

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

Agree to this in principle but acknowledge that this will mean a huge amount of increased paperwork, meetings etc. but it should be worthwhile.
The word 'learning' in ALN may be unhelpful as some deaf pupils require ACCESS but don't necessarily have learning needs in a traditional sense. This may also appear inappropriate in our work with babies in the home setting.

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- 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

The document is very weak indeed on age 0-2's especially where the child is not in a setting but seen at home. It is crucial to recognise that deaf babies and children require specialist support from a mandatory qualified teacher of the deaf (MQTOD) immediately following diagnosis. The extension of 0-25 will impact on paperwork, meetings, liaison time hugely in services that are already stretched. There are training implications for professionals in term of the extended age range. Will there be additional funding available for recruitment and training of staff as necessary?
Concern with LA's taking on the responsibility for implementing, monitoring and reviewing IDP's in FE sector where currently they have no control.

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

This could become a bureaucratic nightmare and will require careful handling by authorities and services to limit the impact. Services are already stretched to capacity, with some HI services in Wales operating with well below a full quota of MQTOD, huge concerns have been raised regarding this. Although there is support for change it will only be successfully achieved if services have the capacity to

deliver it.

We need clear guidelines regarding the content of IDP's. will there be different requirements for low/medium/high level needs? Will there be a statutory element to IDP's?

- 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 needs to be collaboration with relevant agencies and families. There needs to be a joint commitment to the IDP and where provision falls short in any area action taken. We do not see how LA can take ultimate responsibility for preparing IDP's and ensuring agreed provision is delivered and reviewed. SEN monies are now delegated to schools and have no control over FE provision.

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

Where a deaf child is concerned the involvement of the MQTOD is essential from diagnosis. Despite the low incidence of HI schools cannot provide this on their own. Specialist services are required.
It is vital that the mandatory requirements apply equally to all organisations, currently Health Boards seem to abdicate responsibility to LA's and there is a lack of accountability. Schools also need to be more accountable, there is an over reliance on LA's.

- 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?
c)

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

Yes as this could improve transition to FE settings.
The term ‘best endeavours’ is subjective. There should be clear expectations and duties which should be enforceable – LA’s cannot be expected to do this.

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

Yes provided the provision can meet the needs of the pupil and will adhere to the IDP and its review process. Funding will also need to be delegated to LA’s.

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

Yes if the placement does not meet the identified needs of the pupil either before

placement or mid placement. However this may prove difficult where a family have specifically sought a placement which they deem appropriate to meeting the child'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	x <input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We welcome this for all agencies. TOD's have been working in this way for years but moves to strengthen this process would be good especially working practices between health, social care and education. There are challenges in getting all professionals together- time and resources. The potential additional number of IDP's will put additional stresses on multiagency planning and delivery.

- 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

An investment in IT, additional time and joined up training for the agencies involved. The guidance also needs to have 'teeth' so that pressure can be put on agencies/professionals who do not engage.

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

This will avoid duplication.

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

This is already in place in many LA's.

- 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 system should be robust enough to enable the majority of initial complaints/disagreements to be resolved at local level or to be avoided completely in most instances with the IDP 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

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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.

- There are references to mandatory requirements but nothing about Sensory Impairment MQ. It is important that this is made explicit in the Code of Practice and that it should apply to both school based teachers of the deaf and those working peripatetically. This has happened in England.
- Lots of ideas are to be welcomed – improved joint working, involving children currently not with statements in the IDP system, more person-centred assessment and processes including the young person and the family.
- Outcomes are important but for low incidence SEN, specifically hearing impairment, support needs to be ongoing and not dependent on the failure to merit support. HI does not get better, therefore there should not come a time where immediate outcomes are achieved and all support is withdrawn. HI pupils need ongoing support to ensure they reach their potential.
- Early intervention (ie. Preschool at home) is crucial and beneficial socially and financially. This must be acknowledged, supported and resourced and very much part of the CoP.
- There is no specific mention of the support of the wellbeing and mental health of pupils with SEN/ALN. A significant number of pupils and young people struggle with this and receive very little or no specialist support due to lack of awareness, funding and/or specialist provision locally. This has far reaching implications for outcomes for ALN pupils.

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: