

Legislative proposals for additional learning needs

Consultation response form

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Responses should be returned by **25 July 2014** to:

Additional Needs Branch
Support for Learners Division
Department for Education and Skills
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

or completed electronically and sent to:

e-mail: SENReforms@wales.gsi.gov.uk

Question 1 – New terminology

- a) Do you agree that a new term, 'additional learning needs', (ALN) should focus on children and young people who need additional and/or different support with learning to allow them to benefit as fully as possible from the education or training available to them?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

There has been a growing understanding of the various cognitive dysfunctions that can play a part in specific learning difficulties like dyslexia. Difficulties with working memory, processing, etc. can cause considerable educational problems for young people who do not necessarily present with a typically dyslexic profile.

The range of additional learning needs that are recognised and understood has widened as diagnosis has improved. Thus any term adopted does have to be clearly defined to ensure that vulnerable young people are not placed at risk because the support or guidance that they require is not put in place.

- b) Do you agree that the new system should apply to children and young people from birth up to the age of 25? If so, what implications should we consider for the professionals involved in assessing and providing that support?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Many young people with learning difficulties or disabilities take longer to develop the full range of educational and life skills needed for adult life. Securing appropriate education and training for them to the age of 25 should ensure that they have the opportunity to reach their full potential.

However, care will need to be taken to ensure that there is not a perception that this provides an automatic right for all young people with ALN to stay in education on a full-time basis until they are 25 years old. FE provision should be available to all those who can benefit from it but many will have achieved all that it can offer them after three years or so. Providing continued full time provision for many of these would be both costly and pointless, turning FE institutions into day centres.

Clear guidance will need to be provided to ensure all continuing education has a clear benefit to the learner and allows for lateral or upward progression.

All the professionals involved will be required to work to shared and common standards, sign up to protocols to share information securely and be appropriately trained to have the skills and understanding to provide the appropriate balance of support and challenge for these young people - and know where to go for specialist guidance, advice or support.

Question 2 – Individual development plans (IDP)

- a) Do you agree that all children and young people with ALN should be entitled to an IDP which sets out their agreed additional learning provision?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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- b) Do you agree that IDPs should replace statutory assessment and statements of SEN, assessments for learners over 16 (under section 140 of the Learning and Skills Act 2000) and non-statutory plans including individual education plans under School Action and School Action Plus?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The proportion of learners entering further education with learning difficulties/disabilities has risen considerably over the last 20 years. At the same time there has been a broadening of the range of difficulties recognised and a blurring of the line between low ability and learning difficulties/disabilities (LDD). Currently, approximately 10% of our learners come to us with some evidence of LDD and to provide all of these with a detailed IDP might be counter-productive.

There needs to be clear guidance regarding the criteria used to trigger an IDP. This will need to include guidance for FE institutions on what to do about learners who arrive without an IDP but who appear to have some form of learning disability.

Completion of IDPs should be done to specified standards and good practice should be provided in the completion guidance. The IDP should be subject to regular informed and professional review to ensure that any changing needs are adequately recorded, recognised and met.

- c) Do you agree that local authorities should be ultimately responsible for preparing an IDP for children and young people aged 0–25 with ALN and for ensuring that agreed provision set out in the IDP is delivered and reviewed?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

There are concerns about the capacity and the level of expertise of local authorities to fulfil this responsibility and to have the wider picture beyond their own authority of how these young people's needs can be best met. There is a need to ensure a more regional approach to ensure best use of specialist resources and wider collaboration.

Question 3 – A new code of practice

- a) Do you agree that a new code of practice on ALN should include mandatory requirements in accordance with which local authorities, schools, further education institutions, local health boards and the tribunal must act?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

This should aim to secure the involvement of the appropriate professionals without making demands on them that are unreasonable or unrealistic. Roles and responsibilities should be clear and appropriate within efficient and effective processes.

These mandatory requirements will, of course, need to be drafted very carefully and should always reflect the needs of the learner in relation to reaching their educational potential. Careful thought will also need to be given to what constitutes 'education'. This is particularly important with regard to the needs of learners who have significant difficulties resulting from autistic spectrum conditions (ASC). If provision for such learners is to include social skills, speech and language, etc. this will need to be clearly identified and funded.

- b) Do you agree that the code of practice should set out guidance for any other bodies, such as third sector organisations or other providers of education and training?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Question 4 – Securing provision

Do you agree that further education institutions should be included alongside schools, maintained nurseries and pupil referral units, as institutions that must use their 'best endeavours' to secure the additional learning provision called for in an IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Within a framework of collaboration that ensures effective shared use of resources to better and more cost effectively meet specialist needs. At the heart of this should be the shared collaborative aim to give parents the information and understanding of the options available to their young people to enable them to play a full part in the decision making.

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Question 5 – Securing specialist provision for young people

Do you agree that local authorities should be responsible for securing specialist education provision for post-16 learners outside of the further education sector where the IDP indicates that this is necessary to meet a young person's ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

There is a concern about local authorities' capacity to take on this responsibility in a proper and consistent way, involving all the necessary professionals including further education and other providers. Careers Wales was considered by further education colleges to be an honest broker and to have done well in most areas.

Nonetheless, the further education sector acknowledges that there is no other body that has contact with the learners from birth to adulthood and that local authorities are therefore best placed to make appropriate decisions about post-16 specialist placements.

However, care must be taken to ensure that the decisions made by local authorities are not just based on available budget and should be made following consultation with FE providers, Careers Wales, social services (where appropriate), the secondary school and the young person and their family. Where appropriate additional funding could provide access to local further education provision, this should be made available.

Question 6 – Placement at independent schools

Do you agree that local authorities should be prohibited from placing a child or young person at an independent school which has not been registered to provide the type of additional learning provision identified in their IDP?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Independent schools do not always provide the most appropriate environment

for a young person. This is especially the case where the placement is residential and takes the young person away from their community. There needs to be clear evidence that the local state school is unable to meet the individual's needs and a close match between the independent school's provision and the educational needs of the learner.

The placement process is best undertaken through a collaborative framework of registered providers both to share resources / expertise and to meet young people's needs.

Question 7 – A multi-agency approach to planning and delivery

- a) Do you agree that local authorities, local health boards and further education institutions should be required to cooperate and share information in assessing, planning and delivering support to meet ALN?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Every effort should be made to share expertise and resources, and to support access to the best learning environment to meet the young people's needs, including access to transport.

This is essential to ensure the effectiveness of educational support. A secondary school works with a young person for at least 5 years; in most cases developing a whole range of strategies that help enable the learner to become as independent as possible. Much of this information does not currently get passed onto FE institutions and training agencies and while allowing students who have not functioned well in school to have a 'clean slate' can be useful, lecturers and trainers should have the benefit of the school's experience.

- b) As well as using the code of practice to provide guidance, are there any other ways in which you think multi-agency partnership working could be strengthened?

Supporting comments

As well as a code of practice, there should be a process to monitor the decision making process, the costs incurred in arriving at the solution and the outcomes for the young person.

Question 8 – Supporting looked after children

Do you agree that IDPs should be able to replace or function as personal education plans for children and young people who are looked after by a local authority?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Again this should be undertaken through a collaborative approach in order to ensure that the needs of any vulnerable young people are met. There is a specific need to support each transition for the young person with an emphasis on advocacy. This should include the capacity to resolve issues that arise during the transition efficiently (such as costs of any necessary uniform or protective clothes required by the young person to make the transition). This avoids the risk of young people falling out of the transition.

Question 9 – Resolving disputes at an early stage

- a) Do you agree that local authorities should be required to put in place disagreement resolution arrangements?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

There is a need for a process to resolve disagreements but there are questions about local authorities' capacity to resource this. If the process to secure appropriate provision to meet learners' needs works well, this process may be only be used occasionally. To have credibility, the process must be seen to be impartial and thus requires the involvement of other agencies, with local authorities being in a position to resource and support the process.

- b) Do you agree that there should be a requirement to use the appropriate local complaints processes prior to appeal to tribunal?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The complaints process needs to take account of the source of the complaint and include the support of an advocate for the young person or their family in this process.

Question 10 – Extending the right of appeal

Do you agree with our proposals in relation to extending rights of appeal to tribunal (see proposals 19, 20 and 21)?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

This is a necessary part of the process.

Further education has a very different role to play in that it is largely vocational; delivering competence-based programmes to prepare young people for employment. Providing young people and their parents with an opportunity to appeal decisions around the appropriate level of support would seem a fair way of ensuring they have a voice. However, if this was extended to include appeals against decisions to offer a place on a course it might lead to an avalanche of cases from parents who have unrealistic expectations as to their child's future career. This may include parents who wish their child to stay in education for reasons other than their need for learning.

Question 11

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Although guidance currently exists for schools regarding the identification of learning difficulties and subsequent inclusion on PLASC, there does appear to be a great deal of variation between schools on how learners are labelled. Colleges are finding that if they use the PLASC data to label each learner on the LLWR return (LP30) the result is considerable variation in the way students are recorded related to their presenting difficulties. Further guidance is needed to create a common approach to recording additional needs.

There are other specific areas that may need clarity, including:

- the role of Careers Wales in these processes and their Learning and Skills plan
- the boundary between these learners and the new processes and the Youth

Guarantee and the CAP process - it is not clear where the boundary lies for vulnerable young people

- the potential disconnect that has been apparent in the CAP process between small local authorities and the wider regional FE colleges, whose specialist ALN resources may be out of county and discounted in the decision making process led by the local authority - and thus disadvantage the young person from access to the best learning environment

- the need for clear criteria for young people with ALN. There is a significant reduction in statementing currently and a decrease in LA capacity to support the transition for vulnerable young people. It is necessary to ensure all young people are supported to remain in education or training in the best learning environment for their needs and aspirations.

This response has been formulated in conjunction with the ColegauCymru's Learners with Learning Difficulties or Disabilities Network. Each of Wales 15 FE colleges and FE institutions have a place on this Network and we are grateful for their input into this response.

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: