

# **Raising Awareness of The Additional Learning Needs and Education Tribunal (Wales) Act 2018**

# Aim of session:

To understand the new law around helping children and young people who need extra support to learn.

# Why the law needs to be changed?

The current law for children and young people with special educational needs is 30 years old and is out of date. This means that sometimes:

- The child or young person's needs are found too late
- Support is too late
- The child or young person and their parents/ carers are not involved enough
- It is complicated

The current law also only covers children and young people up to the age of 19.

What are the key changes  
that we need to know  
about?

# ALN instead of SEN

The term **Additional Learning Needs (ALN)** will be used instead of Special Educational Needs (SEN).

Children with ALN:

- have a difficulty or disability that means they need extra support;
- find it harder to learn than other children and young people the same age, or;
- have a disability that means they cannot use their local school or college.

# 0-25

The new law covers children and young people from birth up to the age of 25. This means that they will find it easier to move to college after school and will carry on getting the same sort of support at college as at school.

Each LA is required to have an **Early Years Additional Learning Needs Lead Officer (EYALNLO)**. This role will be statutory from January 2021.

## Information

Local Authorities (LAs) must write information about ALN that people can access easily. This information will be given to:

- Children and their Parents/ Carers
- Young people
- Schools
- People who support children and young people with ALN i.e. health services

# A Plan for each child and young person with ALN

All children and young people with ALN will have the same plan, regardless of how severe their need is. This will be called an **Individual Development Plan (IDP)**.

IDPs will replace:

- Statements of Special Educational Needs
- Individual Education Plans (IEPs)
- A learning and skills plan (post 16)

The IDP is a statutory document.

# IDPs

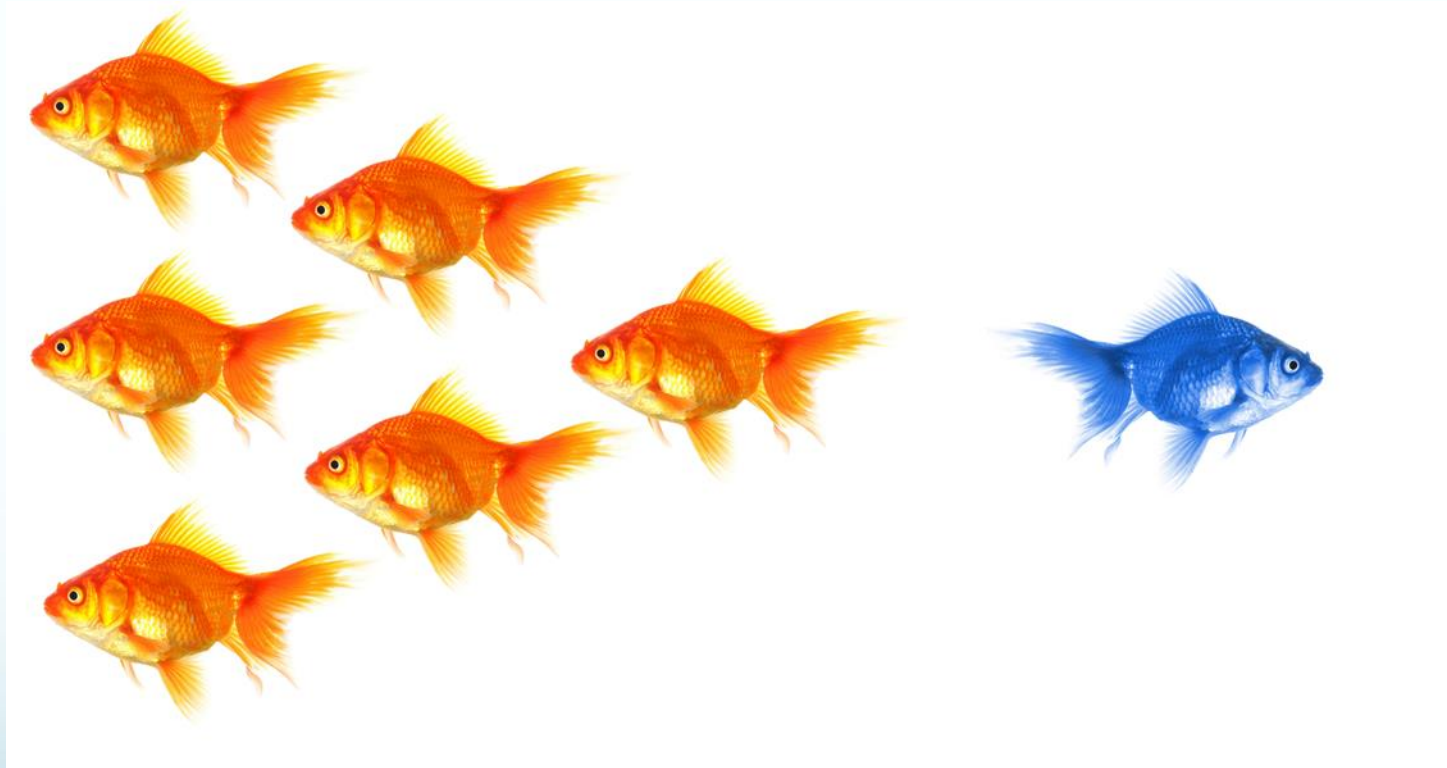
- The IDP will say what the child or young person's main need is and what will be done to make sure they are properly supported in school or college. This is called their **Additional Learning Provision (ALP)**.
- What the child or young person thinks, feels and wants must be part of this plan. **Person Centred Practices (PCP)** must be used to gather this information.
- The child's parents or carer **must** be part of all the decisions that are made for this plan.
- Children, their parents/ carers and young people must be given information about this plan before any meeting. The information must be given in a way they can understand.



Focus on the child or young person as an individual

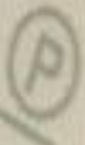


## Tailor support to the needs of the individual



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# IDPs

As well as the child, parent/ carer or young person, the following people also need to be part of writing the plan:

- Staff from Health who support the child i.e. Speech and Language Therapist, Physiotherapist, Occupational Therapist.
- Staff from Social Services who support the child or young person
- Anyone else who supports the child or young person

# IDPs

- In most cases, school or college will write the plan.
- If a young child goes to a nursery that is not run by a school, the Local Authority must write the plan.
- Sometimes a school or college may think they cannot support the child or young person's ALN with the resources they have. If this is the case, they can ask the Local Authority to write the plan. This will be known as a LA maintained IDP.
- Children, their parents/ carers or young people will be given a copy of the plan.
- If school feel an IDP is not needed, but parents/ carers do, they can ask the LA to intervene. LAs must agree.
- The LA can direct a school to implement and maintain an IDP.

# IDPs

The IDP will be checked:

- Every 12 months
- When someone asks for it to be checked
- When anything changes for the child or young person

LAs can write and check the IDPs with other plans being written at the same time.

Other plans like health care plans can be checked and included in the IDP.

If a child or young person moves to a different school, college or LA, their plan will move with them.



# Stopping IDPs

When a plan is no longer needed a LA, school or college can stop keeping the IDP.

They must tell the young person or child and their parents/ carers:

- That they are thinking about stopping the plan
- Why they are thinking of doing this

If parents/ carers or the young person want them to carry on with the plan, they have a certain amount of time to tell them. The LA will tell them how much time they have.

The LA will listen to you, then tell you whether or not the plan will be stopped.

A plan must end before the young person's 26<sup>th</sup> birthday.

# Introduction of IDPs

IDPs will begin to be introduced in 2021.

All IEPs and Statements of SEN will be replaced by IDPs by **2024**.

A timeline for schools and LAs has been provided by Welsh Government and is available on the website.



# Aiming high for children and young people with ALN

The aim is for children and young people with ALN to get the most they can from nursery, school or college.

It is not enough to just have a plan. Every school or college must designate someone whose job it is to make sure that children and young people receive the right support.

This person is the **Additional Learning Needs Coordinator (ALNCo)**. The role will be statutory from January 2021 and anyone who performs this role must be a registered teacher and is expected to be highly qualified. Welsh Government are currently developing a Professional Learning Offer (PLO).

# Inclusive Education

Wherever possible, children with ALN should have the opportunity to go to their local school, so they can be taught together.

There is a duty on schools to make sure that children with ALN are included in activities with other children in the school.

However, sometimes it would be better for a child to go to a different school. If, for example:

- another school fits more with what the child needs
- the child's ALN may make it difficult for others in the classroom to learn

LAs must think about what is best for the child.

# Health

Some children and young people have health problems which may give them ALN.

The NHS must see if there is a treatment or service that will help the child or young person in their learning. If there is, the NHS must provide the service or treatment.

Each Health area in Wales will have a **Designated Clinical Lead Officer (DECLO)** who will liaise with all services about the IDP and make sure that health staff do what it states. This role will be statutory from January 2021.

When health staff think a child may have ALN they can discuss this with the LA. They must inform parents/ carers they are doing this.

If a child, their parent or young person disagrees with what the NHS says, they can make a complaint.

The complaint can be made using the NHS 'Putting Things Right' on their website.

# Disagreements

The aim is to try to stop any disagreements about a child or young person's plan. LAs must make sure children, their parents and young people have support to:

- understand the plan
- be part of writing the plan
- be part of the decisions that affect them in plan
- talk about their worries
- get their questions answered

# Disagreements

People may still disagree, but every effort should be made to resolve any disputes quickly and locally. When anyone does not agree with some of the plan, LAs must:

- Make sure someone not involved in the disagreement can listen and help
- Make sure children, their parents and young person know this is possible

LAs must have ways to sort disagreements out quickly, so that children, their parents/ carers and young people can trust them.

# Disagreements

Currently, if parents or children do not agree with the Statement they can appeal. Young people can only appeal if they attend a school. They can't appeal if they attend a college.

In the future, young people who go to college will also be able to appeal the contents of their IDP, as well as children and their parents/carers.

The child or young person can have an **advocate**, who speaks on their behalf, to help them try to resolve the disagreement or appeal. The advocate must be someone who is separate from the LA and can come from an advocacy service in the area.

LAs must try to make sure that people know about advocates.

# Right to appeal

There is already a tribunal for SEN. This will carry on with a new name – the **Education Tribunal for Wales**.

A child, their parent or a young person can appeal to the Tribunal about:

- A decision about what ALN a child or young person has.
- A LA deciding if a child or young person needs a plan.
- The Additional Learning Provision (ALP) outlined on the plan.
- The school the plan says the child or young person should go to.
- No school being named in the plan.
- A decision not to check the plan.
- A decision not to keep the plan going .

# Rules and advice about the new law

There is currently a SEN Code of Practice, which provides LAs, schools and others with the rules and advice about what the law requires us to do.

This will be replaced with the **Additional Learning Needs Code for Wales**. There is currently a draft version available on the Welsh Government website and the final Code is expected in 2020.

This Code will be for nurseries that receive money from the local authority, staff at schools and colleges, local authorities and health services.



# Children who are looked after

Many children who are looked after have ALN.

They have a Personal Education Plan, which the IDP will be part of. The aim is that these children will not have to go to separate meetings about their plans.

The LA must write and review an IDP for child with ALN who is looked after and must tell the child's independent reviewing officer about any decisions relating to the plan.