

Additional Learning Needs Reform in Wales: Questions and Answers

Introduction

This factsheet is for anyone looking for more information about the proposed changes to education law in Wales for children with additional learning needs (previously referred to as special educational needs (SEN)). It's a broad summary of our understanding of the proposed changes.

Many of the current draft proposals will change as they are discussed by civil servants and politicians. We will regularly update this factsheet to reflect these changes, so please keep checking our website for the latest version.

If you have specific questions that aren't answered in this factsheet, please get in touch with our Wales Campaigns team at campaigns.wales@ndcs.org.uk.

We use the term 'deaf' to refer to all types of hearing loss from mild to profound. This includes deafness in one ear or temporary hearing loss such as glue ear. We use the word 'parent' to refer to all parents and carers of children.

Summary

The Welsh Government is proposing a shake-up of how learners with special educational needs and disabilities are supported. Some key proposals include:

- changing the term 'special educational needs' (SEN) to 'additional learning needs' (ALN)
- replacing statements of SEN, Individual Education Plans (IEPs) and Learning Support Plans with a new support plan called an Individual Development Plan (IDP)
- making IDPs available to learners aged 0–16. College students with support needs will be able to request an IDP up to the age of 25
- actively including learners in planning their support
- changing the current SEN Code of Practice.

You can visit the Welsh Government website for more details at www.gov.wales/ALN.

To find out more about how we're campaigning around the reforms, please visit www.ndcs.org.uk/IDPWales.

Important: until these reforms come into force in September 2021, existing protections and laws around SEN remain in place.

What happens next?

The draft Bill was approved by the Welsh Assembly in December 2017, so we have a good idea of how the new system will work and look. However, before the new system of support for learners with ALN can come into force, the Welsh Government will need to produce a Code of Practice and other guidelines on how to put the law into practice.

In the spring of 2019, the Welsh Government consulted on a draft Code of Practice. While there were many positive aspects in the draft Code, the National Deaf Children's Society Cymru also raised a number of key issues that we felt needed to be addressed before the Code was finalised. Many other people and organisations also responded to this consultation highlighting areas for improvement. As such, the Welsh Government has now delayed the publication of the final Code. We now expect a final version of the Code to be presented to the Welsh Assembly for approval before the end of 2020. More information on the response the Welsh Government received on the draft Code is available at: <https://beta.gov.wales/draft-additionallearning-needs-code>.

While the Welsh Government had planned a phased introduction of the new system from September 2020, this has **now been pushed back to September 2021**. From September 2021, learners with the highest level of need, and those with newly-identified ALN will receive an IDP. The new system will be phased in over time for all learners.

What will change?

Once the Bill becomes law in September 2021, it will change the way learning support needs are assessed.

Existing support plans, such as Statements, IEPs and Learning Support Plans will all be replaced by a new plan called an Individual Development Plan (IDP). An IDP will outline a learner's support needs and will be a legal document.

It will be available to learners aged 0–16 and, for those in college, up to the age of 25.

Will the definition of special educational needs change and what is additional learning needs?

The Welsh Government is replacing the term 'special educational needs' (SEN) with 'additional learning needs' (ALN). However, the definition of ALN will be very similar. It will cover those who:

- have a greater difficulty in learning than the majority of other children
- have a disability which prevents or hinders them from making use of the educational facilities generally provided.

We believe deaf children should be eligible for an IDP.

What is an IDP?

An IDP or Individual Development Plan is a legal document that will replace statements, IEPs and Learning Support Plans. An IDP will focus on what the learner needs in order to reach their educational potential.

The type of support outlined and the detail within the plan will depend on the extent of the learner's needs. For example, it might specify sessions with a Teacher of the Deaf (ToD).

What will happen to the SEN Code of Practice?

The SEN Code of Practice sets out the current framework for how children with SEN are supported. The Welsh Government is drafting a new Additional Learning Needs Code, which will take its place from September 2021.

Important: Until September 2021, the current SEN Code of Practice will remain in force.

What will happen to the current categories of School Action and School Action Plus?

These categories will be abolished when the new system comes into place from September 2021. Learners with any level of need will be entitled to an IDP outlining their support needs.

In some areas, learners are already being offered an “IDP” as opposed to an IEP. It is important to know that, at this stage, the Welsh Government has not finalised guidance on the content of an IDP, so IDPs may look different from other areas where they are being offered.

After September 2021, IDPs will be available to all children who were formerly on School Action or School Action Plus as well as those who are currently on Statements. But until September 2021, IDPs (like IEPs, but unlike Statements) will not be legally enforceable documents.

Who will be entitled to an IDP?

Any child or young person aged 0–16 who fits the description of ALN (see ‘Will the definition of special educational needs change and what is additional learning needs?’)

In addition, any young person aged 16–25 who fits the above definition of ALN and attends or wishes to attend college.

How will a learner get an IDP?

A request for an IDP can be made by a parent, professional, or the learner themselves:

- For children aged 0–3, the request is made to the local authority.
- For school-aged children, the request is first made to the school. This request can be passed on to the local authority.
- For college students, the request is made to the college – unless a specialist college placement is sought, in which case a request is made to the local authority.

The ALNCo (additional learning needs coordinator) will probably be your main point of contact, unless your child hasn’t started school or nursery, in which case, it will probably be an early years ALNLO (additional learning needs lead officer) at the local authority.

If a request for an IDP is declined, the learner has the right to dispute and/or appeal a decision.

What will an IDP look like?

Following calls from us and others, the Welsh Government has now confirmed that there will be a national template for the IDP. The format for this template has not yet been finalised.

How will a learner be assessed?

The draft guidelines state that low incidence disabilities should be assessed by the local authority. We believe that this should include deaf learners. A professional (likely to be a school/college ALNCo or local authority officer) will coordinate the development of the plan.

Who will be responsible for the IDP?

For most learners, the school will be responsible for coordinating an IDP. However, for those with more complex or low incidence needs, such as deafness, the local authority should be responsible because they will have access to specialist professionals. We want to make sure that frontline staff, who will be the first port of call for IDPs, are aware of this.

Local authorities will also be responsible for coordinating IDPs for pre-schoolers and for those attending a specialist school or college.

Mainstream colleges will be responsible for IDPs for their students.

Will the IDP cover health and social care needs?

The IDP is different from the Education, Health and Care (EHC) plan in England. It will only look at support to help a child or young person's learning. The IDP may include health and social care support, but only where these services affect learning. The new law will allow for IDP assessments and reviews to be completed at the same time as health and social care plans.

Healthcare needs will be covered by a separate Individual Healthcare Plan (IHP). We are seeking further information on how the plans will relate to one another.

How often will an IDP be reviewed?

An IDP will be reviewed annually. However, the learner or the learner's parents can request an earlier review.

Similarly, schools, colleges or local authorities can decide to review an IDP earlier, but they would have to notify the family.

What is PCP?

PCP stands for 'Person Centred Planning'. The Welsh Government wants all IDPs to be created in a person-centred way. This means that children, young people and their parents should be actively involved in the development of an IDP.

What is an ALNCo?

ALNCo stands for additional learning needs coordinator. It is similar to the existing special educational needs coordinator (SENCO) role. This professional is the lead coordinator for learners with an additional need. The new law will require all schools and colleges to have an ALNCo. Local authorities will also be required to have an early years ALNLO for pre-school learners.

What is a DECLO?

The new law will require all health boards to have a designated education clinical lead officer (DECLO). The Welsh Government intends for this to be a strategic role to help health and education authorities work together more effectively.

Rights of children, young people and their parents within the new system

What if an Individual Development Plan (IDP) is not working?

An early review of an IDP (usually reviewed annually) can be requested. If a request for a review is refused, the learner/learner's parents have the right to appeal the decision.

How will an IDP be enforced?

Ultimately, learners and parents can challenge decisions about the IDP at the Education Tribunal Wales (currently known as SENTW). The Tribunal will make decisions on various cases, including:

- a decision about whether or not a learner has ALN and is entitled to an IDP
- the description of a learner's ALN within the plan
- the support (or lack of support) outlined within the plan. This includes whether the support should be provided in Welsh
- decisions around a specialist placement and accommodation
- the school named in an IDP, or the fact that no school is named in an IDP
- a decision not to revise an IDP
- a decision for the local authority not to take responsibility for the IDP
- a decision to end an IDP
- a refusal to assess whether a learner requires an IDP
- disability discrimination in education.

The tribunal will be able to order local authorities to take action in the above areas. The tribunal will also hear cases about support outlined within the IDP provided by a health (NHS) body. Although they won't be able to order that an NHS body takes a certain action, they will be able to make a recommendation. The NHS body will have to report back to the tribunal on the action that they have taken and, if the recommendation has not been fulfilled, the tribunal will be able to report this to the Welsh Government.

What will I be able to do if I'm unhappy with a decision around an IDP?

In the first instance, ask for the issue to be reconsidered. If a school is dealing with a request and you are unhappy with a decision, you can appeal to the local authority. If you're unhappy with a local authority or college decision in relation to an IDP, you can appeal to the Education Tribunal for Wales.

As well as appealing to Tribunal, you will be able to use a local authority Dispute Resolution Service. This service attempts to resolve disagreements outside of a Tribunal. The Welsh Government wants to encourage use of this service, but it's not compulsory and doesn't affect your right to take an appeal to Tribunal.

What help can young people get?

Children and young people will have the right to use advocacy services to help in the process of requesting an IDP/being involved in discussions and decisions around an IDP. Local authorities must publicise these services, and make them available free of charge. For those learners unable to make their own decisions, case friends (a person who is suitable to exercise the child's rights to make an appeal or claim) can be appointed by the Tribunal.

Moving over to the new system

When will the changes take place?

The Welsh Government is planning a phased introduction of the new system from September 2021.

When the changes are made, what will happen to existing statements?

Any existing statements will continue to be legal documents until replaced by an IDP or until the local authority tells you that it intends to end a statement.

What if an IDP is offered instead of a statement?

At the moment, the law on supporting learners hasn't changed. It's important to be aware that IDPs are not legal documents at this stage. Despite this, we are aware that some local authorities have begun to use their own versions of an IDP in place of a statement. You should make an informed choice about whether you'd like to proceed with an IDP or whether you'd prefer to request a statement, which you're legally entitled to do. You can contact our [Freephone Helpline](#) for support about this.

Finding out more and getting involved

Will the Individual Development Plan (IDP) be better or worse than a statement of special educational needs?

We are pleased that the Welsh Government has taken steps to address many of our concerns about IDPs. However, we still have some reservations and now need to make sure that the accompanying Code of Practice and regulations will include the necessary information and guidance to make sure the new system is effective for deaf learners and their families.

During the consultation period in 2019, we called on the Welsh Government to make a number of significant improvements. We would like to thank all of the campaigners who took an online action to help us raise these points. Over 270 people took the action, which has really helped to add weight to our proposals.

What are National Deaf Children’s Society Cymru’s concerns about the proposed changes?

We have been working hard to influence the reforms, and have seen a number of changes to the legislation which we think will benefit deaf learners. However, we do still have some concerns and will continue to liaise with the Welsh Government to call for the regulations to be effective for deaf learners and their families.

In particular, we’re keen to make sure that the template for an IDP will lead to support plans that are clear, appropriately detailed and legally robust.

We are also urging the Welsh Government to include more guidance around providing appropriate careers advice to ALN learners.

How can I help the National Deaf Children’s Society Cymru influence the reforms?

The Welsh Government is now in the process of working on the new Code of Practice and guidance on how the new system will be delivered. This is a crucial time to engage with policy officials and make sure that these documents work well for deaf learners and their families. We may need the help of our supporters in influencing these key documents. You can keep updated on any campaign actions in this area at www.ndcs.org.uk/IDPWales.

What is the Transformation Programme?

The Welsh Government says that the new law is part of a wider Transformation Programme to help learners with additional needs. This programme also includes workforce development and funding to assist local authorities in changing over to the new system. The Welsh Government has recruited five Transformation Leads to help make sure that schools, colleges and local authorities are prepared for the reforms when they come into place. The Welsh Government outlines details of this programme at www.gov.wales/ALN.

Following the Welsh Government’s announcement that it is delaying implementing the new ALN system until September 2021 (previously planned for September 2020), we are seeking further information on how this change will affect the Transformation Programme.

Where can I find out more?

We have more information on the reforms at www.ndcs.org.uk/IDPWales. The Welsh Government has published its own webpage on the reforms at www.gov.wales/ALN.

Any other questions?

Email us at campaigns.wales@ndcs.org.uk