

Consultation on the Draft Additional Learning Needs Code for Wales

National Deaf Children's Society Cymru

March 2019



About Us

The National Deaf Children's Society is the national charity dedicated to creating a world without barriers for deaf children and young people.

In referring to deafness, we include all levels of hearing loss from mild through to profound, unilateral, bilateral and temporary.

Key points

Welsh Government Statistics demonstrate significant attainment gaps between deaf learners and their hearing peers. Deafness is not a learning disability and, with appropriate support, deaf learners should achieve on a par with their hearing peers. As such, it is imperative that the new Additional Learning Needs and Education Tribunal Wales Act and accompanying Code work effectively to support deaf learners and their families so that this attainment gap can be closed.

The National Deaf Children's Society Cymru would like to acknowledge that a number of key improvements have been made to this latest version of the Draft Code. However, as indicated throughout this response, we believe there remain areas of the Code that require further development.

Given the significant impact that the Code will have on our members, we wanted to take this opportunity to highlight the following key headline points in addition to responding to the relevant consultation questions set by the Welsh Government.

ALNCos

We are disappointed that page 265 of the Code does not go further in its requirements of prescribed qualifications and experience of ALNCos. Previously, the Welsh Government had been discussing mandatory training for ALNCos, but this has now been dropped. It is essential that ALNCos have experience of/training in ALN. We also feel it would be useful for the EWC (Education Workforce Council) to register their role as an ALNCO.

Furthermore, we have concerns about ALNCO capacity and whether formulae should be considered to ascertain when more than one ALNCO is required at a school or college.

Early Years ALNLO

Similar to the above, we would be keen for EY ALNLO to have certain core training requirements. For example, training should cover IDP process, PCP, basic awareness of specific ALN types including deafness.

We also have concerns about capacity and whether one ALNLO would be sufficient to fulfil this role in each local authority. Again, we wondered whether a formulae should be developed to

this end. This section also neglects to emphasise the importance of the EY ALNLO in working and collaborating with specialist professionals, such as Teachers of the Deaf, which is a worrying oversight that needs to be rectified.

Careers advice and transitions

The National Deaf Children's Society Cymru is extremely disappointed in the transitions section of the Code, which should be much stronger in ensuring that young people are supported out of school/FE education and on to HE/the workplace. We are also particularly disappointed in the reference to careers advice, which is much less frequent than the current code and is considerably weakened. Whereas the current code makes a statutory requirement for careers advisors to be invited to a year 9 review of a statement, the new draft code appears to imply that mainstream careers advice will be sufficient for most ALN learners (19.54). This is at odds with the Welsh Government's employability plan and the acknowledgment that unemployment is disproportionately high among the disabled population in Wales. It is also at odds with what the National Deaf Children's Society Cymru is being told by deaf young people who feel that current careers advice is not meeting their needs.

Usability

The National Deaf Children's Society is concerned that difficulties in the usability of the Code will result in failed adherence to the duties within it. In particular, we consider that a flowchart indicating timeframes would be useful and that the presence of prompts within the IDP template could help the Code become more user-friendly.

We appreciate that the Welsh Government has stated that the Code is a document for professionals, but would like to highlight that it is also important that families have access to clear information on how the new system will work. Since information provided on the current Statementing system by local authorities varies in quality, we would welcome the development of central, family-friendly information on the Code.

Equality Act

It is important that the Code works alongside the Equality Act and more cross-referencing is required to this end.

Confusion over rights of appeal and complaints

The National Deaf Children's Society Cymru feels that there remains a confusion as to whether an issue is raised via Putting things right or tribunal. We are mindful that these are two different types of processes and that pursuing one over another will have an impact in terms of timescales for subsequently pursuing the other route. It is important that families understand their rights fully.

Paragraph 9.45

We have concerns that this clause could lead to a postcode lottery. Given the low incidence nature of deafness, it is important that deaf children receive specialist input from a teacher of the deaf, which will most likely require a local authority referral.

Speech and Language Therapy

Speech and Language Therapy support is vital to the linguistic and educational development of many deaf children. We are concerned that the draft Code implies that local authorities are absolved of responsibility for an ALP where the need is identified by the NHS. The ALNET Act does not lend the same guarantee and legal weighting to ALP provided by the NHS and we are

concerned about meeting the speech and language therapy needs of deaf young people where the NHS lacks the capacity to do so. We would welcome consideration of whether there should be an emphasis on local authorities to provide speech and language therapy for educational purposes where the NHS is unable to do so.

Transport

The draft Code does not address ongoing concerns raised by the National Deaf Children's Society Cymru and many others around ensuring that discussions around transport take place as part of the IDP process. This is particularly crucial where a child/young person needs to attend a placement at a school/FEI away from home in order to access appropriate provision. During the scrutiny of the Bill, the Welsh Government committed to review learner travel guidance and for this to be referenced in the Code. As it stands, this review has not yet taken place. It is important that these areas of work are cross-referenced.

At present, there is no statutory duty in the learner travel guidance for local authorities to provide free transport for post 16 ALN learners. The National Deaf Children's Society Cymru is aware of three local authorities that have recently sought to make cost savings through cutting transport provision for FE ALN learners. If this issue is not addressed, learners with ALN could face a significant barrier in accessing the support they need.

To ensure that discussions around transport take place as part of the IDP process, the National Deaf Children's Society Cymru strongly urges that a section on transport is included within the IDP template.

Improvements to the IDP

We are pleased that there is now a statutory template, but improvements are required. In particular, the format of the ALP section needs to be improved so that vague descriptions of ALP are avoided (i.e. "access to a teacher of the deaf" is often used in current Statements, but is unhelpful in specifying length and frequency of sessions).

We recommend that prompts are included within the template to help ensure guidance is followed and IDPs contain quality content.

We are concerned that Annex C does not provide scope for health professionals to outline any advice other than the support which the NHS is willing to fund. Neither does it enable health professionals to explain why a decision has been made not to provide health support for an ALN learner. It is imperative that these issues are rectified.

Clear requirement to include a Teacher of the Deaf in an assessment of a deaf child is required

While the draft Code references Teachers of the Deaf, it does not do so as rigorously as paragraph 9.49 of the English Code of Practice, which makes involvement of a teacher of the sensory impaired a clear requirement when assessing the needs of a deaf learner. We would wish for the same statutory obligation on this point within the Welsh Code.

Clarity on supporting young people who have had breaks in their course of study would be welcome.

More explicit reference to family choice is required.

Concern around the reference to impracticability where public bodies cannot meet timeframes.

In order to ensure that this clause is not abused and that the vast majority of IDPs are processed within timeframe, the definition must be clear that this should only be **very** exceptional circumstances.

Eligibility of deaf children for IDPs

The National Deaf Children's Society Cymru strongly welcomes the acknowledgement within the Code that certain disabilities, such as deafness, would by their nature be eligible for an IDP. It is important that this point remains in the final version of the Code.

However, linking this reference to the register that local authorities keep of deaf people is unhelpful as these registers are voluntary and many deaf children and young people are not recorded on it. Whether or not a child is recorded on this voluntary register has no bearing on the impact that hearing loss has on their access to learning. We would, therefore, recommend that these references to the register are removed. We would also urge that the word "likely" is removed, since, the nature of deafness is such that eligibility for support through an IDP is required.

Post 16 courses and a two year limit

The National Deaf Children's Society Cymru shares concerns raised by others around the restriction of funding for specialist FE courses for ALN learners to two years. We feel that this is unfair and does not provide ALN learners with equality of opportunity.

Online Action

The National Deaf Children's Society Cymru ran an online action, inviting members and supporters to respond to the Welsh Government consultation and highlight key issues for deaf learners. At the time of writing, 264 members of the public had taken part in this action, demonstrating strong support for our key recommendations to the Welsh Government.

Response to questions

1. Is the explanation in paragraphs 1.10-1.16 of the draft ALN Code of the use and meaning of different terms must, must not, may, should and should not clear?

For the operation of the new IDP system to work effectively, it is imperative that the exceptions for not meeting obligations within the Code are regarded as rare and exceptional.

We would welcome an emphasis on not meeting a **should** requirement being described as rare and exceptional. Without this emphasis, it is easy for local authorities/public bodies to ignore these important responsibilities. It would also be helpful to provide examples of such rare and exceptional circumstances.

The National Deaf Children's Society Cymru would also wish to highlight our disappointment that "**must**" is not used more frequently throughout the Code. Placing clear obligations on public bodies would help to avoid a postcode lottery for ALN provision.

2. Do you agree with the general approach to the timescales for compliance with duties (that is, to act promptly and in any event within a fixed period), as explained in paragraphs 1.31- 1.32 of the draft ALN Code?

3. Is the general exception which applies in the case of timescales, as described in paragraphs 1.33-1.35 of the draft ALN Code, appropriate?

Broadly, the National Deaf Children's Society Cymru welcomes the move towards shorter timeframes for developing an IDP. It is crucial to ensure that ALP is in place for learners as soon as possible so that they are able to access learning and reach their full potential. However, we feel that the Code must be strengthened around ensuring that the exception for not meeting the timescales as described in paragraphs 1.33-1.35 is not open to abuse. It must be absolutely clear that the exception should only be applicable in very rare circumstances.

Furthermore, as a means of ensuring that that the exception does not become abused, the National Deaf Children's Society Cymru would recommend that quality assurance measures are put in place. If public bodies were required to report to regional consortia/Estyn/Welsh Ministers on the number of exceptions applied to timescales in any given year, this would help to ensure that the legal exception is being used appropriately.

The National Deaf Children's Society Cymru would also welcome further clarification around the meaning of "promptly".

4. Is the structure of the draft ALN Code and the separation of the characters appropriate, clear and easy to follow?

5. Is the draft ALN Code's focus on describing and explaining the functions and processes appropriate?

The National Deaf Children's Society Cymru does not consider the Draft ALN Code to be a particularly user-friendly document as much cross-referencing appears to be required. We would recommend the use of flowcharts to clearly outline timeframes for the new IDP process.

We are concerned that busy professionals who will be using the Code may miss key information due to the implied need to cross – reference. For example, it is likely that a busy teacher filling out an IDP form will use only the template IDP as a guide rather than Chapter 13 in its entirety. For this reason, we would welcome the presence of written prompts within Annex A itself.

While we appreciate that the Welsh Government has stated that the Code is for professionals, it is also crucial that families are provided with clear information on the new IDP process and how it operates. Currently, it is left to local authorities to provide its own information on the Statementing process to families. The National Deaf Children's Society Cymru believes that, under these arrangements, information on Statementing that has been provided to families has been poor and subject to great variation across the country. For this reason, we would welcome clear, national and standardised family-friendly information on the operation of the new IDP process.

7. Are the principles set out in Chapter 2 of the draft ALN Code the right ones?

The National Deaf Children's Society Cymru is broadly supportive of the principles set out in Chapter 2, although we do have reservations around whether the Code adequately meets these principles. In particular, the guidance within the Code around transitions requires strengthening. We have outlined these concerns in more detail later on in this response.

While we appreciate that many families have a preference for inclusion in mainstream schools, we wish to emphasise that in some cases, specialist placements can be of greatest benefit for the child. A small number of deaf children from Wales currently attend specialist schools for the deaf across the border in England, where a specialist deaf environment is of great benefit to meeting their support needs. We would wish for the Code to acknowledge that in some cases this provision can be necessary.

This chapter requires reference to the Equality Act.

8. Is the explanation of the duties relating to involving and supporting children, their parents and young people provided in Chapter 3 of the draft ALN Code appropriate?

The National Deaf Children's Society Cymru welcomes this chapter, in particular the emphasis on meeting communication needs. We would suggest that the chapter could also emphasise the need to ensure that language is accessible.

We query paragraph 3.18 as we had thought that the ability for a learner to not consent to an IDP was only from the age of 16. This is not clear in the Code and would benefit from clarification. We would also welcome reinforcement within this paragraph of the fact that on turning down an IDP, the young person must clearly have the mental capacity to make this decision and must be fully informed and aware of the IDP process so that they are taking an informed choice.

It would be helpful if this chapter also stated that family members should not be used as interpreters. This is poor practice.

9. Is Chapter 4 of the draft ALN Code clear about what is expected of local authorities and NHS bodies when discharging their duties to have due regard to the UNCRC and UNCRPD?

The National Deaf Children's Society Cymru welcomes the inclusion of this chapter, but is disappointed that the emphasis is on "might" around the suggested actions to meet these duties and the adoption of the social model of disability.

It is, however, regrettable that there is such a distinct lack of reference to the Equality Act. The National Deaf Children's Society Cymru urges that this is rectified in the final version of the Code.

10. Is the guidance provided in Chapter 5 of the draft ALN Code in relation to the duties to keep ALP under review appropriate?

The National Deaf Children's Society Cymru welcomed this duty within the Act and also welcomes this chapter within the Draft Code. However, we do consider that some of the responsibilities outlined as "should" within this chapter would benefit from being "must"

particularly around reporting and recording of the review. Given the varied nature of ALP and the specialist nature of support for those with low incidence needs, the National Deaf Children's Society Cymru would recommend a further emphasis within this section of the code upon looking at ALP for specific ALN types, particularly low incidence needs such as deafness which require specialised support.

Paragraph 5.16 should reference the Equality Act.

We recommend that this section of the Code also requires local authorities to publish the findings of their reviews. This will assist transparency and quality assurance.

11. Is the guidance provided in Chapter 6 of the draft ALN Code in relation to making arrangements to provide advice and information about ALN and the ALN system appropriate?

Paragraph 6.5 states that local authorities may choose to provide advice and information itself. We would query quality assurance around ensuring that this advice is not biased. We would also highlight that, at present local authorities produce their own documentation around the Statementing process. The quality of this information can be very poor. We suggest that key family-friendly information is produced by the Welsh Government.

It is imperative that advice and information is able to meet various communication needs.

Paragraph 6.7 is not sufficiently strong in detailing the types of information that should (as opposed to "could") be provided.

Paragraph 6.10 should also cover key contact information and timeframes associated with the IDP process.

Paragraph 6.12 should also include health visitors given their relevance in the referral of early years children.

Paragraph 6.21 should emphasise the need to highlight these services at each key stage and point within the IDP process.

12. Is this explanation of the definition of ALN provided in paragraphs 7.4 – 7.32 of the draft ALN Code clear?

The National Deaf Children's Society Cymru broadly welcomes the definitions of ALN as provided within Chapter 7. We also particularly welcome the acknowledgement that, by their very nature, some disabilities will constitute ALN. The clarification in paragraph 7.29 is also to be welcomed as it is important that learners with ALN are supported to reach their fullest potential.

However, the National Deaf Children's Society Cymru would recommend that the following improvements are made to this section of the Code:

- Paragraph 7.10 identifies that differentiated teaching is separate from ALN. Although we understand the intention behind this point, it is important that it does not create a misunderstanding, or an easy opt-out for providing IDPs where they are relevant. This is of particular concern given that the National Deaf Children's Society Cymru is aware of

conversations from frontline professionals about plans to only introduce IDPs for those with more complex needs due to time restraints. It is imperative that wherever a child meets the definition of ALN, they are provided with an IDP and we would welcome further robust clarification on this point within the Code.

- Paragraph 7.16 would benefit from specifying “specialist mother and baby groups” as opposed to just “mother and baby groups.” Specialist mother and baby groups can provide vital support for families of babies with ALN, but the specialist nature and access to expertise within these groups is what sets them apart from mainstream groups and makes them ALP. We would also suggest removing the reference to Flying Start within this paragraph. Access to Flying Start is dependent on postcode, whereas ALP should be focused on need.

- Many children and young people will suffer from a temporary hearing loss as a result of glue ear. While in many cases, an episode of glue ear will only be for a very short time, there are children who will experience episodes of glue ear for a prolonged period. Although the loss is temporary, where it is experienced for an extended period of time, it can have a substantial impact on a child’s learning support needs. Not providing this support for such a child can then have ramifications for their future language and learning development. **The National Deaf Children’s Society Cymru strongly recommends that 7.18 requires clarification to ensure that temporary illnesses, like glue ear, which can result in ALN for prolonged periods of time are appropriately considered.**

- The National Deaf Children’s Society Cymru is pleased to see the acknowledgement within paragraph 7.23 that “there are some forms of disability where the nature of the disability means it is likely the learner will have ALN” and that hearing impairment is one such type of disability. However, we would suggest removing the reference to the register of hearing impaired people kept by the local authorities. This is because this register is voluntary and many deaf people are not on the register. Not being on the register in no way means that these deaf children and young people are any less eligible for/in need of ALP support.

- The National Deaf Children’s Society Cymru understands that the Additional Learning Needs and Education Tribunal Wales Act does not cover medical needs. However, given that there will be many ALN learners who also have medical needs, we would welcome a greater emphasis on the cross referencing with these plans at paragraph 7.23.

13. Does Chapter 7 of the draft ALN Code provide a clear and comprehensive explanation of the evidence on which decisions about ALN and ALP should be based, the sources from which this evidence might be collated, and the way in which it should be considered?

There are many aspects of this chapter which the National Deaf Children’s Society Cymru is supportive of. We welcome the reference to hearing impairment at paragraph 7.34 as an indication that the learner requires an IDP.

As identified earlier, the National Deaf Children’s Society Cymru is keen to avoid “grey areas” in relation to understanding what constitutes “differentiated teaching”. Without a clear and universal understanding of this, there will be a postcode lottery around eligibility for an IDP. With regards to deafness, it is imperative to acknowledge that this is a low-incidence need which requires specialist input distinct from mainstream differentiated

teaching. We strongly recommend that the Welsh Government provides clarification around these points within paragraphs 7.45/6 of the Code.

Paragraph 7.59 states:

*“If there is an identified lack of expertise amongst the staff in a mainstream school or FEI, then the school or FEI **should** consider seeking external advice to support the process of deciding whether the person has ALN. This might include, for example, where the child or young person has a low incidence need, such as being vision or hearing impaired, or both, and staff do not have the knowledge and expertise to appropriately support the child or young person. A person who is qualified to teach pupils or students with these impairments should be involved in such cases. For children or young people with such needs they will be on a register maintained by the local authority.”*

We warmly welcome the specific reference to sensory impairment and the involvement of teachers of the sensory impairment within the IDP process. However, we strongly advise that this paragraph be strengthened. Indeed, the English Code of Practice places a statutory obligation for teachers of the sensory impaired to be included within an assessment at paragraph 9.49 of the English Code.

We strongly recommend that paragraph 7.59 is strengthened to insist that external advice from a specialist Sensory Impaired teacher **must** be sought.

We welcome the reference to Newborn Hearing Screening Programme Wales in paragraph 7.60.

14. Is the guidance on the role, experience and expertise of the Early Years ALNLO set out in paragraphs 8.40 - 8.47 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have the appropriate experience and expertise to meet the expectations of the role)?

The National Deaf Children’s Society Cymru deems the role of the Early Years ALNLO to be crucial to the success of the reforms for the early years. However, in order to ensure that the ALNLO role can operate effectively, we believe that the following points need to be addressed:

- We are disappointed that there is no longer a mandatory training qualification for ALNLOs. We believe that all ALNLOs should take CPD training in basic awareness of key disabilities, including deafness.

-We are concerned that liaising with specialist professionals, such as teachers of the sensory impaired does not appear to be listed.

- Paragraph 8.44 would benefit from placing more emphasis than just “could” in relation to liaising with key professionals such as health visitors and DECLOs.

- It was our understanding that the Early Years ALNLO would be the key point of contact for professionals and families seeking an IDP and for co-ordinating plans. This does not appear to be specified in this part of the Code. If the Early Years ALNLO is not to perform this role, it is important to identify where early years referrals should be made.

- The ALNLO role is large and varied. The National Deaf Children's Society Cymru believes local authorities are likely to require more than one ALNLO in order for the role to be effectively fulfilled. We would recommend that a formula is created to help ascertain how many ALNLOs are required within an authority.

- We are concerned about the reference to discouraging inappropriate referrals to the local authority. Those referring cases cannot be expected to be experts in ALN or to determine whether or not a child or young person has ALN. This should be the responsibility of the relevant school/FEI/Local authority.

15. Is the structure and content of Chapters 8 to 12 of the draft ALN Code clear?

As with other sections of the Code, the National Deaf Children's Society Cymru believes the format could be clearer for professionals/governors to use the code. The use of flowcharts clearly outlining statutory timeframes would be particularly welcomed by our Children, Families and Support Officers at the National Deaf Children's Society, who work directly with families to support them through the educational planning process.

It would be helpful if paragraph 8.12 highlighted the need to make families aware of their appeal rights and the need for information to meet any communication needs.

In light of paragraphs 8.23 and 9.36, we seek urgent clarification on the affect this may have on the ability of a local authority to provide speech and language therapy through private/subcontracted arrangements where the NHS will not agree to fund this support. Although speech and language therapy traditionally sits within health, it is also widely acknowledged as a service of clear educational benefit.

Paragraphs 8.26 and 11.61 should be clearer in stating that for those under compulsory school age, provision outside of school will not just be "more common", but regular practice. More broadly, the National Deaf Children's Society Cymru has reservations about the impact of this paragraph on the provision of specialist equipment outside of a school setting. There is much clear evidence to highlight the importance of utilising technologies such as radio aids both inside and outside of the school environment. However, despite the clear linguistic, social and educational development benefits of enabling children to use such devices outside of the school setting, this is often not permitted due to insurance difficulties. We fear that this paragraph could exacerbate the reluctance of local authorities/schools to allow pupils to use such assistive devices outside of the school setting.

It is important to explicitly state within paragraph 9.10 that a young person's decision not to consent to having an IDP must be taken only on the basis that the young person has capacity to make this decision and that they have been provided with full information around the IDP and ramifications for not consenting to have one. This is also the case for the flowchart on page 110.

As outlined elsewhere in this response, we are concerned that reference to "differentiated classroom teaching strategies" at paragraph 9.17 could present a grey area in terms of eligibility for an IDP and be open to varied interpretation and a postcode lottery. It is essential to reinforce that any children or young person meeting the definition of ALN under the Act is entitled and eligible for an IDP.

We welcome the acknowledgement of low incidence needs being a flag for a local authority taking responsibility for maintaining an IDP. For low incidence needs such as deafness, it is imperative that specialist services are easily accessed.

The National Deaf Children's Society Cymru is concerned that paragraph 9.45 could lead to a postcode lottery of support without a national oversight/quality assurance of such localised principles.

The National Deaf Children's Society Cymru values the input of educational psychologists, but is concerned that paragraph 9.46 places an unnecessary barrier/time delays to referring cases to a local authority.

We believe that paragraph 9.69 should be strengthened; the opportunity for further discussion should be offered.

Paragraph 10.3 would benefit from explaining what constitutes higher education and what does not. Indeed a lack of clarification on this point has caused difficulties under the new SEN systems in England.

As with other aspects of the Code, paragraph 10.9 could be strengthened with a reference to the law on mental capacity.

Paragraph 10.25 would benefit from a reference to ensuring that information is accessible.

Paragraph 10.30 would benefit from acknowledging that adaptations may also be required within the external work placements of FE students.

The National Deaf Children's Society welcomes the reference to HI resource bases at paragraph 11.38 and 11.45.

As outlined elsewhere in this response, we are concerned that decisions around only funding specialist FE courses for two years presents inequitable access to education for ALN learners. As such, we are concerned about paragraph 12.19 of the code. Similarly, the reference in this section to a young person's choice needs further clarification. Whilst it cannot be assumed that a learner will be eligible or entitled to a funded specialist placement, it should be assumed that ALN learners are free to choose a course that is of interest to them.

Paragraph 12.46 should place a mandatory responsibility on local authorities.

The Code would benefit from greater clarity around supporting and planning for young people who are returning to education after a break from studying.

16. Are the timescales for decisions by schools, FEIs and local authorities on ALN and preparing an IDP as set out in Chapters 8-12 appropriate?

The National Deaf Children's Society Cymru welcomes moves by the Welsh Government to adopt shorter timeframes for the IDP process. It is important to ensure that learners are able to access support as soon as is feasible. This is key to assisting these vulnerable learners in reaching their full potential.

17. Are the proposed requirements and guidance in paragraphs 12.22 – 12.51 of the draft ALN Code on when it is necessary for a local authority to maintain an IDP for a young person not at a school or FEI in Wales appropriate?

As outlined in elsewhere in this response, we have significant concerns and would welcome further discussion with the Welsh Government. The suggestion that funding courses for ALN FE learners beyond two years appears to present place these learners are an inequitable disadvantage.

18. Are the elements of the mandatory content of an IDP which are required by the ALN Code, appropriate?

The National Deaf Children's Society Cymru welcomes the presence of mandatory content for an IDP. As we highlighted during the scrutiny of the Bill, we feel that outlining mandatory content will assist with transparency, consistency and portability.

We are also pleased that the Welsh Government has taken on board recommendations such as including sections on transitions and communication needs. However, we feel that further improvements are required. In particular:

- There is a need for more specific detail to be outlined on the ALP (i.e. frequency and duration of sessions.)
- There is a need for transport to be listed as part of the IDP, so that whenever travel forms an essential element to a learner accessing identified ALP that is appropriately discussed as part of the IDP process.
- We would urge that the template includes space to record key contact details for relevant professionals.
- The template should highlight the importance of attaching details on assessments and results.
- The National Deaf Children's Society Cymru would also like to take this opportunity to highlight our concerns regarding Annex C. Anecdotally, we have heard that NHS employers feel unable to write anything on the form that they are unable to fund. Health professionals such as audiologists may be able to provide some advice to education staff working with children, but the form does not provide a space for advisory information. It only enables an outline of health ALP that the health board will be able to fund and provide. In addition, should the decision be taken that NHS support is not required for the learner, the form does not provide an opportunity for the health professional to record the reasons for this decision.

19. Is the proposed mandatory standard form for an IDP (included at Annex A of the draft ALN Code) appropriate?

20. Is the guidance in Chapter 13 of the draft ALN Code clear?

The National Deaf Children's Society Cymru understands that there is written guidance on the form within the Code. However, we are mindful that when routinely completing IDPs,

professionals (who are time-pressured) are likely to focus on the template as a guide. For this reason, we consider that it would be helpful to include prompts within the form itself to assist with quality assurance/consistency. It would also be worth clearly stating that the format can be expanded to include more actions/ALP if this is appropriate.

We welcome the references to meeting communication needs, particularly BSL.

We warmly welcome 13.15, which provides important clarification on meeting communication needs.

We also welcome paragraph 13.38, which calls for information within the IDP to be clear and quantifiable and to outline any relevant qualifications of support staff. However, we strongly believe that this paragraph is of such importance that it requires statutory obligation.

The National Deaf Children's Society has reservations around the requirement within paragraph 13.44 having the potential to create unreasonable delays in the production of an IDP.

The National Deaf Children's Society is pleased to see a section on transition. We would suggest that chapter 13 also indicates that this section could be used to help plan for transitions within a setting – for example changing class teachers at the end of a school year.

With regard to section 13.17, reference to the application of the mental capacity act is required.

The importance of considering examination access requirements is such that paragraph 13.73 should contain a statutory obligation.

Transition planning is crucial as each year of a learner's education will see some degree of change, even if that is just moving classrooms. The word "might" within paragraph 13.74 seems to downplay the importance of covering transition within all IDPs.

21. Is the guidance on transport in paragraphs 13.74 - 13.76 of the draft ALN Code appropriate?

Where a learner has to travel in order to access provision, we believe that transport to reach that provision should be considered part of the ALP. It is essential that discussions around transport take place within the IDP process and at the same time as discussions around educational placement.

We are concerned that the current guidance is weak in terms of placing duties on local authorities to provide transport. The Code does nothing to rectify this issue. We are disappointed that the Welsh Government has not yet met its commitment to review this guidance, as the Code would benefit from clearer cross referencing. We would urge that the review of learner travel guidance seeks to boost duties on authorities to provide free transport where a learner has to travel to reach appropriate ALN provision.

We believe paragraphs 13.74 - 13.76 must be strengthened to ensure that authorities do provide transport for ALN learners who require it.

We also believe that Annex A would benefit from having a section on transport in order to prompt and assist these discussions where it is relevant/applicable to the case in hand.

22. Is the proposed timescale and exceptions for relevant persons to comply with a local authority request for information or other help (under section 65 of the 2018 Act) appropriate?

The National Deaf Children's Society Cymru welcomes moves by the Welsh Government to adopt shorter timeframes for the IDP process. It is important to ensure that learners are able to access support as soon as is feasible. This is key to assisting these vulnerable learners in reaching their full potential.

23. Is the proposed period and exception within which an NHS body must inform others of the outcome of a referral to it (under section 20 of the 2018 Act) to identify whether there is a relevant treatment or service, appropriate?

As with other areas of the Code, the National Deaf Children's Society Cymru is concerned that the references to impracticability within paragraphs 15.7 and 15.12 could provide an easy scape-goat for not meeting timeframes. We recommend that the Code is strengthened in this regard, making it clear that this must be the exception and not the rule. We would also recommend that quality assurance and monitoring measures are put in place to ensure that timeframes are not routinely exceeded.

24. Is the guidance on the role, experience and expertise of the DECLO set out in paragraphs 15.37 – 15.53 of the draft ALN Code appropriate for achieving the objectives (that the role is strategic and such officers have appropriate experience and expertise)?

The National Deaf Children's Society has welcomed the development of this role. However, we have concerns around the need to ensure that adequate time is allocated for this role to be fulfilled.

Paragraph 15.53 would benefit from including looking for reoccurring themes within disputes and seeking to address root causes of any such themes.

25. Is the content and structure of Chapter 16 of the draft ALN Code clear?

The National Deaf Children's Society Cymru queries whether paragraph 16.15 needs to clarify the feasibility of restating a request an early review if new evidence or the basis for doing so has changed.

With regard to paragraph 16.15, it appears to imply that where a decision is taken by a local authority not to review an IDP, the deadline for the annual review is still refreshed. We understand that resetting the annual review date is relevant where a review is conducted, but it is unfair to do so where a request for a review has not been granted. The learner/their family in this situation is likely to already feel concerned about support and resetting the review date without having a revised plan is likely to add to frustration. Furthermore, resetting a review date for refused early review requests is likely to act as a

deterrent to people who have justifiable reasons for doing so. **In light of these points, the National Deaf Children's Society strongly urges that this paragraph is amended so that review dates are not reset where an early request to review an IDP is denied.**

As with other aspects of the Code, we are concerned that the reference to not meeting the relevant period within paragraphs 16.18 and 16.25 due to reasons of impracticability should be made more robust to ensure that this clause is only utilised as a very rare exception in exceptional circumstances.

In addition to the points outlined within 16.21, a review might also be triggered if concerns are raised that ALP currently in place is not appropriately supporting the learner to reach his/her full potential.

As demonstrated during the scrutiny of the Bill, the National Deaf Children's Society Cymru is disappointed with the ability for NHS bodies to easily withdraw IDP support, as outlined in 16.22 and 16.23. However, we understand that this provision has now been passed in law. Nevertheless, we would welcome further information in this section to indicate that where an NHS body requests a review of a plan, it is still imperative to conduct a review and involve the family in this process.

We welcome the inclusion of paragraph 16.35 to help safeguard against collaborative working creating unreasonable delays in accessing support.

We are concerned that there must be more emphasis within this section of the Code on adopting a PCP approach to the process of reviewing an IDP. Families must be involved and not merely notified of an outcome.

26. Is the proposed period and exception for completing reviews in response to a request from a child, their parent, a young person or an NHS body (set out in paragraph 16.18 of the draft ALN Code) appropriate?

The National Deaf Children's Society Cymru welcomes moves by the Welsh Government to adopt shorter timeframes for the IDP process. It is important to ensure that learners are able to access support as soon as is feasible. This is key to assisting these vulnerable learners in reaching their full potential.

As outlined elsewhere in our response, we are keen to ensure that the clause enabling timeframes to be missed due to impracticalities is not over-used/abused. We strongly urge that quality assurance measures are employed in this regard.

27. Is the content and structure of Chapter 17 of the draft ALN Code clear?

The National Deaf Children's Society Cymru would welcome a greater emphasis on the importance of person-centred planning and including the families in the process.

We believe paragraph 17.21 should reference the importance of family choice in considering whether ALP should be provided in the medium of Welsh.

It is important that schools are only required to maintain an IDP where it has access to the appropriate expertise to do so. As such, we recommend that the **shoulds** outlined within

paragraph 17.22 become **musts**. Similarly, we believe that in paragraph 17.33, the local authority **must** act promptly.

It would be helpful if this chapter referenced the need to inform/notify families of decisions and their rights to appeal/access advocacy support. Such notification must be in a format that meets any communication requirements.

28. Is the proposed period and exception for a local authority reconsidering a school IDP (set out in paragraph 17.20 of the draft ALN Code) appropriate?

The National Deaf Children's Society Cymru welcomes moves by the Welsh Government to adopt shorter timeframes for the IDP process. It is important to ensure that learners are able to access support as soon as is feasible. This is key to assisting these vulnerable learners in reaching their full potential.

As outlined elsewhere in our response, we are keen to ensure that the clause enabling timeframes to be missed due to impracticalities is not over-used/abused. We strongly urge that quality assurance is employed in this regard.

29. Are the principles and the guidance provided in Chapter 18 of the draft ALN Code on meetings about ALN and IDPs appropriate?

We consider that providing families with notice of a meeting in paragraph 18.12 should be a **must**.

Being in a room full of professionals may be daunting for some families. It is important that paragraph 18.13 also provides families with the opportunity to reflect on discussions/meetings afterwards.

A reference to meeting communication needs in general would be welcomed in paragraph 18.14.

Paragraph 18.15 should be a **must**. This should not be "especially the case" where there has been a difference of opinion, but rather that extra time may be required where there has been a difference of opinion.

Paragraph 18.21 should be a **should**.

Paragraph 18.22 needs to acknowledge the importance of inviting families and advocates/case friends where applicable.

As outlined elsewhere within our response, we believe that a stronger emphasis needs to be placed on transitions and preparing for adulthood/employment. Therefore, we would urge the Welsh Government to strengthen paragraph 18.23 in this regard.

We welcome paragraph 18.33.

30. Is the guidance in Chapter 19 of the draft ALN Code on supporting children and young people to make effective transitions appropriate?

The National Deaf Children's Society Cymru has grave concerns that this section of the Code is insufficient (and lacking in legal responsibilities) to ensure learners with ALN are effectively supported at these traditionally difficult points in their educational careers.

In particular, deaf young people tell us that they need more tailored careers advice. They tell us that messages around key support such as Access to Work and Disabled Students Allowance are not reaching deaf young people. They also tell us that there remains a need to "myth-bust" around misconceived barriers to employment for deaf young people.

The National Deaf Children's Society is also mindful that the Welsh Government itself has acknowledged the need for more work to improve access to employment for the disabled population in Wales, as has been identified within its recent employability and inclusive apprenticeship plans.

In light of these points, it seems particularly worrying that the Code represents reduced duties from the current code of practice with regards to specialist careers advice and inviting careers advisors to attend reviews. In particular, paragraph 19.54 seems to imply that the vast majority of ALN learners will have their needs met within mainstream careers advice. This paragraph is misleading as it makes the assumption that current careers advice is meeting needs, whereas our conversations with deaf young people tell us that current provision is not sufficiently tailored and specialist.

Similarly, paragraph 19.55 states that it "may be useful to invite a careers advisor to an IDP review meeting with a focus on transitions and preparing for adulthood to discuss the child's or young person's careers options." This is very weak and does not acknowledge the importance of good careers advice for vulnerable ALN learners.

The National Deaf Children's Society Cymru strongly urges the Welsh Government to review the guidance around careers advice within the Code and to put in place statutory requirements. We would be happy to provide assistance/advice in this regard.

In general, we believe that more guidance and detail is required in this section of the Code, with greater distinction around the different types of support required for different transition stages. The section on preparing for adulthood is particularly lacking in detail. Support at transition to independence/adulthood would look quite different from support required at 16. In the English Code of Practice, there is a separate chapter on preparing for adulthood.

A section on moving onto employment would also be welcomed.

Paragraphs 19.9, 19.15 and 19.18 would benefit from giving examples of timeframes.

The importance of ensuring that families have a key point of contact within an FEI should be emphasised within this section of the Code.

We would recommend that paragraph 19.40 also lists “ensuring that new teachers/staff are aware of the learner’s basic support needs and any communication requirements.” This is fundamental to supporting any learning with ALN.

We would recommend adding to paragraph 19.43 the examples of staff training in assistive equipment and adaptations to the classroom environment.

The National Deaf Children’s Society Cymru is unsure as to why the obligation on FEIs to provide applicants with an opportunity to disclose ALN or disability is “[should](#)” as opposed to “[must](#)”. It is crucial that learners have the opportunity to do so.

The Moving to Higher Education section requires more detail and should emphasise the importance of providing disabled learners with information on Disabled Students Allowance. Deaf young people tell us that there is a lack of awareness about this important support fund.

31. Is the content and structure of Chapter 20 of the draft ALN Code clear?

32. Are the requirements that are intended to be included in regulations in relation to requests to transfer an IDP to an FEI (as described in paragraphs 20.12 - 20.17 of the draft ALN Code) appropriate?

33. Are the arrangements that are intended to be included in regulations in relation to all other transfers (as described in paragraphs 20.18– 20.21 of the draft ALN Code) appropriate?

The National Deaf Children’s Society Cymru welcomes that there are statutory responsibilities for IDPs to be transferred. However, we would ask for clarification around learners who may formerly have had an IDP maintained by a school, but now require it to be maintained by the local authority. This may be the case if the child has transferred to a new school which is less able to meet the pupil’s needs without local authority input and support.

The National Deaf Children’s Society Cymru remains unsure of how the IDP planning process will work from a learner perspective where local authorities and FEIs are in dispute around a learner’s placement. While we welcome the clarity around resolving issues with the assistance of Welsh Ministers, further consideration is required to address this issue from the learner perspective.

The National Deaf Children’s Society Cymru also strongly recommends that this section of the Code includes guidance around learners moving either side of the English/Wales border.

34. Is the content and structure of Chapter 21 of the draft ALN Code clear?

We would welcome reference within paragraph 21.3 to the need to consider whether failure to provide ALP is likely to result in any ALN worsening or where ongoing support is needed to maintain outcomes. For example, communication support (such as a note taker or interpreter) is an ongoing ALP that is required to maintain equality of access and outcomes.

There is a need for appropriate support to be offered to prepare learners where a young person attains the age of 25 and the IDP ceases. We are pleased that paragraph 21.4 clarifies that, in these circumstances, the IDP will not cease until the end of the academic year where a young person has attained the age of 25. However, there will still be some learners that do not complete their study within this timeframe. Guidance around supporting them would be welcomed.

We are pleased to see the acknowledgement in paragraph 21.7 that some disabilities will mean that an IDP is likely to be required until the learner leaves education or training.

The National Deaf Children's Society Cymru queries why paragraph 21.8 is a should as opposed to must. Similarly, we query why this is not the case in paragraph 21.11 where the decision to cease to maintain is subject to a review. We would also query the use of should as opposed to must within paragraph 21.14.

Paragraph 21.10 would benefit from a reference to outcomes and whether the young person is meeting their full potential and ambition.

Paragraphs 21.20-21.21 should be clearer about the fact that, while we would hope issues can be resolved locally, families should be made aware of their right to appeal from the offset.

35. Is the period of time for making a reconsideration request (described at paragraph 21.18 of the draft ALN Code), appropriate?

The National Deaf Children's Society Cymru is in support of paragraph 21.18.

41. Is the information set out in Chapter 24 of the draft ALN Code about the role and responsibilities of the ALNCo appropriate?

The National Deaf Children's Society Cymru believes that the role of the ALNCo is essential to the effective implementation of the IDP process. We were, therefore, disappointed that former proposals for ALNCoS to undertake a mandatory qualification have been dropped. We believe it is imperative that these individuals undertake basic deaf awareness training.

We are also concerned about capacity for ALNCoS to fulfil the role. Anecdotally we have heard from ALNCoS that, due to time constraints, they will not be providing all young people currently on School Action/School Action Plus with an IDP. We suggest that a formula is produced to help identify the number of ALNCoS required.

42. Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of arrangements to avoid and resolve disagreements appropriate?

43. Are the requirements imposed in Chapter 25 of the draft ALN Code on local authorities in respect of the provision of independent advocacy services appropriate?

We would recommend that paragraph 25.11 also highlights the importance of staff undertaking training on basic awareness for specific ALN types/communication needs, including deafness. Being able to communicate effectively with ALN learners is crucial to the role.

Paragraph 25.23 should also highlight that families must be aware at all times of their right to appeal. In raising concerns at a local level in the first instance, it is important to remain aware of timeframes for lodging an appeal.

Paragraph 25.27 should be strengthened. It is important that families understand the difference between complaints mechanisms and an appeal.

Paragraph 25.31 should be strengthened in relation to emphasising prompt responses through the disagreement process. It is important that families accessing this service are not disadvantaged in terms of running out of time to lodge an appeal if they remain unsatisfied.

As highlighted elsewhere in this response, the National Deaf Children's Society Cymru remains concerned by the dual system of Putting Things Right and Education Tribunal appeal. More guidance is required in this section of the Code to reduce confusion and to safeguard against families being encouraged to pursue Putting Things Right and running out of time to lodge an appeal. The two systems have different legal standing and it is important that families have a clear understanding of the difference.

Aside from the Code, the National Deaf Children's Society Cymru also recommends that Putting Things Right staff and advocates used within this system to undertake ALN training.

The role of the Public Services Ombudsman is very specifically to ensure that procedures and structures have been met. It is not to assess whether or not a decision was the right one. This is not made clear in paragraph 25.49.

Paragraph 25.57 implies that advocacy services are only for when there is a disagreement. This should not be the case. Families should be able to access advocacy support at any point in the IDP process to feel confident in understanding the process and secure in making their voices heard.

It is important that all those relevant to the IDP process are aware of advocacy services. As such we propose that paragraph 25.59 includes a more comprehensive list.

With regard to paragraph 25.61, the National Deaf Children's Society Cymru would also add that local authorities must ensure the advocacy service is monitored for providing a satisfactory service to families.

We warmly welcome the reference to ensuring that advocates are appropriately trained, including in communicating with children and young people with communication difficulties. This is fundamental and we are pleased that the Welsh Government has taken this on board.

We consider that the duty to actively offer advocacy support in paragraph 25.64 should be upgraded to a **must**. It would also be beneficial for the paragraph to outline the relevant points within the IDP process where a family should be informed of advocacy services and how to access them.

In relation to paragraph 25.69, it is important to ensure that if advocates are to be used to provide advocacy under other Acts, they are appropriately trained to fulfil all of these duties.

44. Is the information about appeals and the appeals process set out in Chapter 26 of the draft ALN Code appropriate?

It would be helpful if paragraph 26.21 also stated that where the action has not yet been taken but is proposed, that the NHS Body should outline when that action is to be taken.

The flowchart on page 288 should clarify that where a decision relates to a school and the family is not content, it should be referred to the local authority. It must be clear that should the family remain discontent with reconsideration of a case at a local authority level, they will then be able to lodge an appeal.

We would welcome clear clarification on where information on the varied appeal rights of English resident children attending school in Wales, as referenced at the bottom of page 288, can be found.

The flow chart states that if the issue relates to a decision by an NHS body, the NHS complaints procedures should be followed. However, this is misleading. Support such as speech and language therapy may be supplied by a health body or a local authority, or funded by a local authority but provided by the NHS. Should a NHS body decide not to provide speech and language therapy support, families would have a right to appeal to the Education Tribunal on the basis that the local authority could also be a provider of this support. The National Deaf Children's Society Cymru believes that greater clarification around speech and language therapy is required. We would be happy to work with the Welsh Government in this regard.

45. Is the information about case friends, including the duties on the Tribunal to appoint and remove case friends, clearly explained in the Chapter 27 of the draft ALN Code?

The National Deaf Children's Society Cymru believes there should be more information and cross referencing within this chapter to guidance on determining capacity. We appreciate that the current law around mental capacity is being reviewed, but nevertheless wanted to take the opportunity to highlight this point.

46. Please provide any other comments that you would like to make on the draft ALN Code. Where your comments relate to a specific chapter or paragraph within the draft ALN Code, please indicate this in your response.

Please refer to our notes at the start of this response, which highlights the key points that we would wish the Welsh Government to consider in drawing up the final version of the Code.

The National Deaf Children's Society Cymru understands that the Welsh Government has produced this Code for practitioners and professionals. However, it is also essential that families have access to clear, unbiased information on how the new system and structures will operate. Currently, local authorities provide information on the Statementing process,

the quality of which can be very poor. We would like to see national guidance for families developed by the Welsh Government.

The National Deaf Children's Society Cymru believes there is a clear need for appropriate monitoring of key aspects of the IDP process. We would welcome assurances in this regard. It would be helpful if the Code outlined clear reporting duties to assist with such quality assurance.

We would also like to take this opportunity to highlight our concern around restricted funding for specialist further education courses for learners with ALN to two years. This is unfair as many learners with ALN will require additional time to reach their potential. Furthermore, it represents inequality of opportunity as it restricts the ability of FE ALN learners to change their minds and redirect their course of study, or to extend studies where life circumstances have prevented them from reaching their full potential. We are mindful that there is currently a judicial review around this issue, but wanted to take this opportunity to highlight our concern.

We welcome the duty to keep additional learning provision under review. It is important that such a review looks at support by ALN type. We are pleased to see hearing impairment services listed as a service the local authority might wish to consider, but believe there needs to be more of an emphasis to do so.

47. Overall, do the draft Education Tribunal regulations provide clear processes and procedures relating to appeals and claims to the Education Tribunal?

48. Overall, will the processes and procedures outlined in the draft Education Tribunal regulations enable the Education Tribunal to deal with cases fairly and justly?

49. Is the proposed case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) appropriate?

50. Are the proposed timescales for each party in the case statement process (regulations 12-15 and 19-21 of the draft Education Tribunal regulations) reasonable?

51. Is the 6 week timescale within which NHS bodies must report to the Education Tribunal in response to a recommendation (regulation 65 of the draft Education Tribunal regulations) appropriate?

52. Are the timescales relating to compliance with Education Tribunal orders appropriate?

53. Is the approach to extensions to timescales 38 (regulation 66 of the draft Education Tribunal regulations) appropriate?-

54. Are the proposed regulations relating to case friends (draft Education Tribunal regulations 61 to 64) appropriate?

Due to time constraints, the National Deaf Children's Society Cymru has been unable to consider the Education Tribunal regulations in detail. However, we would like to highlight the following points:

- We welcome the emphasis on establishing any communication requirements. Doing so is fundamental to fair and equitable participation in the process. It may also be necessary to do the same for parents/family of the young person. Regulation 13 and 14 currently only specify the need to meet communication requirements of the child or young person.
- Similar to our comments within the Code, regulation 8 around bringing to the “attention of the parties the availability of any alternative procedure for the resolution of the dispute” should also take account of the need to ensure that families are also fully informed of their appeal rights and of any restrictions on timeframes in lodging an appeal.
- We welcome the requirement within regulation 9 for the panel members to have relevant experience of children and young people with ALN and/or disabilities.
- We would suggest more detail around the information that must be reported upon within regulation 65.
- In relation to regulation 68, we are concerned about families incurring costs and would ask that they are appropriately informed of the consequences of actions incurring costs prior to charges being made.
- The National Deaf Children’s Society Cymru considers that publication of information from the Education Tribunal should form a core element of quality assurance of the new ALN system. For this reason, we seek clarification on whether regulation 73 enables the Welsh Government to direct particular information be published.

55. Are the prescribed qualifications to be an ALNCo set out in the draft ALNCo regulations appropriate?

56. Do you agree with the tasks that ALNCos must carry out or arrange to carry out as set out in the draft ALNCo regulations?

As identified earlier within our response, the National Deaf Children’s Society Cymru is disappointed that ALNCos will not be required to complete specialist mandatory training.

We believe that ALNCos should have training in specific ALN types, including deafness and should be committed to ongoing CPD within the field.

We would recommend that ALNCos be required to register the role as ALNCo with the EWC (Education Workforce Council).

It is imperative that ALNCos have sufficient time to fulfil their role and this may require more than one ALNCo for a school or FEI.

In terms of outlining the role and functions of both school and FEI ALNCos, we would urge that liaising with specialist professionals (such as sensory impaired teachers); ensuring families are aware of their legal rights and how to access advocacy support; and ensuring that the IDP process is operated in a person-centred way, be included within the regulations.

The National Deaf Children’s Society Cymru has reservations around the phrase “advising school teachers about differentiated teaching methods appropriate for individual pupils

with ALN”; and “supervising and training school learning support workers who work with pupils with ALN.” It is important to acknowledge that ALNCOs will often require the assistance of specialist professionals in performing these functions. While the ALNCOs should develop good general knowledge of a range of ALN, they cannot be expected to replace the role of specialist professionals such as teachers of the sensory impaired. This is particularly important in relation to low incidence needs such as deafness. The National Deaf Children’s Society Cymru would welcome assurances from the Welsh Government on this point.

We seek clarification as to why the role of the Early Years ALNLO is not also covered within these regulations.

60. Overall, do you agree with the approach taken in the draft revised Part 6 Code to explaining the legislative changes, including the integration of personal education plans (PEPs) and IDPs and the mandatory content of PEPs? Are the requirements and expectations and what these mean in practice clearly explained?

It is important to ensure that the integration of these documents does not result in a loss of mandatory content or a delay to the production of either the IDP or the PEP.

63. What impact do you think the proposals in the draft ALN Code and proposed regulations would have on the Welsh language?

64. How do you think the proposals in the draft ALN Code and proposed regulations could be formulated or changed so as to have: i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?; ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?

The National Deaf Children’s Society Cymru would welcome a greater emphasis within the Code on **family choice** and the Welsh language. The current wording in the code does not emphasise the importance of this when determining whether ALP should be provided in the Welsh or English medium.

We are aware that there are difficulties in securing specialist ALP for deaf learners in the medium of Welsh and, as such, would suggest that a more regular review and consideration of Welsh medium ALP is required by local authorities than the five year term identified within Chapter 5 of the Code.

Further information

Thank you for taking the time to read this response. If you would like any further information regarding any of the points raised within this response, please do not hesitate to get in contact at campaigns.wales@ndcs.org.uk.