

Comments and questions on the Draft Additional Learning Needs and Education Tribunal (Wales) Bill 2015

We welcome the extension of Additional Learning Needs (ALN) arrangements to age 25 and the wish to improve transition between phases and between schools and Further Education (FE) institutions. We also welcome the emphasis placed on the use of maintained mainstream schools.

We agree that the current statementing process is bureaucratic, time consuming, costly and variable between schools and local authorities (LA).

We note that some responsibility is to be transferred from local authorities to governors of schools and FE institutions, although it is not clear in practice where the dividing lines will be. Responsibilities of LAs are potentially great but not fully specified.

The change will involve a large training programme, which is to be welcomed, although many questions remain about the provision, scale, cost and timing of such training.

We also welcome attempts to foster cooperation between schools and LAs and other services which may help children and young people with ALN (such as health bodies and local authority social services).

Issues like maternity and sickness are best dealt with by an insurance type system in which risks are amalgamated and dealt with centrally.

Additional school responsibilities for planning and maintaining Individual Development Plans (IDP) may make it easier for parents, children and young people to become involved in the process. There is also a possibility that schools will become engaged in disputes, appeals and litigation and may not be able to use the LA as a disinterested umpire.

The relationship between school responsibilities, LA responsibilities and LA oversight and judgement of appeals is not yet clear and will have to be worked out in practice, as will the role of the Education Tribunal (Wales).

The significance of changes in terminology (such as SEN to ALN, SENCO to ALNCO, statement to IDP and SEN tribunal to education tribunal) remain to be worked out.

Many other changes are referred to, for example in the Forward by the Minister to the Draft Act and Educational Tribunal (Wales) Bill. It remains to be seen whether all these changes can be coped with in the timescale (5 years) and given the likely resources available.

There are a number of areas of the draft Act and the illustrative ALN Code where further work is promised.

We applaud the attempt to involve parents, children and young people by the production of easy-read summaries and consultation documents. We welcome the aspirations behind the draft legislation, in particular the attempt to bring together all forms of ALN and all forms of provision including health and social services as well as education. We also welcome the recognition that ALN provision is not separate but is part and parcel of good teaching and learning and is the responsibility of all teachers. We hope that resources will permit the achievement of some at least of these goals.