point of pressure will still exist this Bill does nothing for that!

### **Funding provision will be key to trusting school IDPs**

- Ring fenced pots of money – not based on deprivation.
- Access for severe complex. Not defined sufficiently.
- Code needs to give backbone –As to who, why, how? This would give more clarity.
- Parents with learning difficulties lost! Need Independent advice and support – to minimise stress and anxieties.
- There will be ambiguity as schools are already concerned about the budgets. Worried parents are completely embroiled over the money spent on their child when looking for support for their child.
- A risk that schools say they can't afford to meet the needs of the child, goes back to the LA, LA says the school can meet the needs, in the meantime the child's needs are not met.
- Huge conflict of interest especially in smaller rural areas–also lack of training + knowledge– will schools and governing bodies want to take particular children?
- Most families will want LA to have responsibilities NOT SCHOOL.
- Conflict of interest especially in small rural schools (old fashioned attitudes and lack of knowledge and training).
- Communication breaking down between school and parents.
- Are they going to admit problem children due to financial issues?

- IDP could involve education/health/social elements so don't think it should be schools– these must have LA input.
- Confusion on funding and who resp. who will find a child's requirement if it heals or if it escalates–needs to be clear.
- Who is going to fund??? Early years/Post 16?
- There needs to be clear structured steps to follow. Governing bodies very rarely go against their headteachers. In the future governing bodies need to take responsibility. Governors need to be impartial and not be friends, relatives or spouses with the head. Contention about who's responsible, parents do not want to cause problems with school. May feel that they want to go straight to the LA. No clarification on when to approach the LA and not the school.
- All parents fear that it will result in a 'passing the buck situation'– there needs to be time scales which could be part of the bill rather than regulations.
- "Beyond their ability" How will this be decided? Will there be a test and a timescale for this decision?
- FE funding from WAG focused on progress–Should cover apprenticeships training.
- Dual complaint system health/education very disappointing and stressful.

### **Role of Governing Bodies**

- Conflict of interest–difficult to understand how can professionals come up with assessment and recommendations when they are responsible for budget.
- Also if LA prepare a plan and order the school to maintain– will they be overseeing the implementation and review of the school IDP– parents foresee contention between school and LA with child and family in middle.
- Currently very clear as to where to apply for statement, and where responsibilities lie– not clear in ALN Bill.
- Governing bodies of schools–will uphold headteachers decisions– they always do–will this then slow up parents' rights to request reconsideration from LA.
- Parents' expectations of school governing bodies is not good.
- "Who is governing body?"
- Governance of FEIs– LA currently has no link with FE. How on earth is this going to happen? LA officers are stretched now without taking on responsibility for YP in FEI.
- Huge ambiguity here–not nearly clear about pathways for referral and who will be responsible at each stage. This will definitely result in more tribunals.
- Schools must not be allowed to add extra hurdles before a family can request reconsideration by the LA.

## Question 3: Multi-agency collaboration

How adequate are the duties in the Bill in securing the necessary input and contribution from the health sector?

How decisive should health professionals' clinical judgment be in determining what Additional Learning Provision is made available to all learners?

*(Section 18 requires health bodies to consider if there is a 'relevant treatment or service' that is 'likely to be of benefit' in addressing a learner's ALN.)*

Will the provisions in the Bill result in the adequate sharing of information, advice and assistance between local authorities and health boards?

What further provision should be made in the ALN Code to facilitate and secure adequate collaboration between local authorities and health bodies?

- Welcome duty to share information between school & health – it is difficult and limited now.
- Gap 16–18 year olds – statutory support at 6<sup>th</sup> form? How will this improve the transition from childrens to adult health services?
- DELCO – 1 per health board – reactive not proactive – needs more prevention and not wait till crisis points.
- Equality Act still not fully understood by schools– many children with Health needs will not be considered to have learning needs but are considered disabled under the Act and should have reasonable adjustments made. Does the Bill even mention a link with the Equality Act and disability duties?
- Health Care Plans don't have statutory standing in schools – medical needs not really recognised as learning needs, though these will have an impact.
- Too much emphasis on 'learning needs' and not 'additional needs'– what happens to the children with Epilepsi, who are Diabetic, have Sensory Impairments etc.
- Some health proffesionals signing off children, is this because they don't need to put provision in due to resource restrictions?
- School referral to health – not in new Bill, only LA can refer at the moment. Will this delay the IDP meeting? They need the right to refer
- No mention of CAMHS at 18+ CAMHS service criteria reaches till 18, how you get in 19–25?

- Waiting for diagnosis before IDP can be started? Can parents call a review of an IDP if new information is available?
- Tribunal cant make health board do anything! No improvement here.
- If tribunal orders health to order transport to securing provision–If health says no–it doesn't happen?
- Need clarity– If SS & Health not accountable there is no point stating in IDP provision.
- What if LA or Health board says no? health complaints process! – New tribunal enforces education provision not Health.
- Training needed for schools to implement health programmes.
- Section '18' "Might" not good, "Must" is needed.
- In Conflicts – provision should be in the best interest of the child – who decides?
- Responsibility to fund for equipment when identified is not clear.
- Somone must sign up to take ownership secured via health, SS and LEA– will the poor ALENCo be able to chase health?
- CAMHS pathway needs to be included.
- SS doesn't have a lot of 0–25 criteria, should be in the bill.
- More attention should be paid to clinical judgement. Medical advice should be taken into the consideration. General concerns was that SALT reports for example are ignored when providing support.
- There is a risk that more feel that they have to go down the private route. Duties of 'health' proffesionalns have to be implemented in a mandatory way. Schools may be able to procure their own health professioinalns. They won't have to buy in from central services, they can look else where. They get invited to reviews but rarely turn up.
- Do we need a 'must' in the bill for them to take more reasponsibility. Medical information "must be taken into account".
- There has to be a requirement from Health to provide reports and support.
- Will there still be problems with–Data Sharing?
- Admin charge for parents to access copies– not on!
- ICT systmes concern that not all shared–equally how do they ensure childrens parents access this? Greater security including encrypted passwords etc how do parents get the information? Or their advocates?
- Advocacy for work with Health authorities – not clear. Will health have a responsibility to provide and pay for this?
- Not clear as to how DECLO will be able to work with all health directorates
- Working in Silo's is an issue– Health a great concern as so many different directorates for CYP health acute/ therapies /community–and health board and LA being govoning different areas.

- Should be truly holistic education/Health/Social care all the way up to tribunal stage– then Wales could be proud.
- Health professionals not trained in ALN provision BUT should have input into content of IDP and should attend meetings.
- Who decided what is “adequate” sharing of information?
- Collaboration is essential, but it doesn’t exist. Separate budgets=separate decision making.
- Loaded terminology.....Consider who decides relevancy or likelihood of benefit–tied to budget decisions.
- Most parents would like LA’s to still be accountable under this new bill to ensure adequate provision of Health and Education provision.
- Medical complaints systems are notoriously bad– overly complicated and in–house– not good enough!



## Question 4: Fairness, transparency and dispute resolution

How adequate are the Bill's provisions for independent advocacy and access to information and advice for learners with ALN and their families?

Should the information and advice local authorities are required to arrange always be available from an independent person, even at early stages?

*(The Welsh Government has confirmed that this will not always have to be from an independent person, in the earlier stages of disagreement avoidance rather than dispute resolution.)*

Does the Bill provide the renamed Tribunal with enough powers and functions to carry out its role effectively?

- Parents and child in middle not always told about decisions until after, parents should be central and be supported by independent advice support. Welcome emphasis on collaboration – concerned about lack of emphasis on independent advice and support.
- Good that there's more thought toward children and young people being involved.
- Would an independent advisory service (Keywork, Face to face, email, caseworkers) be of more value to families than advocacy? Advocacy is about representing a child/YPs views, and whilst this is important its not about “being solution focussed” or about “considering options”.
- Research shows parents prefer independent support!
- Parents require someone to take the time to explain educational processes and next steps this is about more than just a leaflet or information on a website.
- In the new bill there is nothing about good access to reliable information that is based on the law– concerns that this is not provided by an independent third party. This should be provided at an early stage – not when going to tribunal.
- Parents who find it difficult to communicate and understand processes will be placed at a significant disadvantage when trying to negotiate and discuss with schools and the LA.
- Larger cohort of 0–25 – provision of avoidance and resolution of disagreements LAs need to recognise – needs additional funding.
- Early intervention required (independent of LEA/school/SS/Health etc) to avoid an increase of ETW applications.

- Bill is not at all adequate– Local authorities and school comply by having a poorly updated and poorly managed website or a leaflet if you ever see one. WG bottled out of making LAs provides independent advice!
- Talks about independent advocacy – but nothing about early years intervention and advocacy support there.
- Independent advice suggest LA could be a website–but parents need face to face independent advice which is proactive in low level disagreement avoidance, promoting partnership and improving relationships.
- Lots of advocating for Voice of Child in bill, but not the family who advocate for their child– several parents worried there is an anti–parent feeling– of course a childs views should be heard and they should be encouraged to participate in decisions, but parents are responsible for their children and make decsions for them especially when they are disabled.
- What about parents who feel they cant approach or ask who tells them who can advocate for them.
- Independent advice essential during conflicts of interest –particularly around resource allocation– glad to see disagreement resolution is independent of the LA and school– although hyou have to go looking for it in the Bill.
- Emotional parents need info to hand to take them through the process and inform and empower them.
- Tokenistic if nobody funds 0–25 avoidance and disagreement resolution.
- Governing bodies of maintained schools only have to take– ‘reasonable steps?’ Should be ‘all reasonable steps’– or ‘best endeavours!’ who decides reasonable–ESTYN?
- Who is responsible to tell parents independent advice–parents relying on information being given by Schools or LEAs rather then stumbling across the local advice service after months/years of wasted time and stress.
- Dispute resolution–Informal disagreement avoidance service not clear when this can be called. The Bill must emphasise that this should be used as an early intervention to prevent disagreements from eascalating.
- Independent face to face support to minimise conflict needs to be mentioned in Bill that this should be at the earliest possible stage. Support could minimise need for appeal. It is essential school governors, LEA and tribunal are embedded in bill.
- Parents want relationships with schools to be positive and to work with them but still be supported via independent advocate families to be included.
- This needs to be really tight. LA often put their own policies before the law. There would be more of an adversarial situation without independent support. Independent support is badly funded.

- Some parents expressed strongly that LAs have not been truthful with information to them in the past and expressed how difficult and stressful a time they had trying to get them to commit support for their child.
- “Yes–advice and avoidance and resolution services and advocacy should–independent +not funded by LA– should be funded directly by WG.”
- Disagreement resolution–parents want someone on their side –Need honest Options/choices identified–informed –Catching early years is so important–early information, mediation rather than tribunal.
- Early information provision and dispute resolution – should not be an LA person.
- Access to information–need to know what is available to ensue correct provision from early stage– Parents need to be aware of this independent advice–more high profile role. Very dubious about in house services and results. How can an employee of the LA challenge their employer– it doesn’t happen. They give families part of the story only.
- Please ask WG to produce a booklet with parents and SNAP Cymru with clear guidelines for children , young people parents and carers– Booklet would be compulsory for schools/FEIs and LAs to give to families.

### **Role of tribunal**

- Tribunal enforcement in education needs to be the same across all the statutory services– very dissapointed missed the opportunity to be innovative and holistic. English counterparts will have opportunity to take health to tribunal.
- LAs don’t always do what the tribunals have ordered them to do. Tribunals should monitor what they have ordered. LAs faff about for months, back and forth before it gets sorted out, all this time the child is missing out. Passing the blame all along.
- Needs clearer guidelines or focusing on what the tribunal has ordered. A monitoring period was suggested so the case is not closed but followed up.
- Several parents mentioned lack of legal aid for education in Wales, and that several solicitors firms were looking for business, Charging parents up to £12,000 for support to change wording in a statement.
- Very strong welcome for additional rights to appeal and welcomed addition of appeal ‘when no decision is made’.
- Tribunal should be able to order Welsh provision –LAs would be responsible for procuring.
- Tribunal needs additional powers to ‘regulate’ LA’s & schools. This is to make sure that provision in IDP’s is actually delivered e.g. tribunal should have powers to



investigate & make order outside of appeals, to enforce IDP's on parent contact with them.

- If not tribunal ESTYN needs more powers to investigate the implementation of ALN Bill and Equality Act.

## Question 5: A comprehensive, age 0–25 system

Is there enough focus in the Bill on ALN in early years?

Should young people undertaking work-based learning such as apprenticeships also be included if the Bill is to establish a comprehensive age 0–25 system? *(The Bill only provides for the ALN of young people over the age of 16 who are in further education).*

Does the Bill do enough to provide for particular groups of children with ALN, for example those wishing to access services through the medium of Welsh or looked after children?

### Early Years

- At ages 0–3 only the Health Services can refer–All professionals should be able to refer for support.
- Early years gap needs strengthening–Who, when and how? The phrase ‘Bring to the attention of’– is not the same as parental request for statutory assessment.
- Not clear enough on early years. It will depend on the training available for EYs providers and HVs etc–same as now– Needs much more strengthening here–don’t leave to code and local interpretation.
- Broader definitions of settings for 0–3/16+ and how/where learning will take place?
- Not enough focus on early years. Early intervention is critical.
- Bill should define maintained or private. Why can’t private settings work to the law.
- Training needs for early years provision not recognised–role/responsibility.
- Transition from pre-school to school needs more strengthening–INFO not given full regard– dismissed by schools meaning that assessment often start from scratch.
- Flying start has resources in some areas but not others. –inequality.
- Childminders not included. Private nursery doesn’t have to give regard to the code.
- Toileting is a major eligibility issue for schools– often as a result of disability.

### Post 16

- Too much focus on educational aspect – need a broader definition of learning to reflect importance of play & interaction in learning early on and post 16 where learning can take place in other ways.
- No female YOI’s in Wales–Would IDPs transfer to England?

- How are Youth Offenders going to transfer from institution to placements of work?
- What about private training providers for 16+ Will they feed into IDPs? It could be useful as accessing courses at 18+ can be difficult such as apprenticeships.
- Would the IDP support young people into employment? – Does there need to be a transition document for entering into a job employers can't discriminate against but could use to support that young person?
- Supported Apprenticships? Their currently being piloted in England.
- YP's who are struggling cant get the support post 16 in college for an apprenticeship Essential skills Test (EST)–extremely difficult for dyslexic people.
- Bill not including work–based learning–needs to include protection otherwise gap of vocational skills not supported–particularly important for YP with moderate learning difficulties.
- 13–14yrs often in work based learning as part of EOTAS provision.
- Lack of support for long term chronic health problems and home educated particularly in teenage years.
- A lot of ALN Young people need vocational and often supported courses–IDP's need to carry on to HE–why not–particularly with disabled student allowance being cut..
- Facilities for home elected ED or ED otherwise in Bill? Needs more than may “meet with” family in order to support and monitor.

### Welsh Language provision

- Provision and Assessment through Medium of Welsh very limited–Choice limited– – An appeal route in welsh medium?– Consortia should share Welsh specialism–EPs, Assessment perapathetic teachers sensory etc.
- Severe lack of welsh speaking professionals.
- How are schools and LAs monitored to see they have ‘exhausted all efforts’ that a ‘reasonable attempt’ has been made to procure Welsh Language assessment and provision– how do families check this? When a service is not available they should be made to purchase out of county or even out of consortia. But this will only happen where there is a ‘must’.

## Question 6: Implementation and financial implications

What will be the main challenges of implementation?

What are the potential pressures and challenges on the new statutory ALN Co-ordinator and Designated Education Clinical Lead Officer roles?

What resource impact will the reforms have on local authorities, health boards or others?

- Collaboration of Education & Health. There needs to be a clear definition of who funds what?
- 28 day clear timescale for health to respond to the LEA/School and provide reports and information.
- How will funding be ringfenced?
- Governors–Massive responsibility of funding allocation. Is the training available or accessible? Is it realistic? Who will provide legal training on the new Bill and their responsibilities.
- Do governors understand the new responsibilities?
- Most conflicts between parents and schools/LA are resource based– without extra resources don't know if this will be prevented.
- DECLO's and ALNCO's need to be a team/more than one person. Area teams supporting one another.
- LA's need to invest more in supporting services– increased cohort 0–25– how will LA fund extra work– extra money for advice and disagreement services?. In England the DFEs paid directly for information and support during the implementation period. SNAP Cymru already have service across Wales–fund to help with implementation.
- LA's budget cut already– there is no way this will be cost neutral–impossible! Unless schools and LAs cut staffing massively–many areas already cutting support assistants to the detriment of children and teaching staff.
- Work Load, resources, ALNCO–role needed, 1 role with no add ons–not really appropriate for Head to be SENCO as now.
- Team? DECLO–will they appoint one person? Needed knowledge, training and expertise?–Is this person responsible to CAMHS? will it be an added responsibility for a current postholder?–who funds?
- ASD ADHD pathways please?
- How can they attend IDP meetings–can schools or parent refer directly to DECLO?

- Difficulty health-learning needs who is responsible to inform?
- Money awareness, training, attitude, information, cooperation, communication between the parties, getting everyone together.
- LAs workloads are going to increase just when they are all retiring or teams are shrinking!
- Teacher training courses need more SEN training. Currently only one lecture on the course.
- Tokenism can't cope with the system at the moment this will only increase workload.– Money would have been better spent on improving current system. Millions wasted on pilots etc Money and good elements of the proposals could have been added to improve existing system.
- Consistency of provision from one LA to another– important part of equality in original aims– different LAs spend different amounts of money per child.
- Too much emphasis of detail in code– scrutiny of code is not as much as in the Bill
- Will require a massive input of money–including lots of training and additional staff– extra 20 million–most already allocated!
- DECLO'sALNCOs need to be specially trained –needs to be a specific, exclusive role
- LA decisions affected by the “purse” rather an independent body be involved
- No extra resources. No point. Set to fail children.
- Assessment should be independent of those responsible for resources i.e. not LA or school or health dependent.
- Specialist roles should be centrally funded and maintained as with IDP's for learners with more complex needs.
- Too education based. If a YP doesn't want to go to FE, what then? No detail on post 16.
- Once YP reaches 18 do parents still get a say? If an adult decides at 16/18 they don't want a parent as a ‘case friend’ who chooses and assesses bias with case friend?
- Very confusing re age. What is a child in Law? What is a child in terms of Health. Why does it appear to be up to 16 in this Bill–very confusing.
- Post 16 – should be a duty to engage SS for more complex needs –as there is in a statement now.
- What role for Careers Wales? No mention of them in Bill.
- Child consent?? Many children who would be thought of as competent would reject provision which would be appropriate for them– concerns regarding 16 + and role of parent.



- The ALN reform is not tackling the fundamental ‘conflict of interest’ in the current system between LA’s and families. If these conflicts of interest are not dealt with by ALN reform, nothing will change and the changes will be useless.
- Worried that if there is no mention of investment into the independent parent partnership service from the outset, it will lead to a higher number of parents appealing to tribunal.
- Whatever the Bill says LAs and schools will always interpret to suit themselves. All LA caseworkers/schools should have ALN legal training– almost none have. Could this form part of the monitoring of the implementation please. Concerns were expressed regarding the monitoring of the implementation.