

Respondent Details

Information	
Name	Natasha Walsh
Organisation (if applicable)	Early Years working group - NPTCBC

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the ALN Code

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Education colleagues: It was felt the terminology and use of language was not clear – it was interpreted as having too much 'legal speak' which meant having to re-read the paragraphs several times to break down the meaning and not enough clear straight forward examples of situations where these phrases may occur e.g. a case study.

Early Years team: Felt that childcare providers may be overwhelmed by the wording. Terminology such as 'failure of a relevant person to comply with' would be concerning for staff. Would it be better to have it laid out with bullet points of examples?

Childcare providers: felt the use of words such as 'should' or 'should not' are used to indicate an obligation or duty but the words are too ambiguous and could lead to further complications if people interpret them differently.

It was agreed there is a need for a more easy to read/ child friendly language document that is straight forward with expectations and guidelines of what people need to do but it was recognised that the easy speak version would then be too simple for professionals who need the in-depth knowledge . Therefore the overall consensus was it was not accessible to all and maybe the need for 'guides for schools', 'guides for childcare', 'guides for health' , 'guides for parents' etc... to accompany the original code that contains the legal language may be helpful to overcome the barriers?

Timescales

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It was agreed in general by all that yes the time scales should be effective and plans should be implemented quicker than the current system for those identified – however in real terms it was felt that if children/ pupils needed to be seen by a health or authority education professional, waiting list times can be a lot longer than the suggested timeframe. After being seen by a professional it may be required that a report is formed to inform decisions / provision and the process of awaiting a report may take a few weeks. Therefore the timescale would already be missed due to seeking advice / outcome setting with the appropriate professionals, otherwise schools feel they would be ‘suspecting’ decisions and therefore possibly not creating accurate plans.

There should be guidelines on what is appropriate in terms of numbers of referrals a school or local authority (LA) can deal with at once?

- And therefore need further guidelines on what happens if the referral numbers are over what is considered ‘manageable’; schools or LA’s who may not successfully reach the timescales due to an influx within 1 period, for example, is it acceptable if you have a high numbers of requests at once that you may go within 20% of the amount of referrals being late but 40% of those requests being late is not acceptable?
- It was felt that the term ‘exception’ needed more clarity

It was also felt that parent’s views and compliance to the system (e.g. attending referrals / appointments / meetings) could possibly hinder timescales.

Schools:

- Felt the timescale is too short as they would be required to gather too much information when there is currently not enough funding and therefore affects capacity. Would class teachers be allocated time to gather and write an IDP?
- Some schools have a larger SEN / ALN population and this process would require a full time ALNCo which the school may not have funding available for.

Health colleagues: felt the timescales would only be appropriate dependent on waiting lists and diagnosis.

A standard criteria is needed for what needs to be submitted in the very first instance to prevent delay in timescales by requesting further information etc... criteria could include:

- What needs to be submitted e.g. assessments, advice...
- What ‘must’ and what ‘should’ be included
- What is classed as ‘significant’

‘Significant’ was highlighted by all sectors as needing further examples as they would all determine this differently dependent on the setting and the current children within and it would be based on the staff within the settings knowledge of ALN, which within some childcare settings in particular the knowledge might be very limited.

Question: what does 'unless it is impractical mean?'

EY team: specific guidance is needed to be developed for early years setting that are not maintained settings to be able to support effectively and with purpose.

- **Who will write and develop IDP's for non-maintained settings for children under 3? ALNLO or the settings?**

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

It was felt that this needed more of a definition with clear examples.

Structure of the draft ALN Code

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 2 - Principles of the Code

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 3 - Involving and supporting children, their parents and young people

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

Question 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 United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 5 - Duty to keep additional learning provision (ALP) under review

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 6 - Advice and information

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

Question 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)?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The overall response to the new role is very positive with early intervention being recognised as a very positive move forwards and all sectors involved in the consultation (Health, Education, Early Years team & colleagues, Children Services) felt this was much needed and welcomed the role and a more cohesive way of working. However there are some concerns over the role and the expectations on 1 person with trivial things in mind in regards to that person being off work for perhaps a prolonged time due to sickness or annual leave and things needing to be actioned within the set timescales etc... The general feeling was that there needs to be a team around Early Years to ensure timescales, identifying needs / provision, training etc. can be followed through and monitored effectively, or a lot of collaboration between existing teams and services (which again is welcomed but acknowledged that services are already tight in terms of capacity without the added caseload).

Points raised:

- Will the role be consistent between authorities across Wales?
 - Experience / expertise
 - Authority size and deprivation varies so will the equivalent of 1 person be enough in larger authorities?

- Will the EY ALNLO be able to write/ oversee all the IDPs and be strategic?
 - In terms of writing an IDP it was felt by a few that the person would need to know or have observed/ assessed the child in order to action a plan and create it with a holistic view
 - Childcare settings may not have knowledge, resources, expertise to ensure an IDP outcomes are achieved as this could come as a cost to a setting that is privately run e.g. if releasing staff for training, providing 1-1s (all have funding implications), may result in settings being 'full/waiting lists'
 - The role guidelines appear to be giving the message of wanting someone to be strategic whilst also being operational on the ground

- Discrepancies between EY provision available to assist the ALNLO with information on a child:

- Flying Start settings have access to a lot of support for training, specialist professionals e.g. Education Psychologists, Speech and Language etc. therefore meaning referrals, identified needs, provision, plans and assessments can all be actioned and implemented at a much quicker rate than non-Flying Start who do not have access to any of the professionals unless an early health diagnosis is in place or if the health visitor is engaging and proactive to assist with the process – dependent on parents willingness to engage with them.
- Flying Start settings have had awareness raising of the new reform whilst other settings have not – some small concerns that some private settings may not want to engage with extra support and new systems etc... as they are not required too by their regulations and guidelines
- Some parts of the role can be seen as open to interpretation depending on the settings knowledge of the new code and what the ALNLO role will entail; it may then vary with certain settings referring and others not.
- There is no current obligation on a childcare setting to have a ‘SENCo/ ALNCo’ therefore who should be taking responsibility of ALN within the provision? E.g. floating authority ALNCOs under the EY ALNLO or should it be made a requirement / good practice within CIW inspection and regulations for those running purely as day care who are not inspected by ESTYN?
- A national definition of Early Years to be provided within the documentation as this can vary between different authorities and within local authority / Welsh government plans e.g. 0-3, 0-5, 0-7.

Duties on schools, FEIs and local authorities

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

It was felt that staff would need to be given adequate time to gather information and evidence to be able to create appropriate plans / referral to local authorities. It would be appropriate dependent on numbers of current plans being requested/ implemented and sufficient staffing levels.

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Deciding whether it is 'necessary' for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 13 - Content of an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It was felt if appropriate structure and referral routes (set guidance would need to be made available so preparation for appropriate evidence could be submitted and not bounced back to request more) for the referral were available that 6 weeks should be acceptable for a response to identify the provision needed, but health colleagues were very concerned that

with current waiting times and lists it would possibly be longer due to the child not being seen within the time scale due to current waiting lists and appointments being cancelled or delayed.

Question: will the DECLO ensure referrals / provision are carried out and not just distributed?

The Designated Education Clinical Lead Officer (“DECLO”)

Question 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)?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It was felt by the majority that the role needs to be carried out by a senior health professional who has had experience of management and working with children, more of a clinical role.

Points raised:

- Will the role be consistent between authorities across Wales?
 - Experience / expertise and expected qualifications
 - Authority size varies so will the equivalent of 1 person be enough in larger authorities?
 - Multidisciplinary experience

Question: would there be appropriate/ extra funding provided to meet the needs of children/ young people with identified needs, for example resources? Otherwise if there was a big demand on provision / resources with no extra funding would there then be priorities such as safeguarding, early babies ...

Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 19 – Planning for and supporting transition

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 20 - Transferring an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 25 - Avoiding and resolving disagreements

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 43 – 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 27 - Case friends for children who lack capacity

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Any other comments

Question 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.

Part 2 of the consultation: Draft Education Tribunal for Wales regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(c) Proposed revisions to the Part 6 Code

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Part 5 of the consultation: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

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

Question 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?

Question 65 – 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.

Respondent Details

Information	
Name	Children and Young People's Wales Diabetes Network (& Brecon Group)
Organisation (if applicable)	Children and Young People's Wales Diabetes Network (& Brecon Group)

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the ALN Code

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The code is a long and complex document. Trying to interpret it is incredibly challenging. It is not user friendly

Timescales

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Time scales relate to the provision of the IDP. In the case of pupils with medical needs requiring an IHP, it's unclear how the timescales would impact on this.

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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Structure of the draft ALN Code

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>The code is very lengthy and it is not totally clear what rights children have under the code. There is no summary section.</p>
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Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>We would recommend better flow charts explaining the various definitions. The current charts are inadequate (see page 73 where the language used in the flow chart varies considerably from the definitions in the preceding chapter)</p> <p>Also on pg 109, the implication is that a pupil can decide if they want to be considered for ALN. If they decide against then the process stops. This is not appropriate or safe in the context of pupils requiring ALN/ALP arising from a medical condition.</p>

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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Chapter 2 - Principles of the Code

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The involvement of healthcare experts with responsibility for the care of children with medical / healthcare needs in decision-making regarding ALN is not stipulated. This is vital for children with continuous medical needs, who would be considered as having ALN under the definitions of this act. There is no clear instruction for school staff or local authorities to follow clinical recommendations made by healthcare professionals. This could prevent children and young people from receiving the medical care they require,

Chapter 3 - Involving and supporting children, their parents and young people

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

This chapter specifies ALN must be explained fully to the child and parent. As the code lacks clarification and is open to interpretation, children's experiences will differ from school to school.

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

Question 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 United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

It is important that this is in the code

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Communication re: outcomes of any reviews has not been made clear. If ALN/ALP arises from a medical condition it is imperative that decisions are made with all relevant professionals involved

Chapter 6 - Advice and information

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There is no scope within the proposal to provide advice to families of children with medical needs to

- a) Advise them that medical needs are covered by the ALN Act
- b) Advise them of their rights to ALP under the ALN Act to ensure children receive the care they need in school, without being excluded from activities, or having their educational opportunities reduced

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It is ambiguous

Question 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?

Yes	<input type="checkbox"/>	No	✓	Not sure	<input type="checkbox"/>
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Supporting comments

Medical needs are not explicitly mentioned in the definitions of ALN or ALP. Not all medical needs are classed as disabilities. The code notes that some healthcare needs do not call for ALP and so are not ALN, but does not define the criteria by which this is decided.

“Medical needs” and “Healthcare needs” could be regarded as different and the code may need to distinguish between the two. Alternatively, the code needs to fully define medical / healthcare needs and recognise that chronic medical conditions require continuous care and treatment.

The Code points to the *Supporting Learners with Healthcare Needs Guidance 2017*, which is non-statutory and non-mandatory “guidance”. This guidance needs to be rewritten as statutory guidance in alignment with the ALN Act as it preceded the act. Welsh Government was advised by several bodies that *Supporting Learners with Healthcare Needs Guidance 2017* was not fit for purpose when it was published and it is now obsolete given the introduction of the ALN Act and the inclusion of medical and healthcare needs in the Act.

The list of healthcare professionals included in point 7.60 is not exhaustive and may result in some professionals being excluded from discussions. Of concern is the omission of dietitians from the list, as many chronic conditions rely on support and advice from qualified dietitians, for example, the management of Type 1 diabetes. (However, the inclusion of psychology professionals in this list is very welcome, particularly the need for educational psychologists to liaise with other psychologists working with the child.)

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

Question 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)?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

If ALN arises from a medical condition it’s a huge expectation (and an unrealistic one) that an ALNLO will be an expert.

Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>There is no mention of when in the process the input of healthcare professionals responsible for the child’s care (e.g. their local diabetes team) should be sought, or that healthcare professionals should have final clinical governance sign off of the IDP to ensure the child is receiving the correct medical support.</p>

Deciding whether it is ‘necessary’ for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>If healthcare and/or medical needs are included on the IDP, healthcare professionals responsible for the child’s care (e.g. their local diabetes team) must have full input and final sign off on the IDP.</p> <p>The structure of an IDP isn’t fit for setting out the child’s needs in the context of a medical condition.</p>

Chapter 13 - Content of an IDP

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

Yes	<input type="checkbox"/>	No	✓	Not sure	<input type="checkbox"/>
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Supporting comments

The IDP is not suitable for recording medical or healthcare needs and detailing the support that must be provided so that the medical and healthcare needs of children are met safely.

Any IDP completed because of a medical condition should be completed with full input and final sign off from healthcare professionals responsible for the child’s care (e.g. their local diabetes team), and be binding on school staff.

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

Yes	<input type="checkbox"/>	No	✓	Not sure	<input type="checkbox"/>
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Supporting comments

The IDP is not suitable for recording medical or healthcare needs and detailing the support needed by the child for their medical and healthcare needs to be met.

An alternative form that includes a medical needs section should be provided. The CYPWDN and the Care in Schools Alliance would be willing to advise on how this form should be constructed.

Full contact details for healthcare professionals responsible for the child’s medical care (e.g. their local diabetes team) should be included, including emergency contact details.

It should be specified that no changes to medical treatment should be made without input from healthcare professionals responsible for the child’s care (e.g. their local diabetes team) and final sign off from those healthcare professionals.

The code does not contain provision for whether an IDP is disregarded by the young person or their family, which may be a safeguarding issue if there are medical / healthcare needs.

A school or other educational body should not decide whether a child with medical / healthcare needs requires an IDP without the agreement of healthcare professionals responsible for the child’s care (e.g. their local diabetes team).

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

Yes	<input type="checkbox"/>	No	✓	Not sure	<input type="checkbox"/>
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Supporting comments

In 13.3, there is a reference to “agencies and professionals” working together to create and IDP, but there is no stipulation with regards to which agencies or professionals. An IDP created due to a child’s healthcare or medical needs must include input from healthcare professionals responsible for the child’s medical care (e.g. their local diabetes team), and be approved by those healthcare professionals.

Transport

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The *Learner Travel (Wales) Measure 2008* has proven to be ineffective in supporting children with medical and/or healthcare conditions in the past, and should be reviewed and/or rewritten to take into account the updated provision for ALN in the Act. Many children with medical needs are reliant on school transport and can be vulnerable while on school transport due to their medical condition. Relying on this outdated measure will undermine the effectiveness of the Act and compromise children's safety.

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 Act

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The Designated Education Clinical Lead Officer (“DECLO”)

Question 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)?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It would be helpful to include directions for the DECLO to always take into account instructions on clinical care from the healthcare professionals responsible for the child's care (e.g. their local diabetes team). It is unrealistic to expect a person with all the listed requirements (15.14) to exist.

Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There is no specified role for healthcare professionals in the review and revision of IDPs. This must be included if the IDP has been introduced due to medical / healthcare needs.

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Healthcare professionals with duty of care towards a child should also be able to request a review of an IDP, and should have final sign off of any revision, to ensure clinical governance of the care that is being provided.

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

“Healthcare professionals with a duty of care for the child” should be included as a named category under agencies and professionals involved in any meetings about ALN and IDPs. An example of a healthcare professional with a duty of care for a child is a diabetes nurse in the multi-disciplinary team responsible for the ongoing care of a child with diabetes.

Chapter 19 – Planning for and supporting transition

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

19.16 – Moving through *each school year* is considered a transition for a child with diabetes

Chapter 20 - Transferring an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Information should be shared with the relevant healthcare professionals affected by the transfer of an IDP, e.g. if a child will be moving to a school in a different health board and will be transferring their care, the healthcare professionals who will be providing future care must be included in conversations with the child's new school.

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The cessation of an IDP for a child with medical / healthcare needs, must include sign off and agreement from healthcare professionals responsible for the child's care (e.g. their local diabetes team).

At the moment section 21.3 states that a young person may decide to no longer consent to an IDP. However, the autonomy of a young person with medical / healthcare needs may need to be over-ruled. For example, suspending the use of insulin is injurious to health and may result in hospitalisation and in certain cases risk of death. There are cases of children refusing to comply with a medication regime and for their own safety this cannot be regarded as a reasonable choice. As the code currently stands, a young person could unilaterally disregard all the agreed medical support and endanger their lives. Provision needs to be included within the code for over-ruling unilateral suspensions of an IDP.

Chapter 22 – Children and young people subject to detention orders

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Asylum seekers/refugee children should be included in this list.

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The ALNCO role should be held by qualified teachers, given the responsibility required to support children with medical / healthcare needs, which may include giving medication, performing physiological tests (such as blood glucose testing), administering treatment in extremis, etc. It would be unsuitable for a junior or unqualified member of staff, e.g. a teaching assistant, to hold such a responsible and significant role at the school.

Chapter 25 - Avoiding and resolving disagreements

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The code should stipulate that if a child's medical / healthcare needs have led to a request for ALP, the local authority must seek advice from healthcare professionals responsible for the child's care (e.g. their local diabetes team), and accept recommendations from those healthcare professionals. Involving healthcare professionals must not be an optional extra, as is currently the case in the draft code.

Question 43 – 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?

Yes	<input checked="" type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This is the same question as question 42

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

There is no requirement for the tribunal to seek advice from healthcare professionals responsible for the child's care (e.g. their local diabetes team).

Chapter 27 - Case friends for children who lack capacity

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Any other comments

Question 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.

Not enough attention has been paid to medical / healthcare needs, which are included in the ALN Act, but are barely referenced in the code. The clinical governance of decisions that are made about ALP and ALN is not mentioned. Currently the code, in this draft, means decisions could be made without any clinical expertise or recognition of evidenced clinical best practice. The live of children with medical / healthcare needs could be put at risk.

This draft code gives too much responsibility to schools and local authorities with regard to decisions over medical / healthcare needs. Healthcare professionals responsible for the child's care already have this duty of care and this should be recognised in the code to lift the burden of responsibility from schools and local authorities.

The Individual Development Plans that are proposed are not suitable replacements for the Individual Healthcare Plans that are currently used. This needs to be urgently reviewed and new, suitable versions of the IDPs provided.

The supporting guidance cited in the draft code is unfit for purpose or has been proven inadequate to protect children with medical / healthcare needs. The *Supporting Learners with Healthcare Needs guidance 2017* is not statutory and does not stipulate mandated action. It is a toothless document that has been superseded by legislation and is completely unsuitable as a supporting document for this code. The *Learner Travel (Wales) Measure 2008* has also been problematic for children with medical / healthcare needs. Local authorities do not abide by it, and the measure is not strengthened by the draft code, so it very unlikely there will be improvement in transport provision. Relying on these unsuitable documents will undermine the effectiveness and the implementation of the code.

Part 2 of the consultation: Draft Education Tribunal for Wales regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There is no requirement for the tribunal to seek advice from healthcare professionals responsible for the child's care (e.g. their local diabetes team). This would be very important for a tribunal to determine ALP requirements, and therefore, ALN.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Six weeks is an entire half term, which could mean a child or young person missing one sixth of a school year if they are unable to attend school until the tribunal reviews their case.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

They could probably be shorter

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

These could be open to abuse, e.g. to delay having to introduce ALP.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

<p>Section 3 (b) allows for an unqualified member of staff to be a ALNCo if they were previously a SENCo. However, an ALNCo may well be required to support a child with medical / healthcare needs, for example, to inject insulin into a child with Type 1 diabetes. This requirement was not placed on a person acting as a SENCo. Therefore the ALNCo role has more responsibility than the SENCo role and this needs to be recognised in the regulations. The role of ALNCo should probably only be held by a qualified teacher.</p>
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Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>Section 5 makes no reference to training about medical / healthcare needs, or the administration of medication, emergency situation response, or physiological testing (e.g. monitoring blood glucose). These should be part of the ALNCo duties.</p>

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>The Individual Development Plans that are proposed are not suitable replacements for the Individual Healthcare Plans that are currently used.</p>

(c) Proposed revisions to the Part 6 Code

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 5 of the consultation: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

Depending on whether the comments made in this response are taken on board, the ALN Act has the potential to improve the health outcomes of children with medical / healthcare during the school day and in educational environments outside of normal school hours. It should reduce confrontation between education bodies and families, because families will have better recourse options if there is a disagreement.

If the changes suggested in this consultation response are ignored, the result will be continued discrimination towards children with medical / healthcare conditions, which may be exacerbated by the loss of statements and other tools currently used to protect children and young people with medical / healthcare needs from being disadvantaged.

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

Question 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?

Question 65 – 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.

Respondent Details

Information	
Name	Sally Sellwood/Hannah Bussicott
Organisation (if applicable)	The Observatory on the Human Rights of Children (incorporating the Children's Legal Centre Wales and Lleisiau Bach/Little Voices)

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the ALN Code

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

- Possibly over complicated explanation? As an alternative:
Where the words or phrases 'must', 'must not', 'may', 'should' and 'should not' are used in this Code, they have their usual meaning.
 - o 'must' – means that the person or body *has* to carry out the task or function referred to.
 - o 'must not' – will be used to indicate that something is prohibited in law and to explain that the person or body *must not* do something.
 - o 'may' – means that the person or body *can do something if they choose* to do so
 - o 'should' - means that the person or body *should normally do what is being asked* unless there are good reasons which mean they are justified in not doing it
 - o 'should not' – means that the person or body should not do something unless there are good reasons which means they are justified in doing that thing.

Where relevant , there will be an associated footnote to explain where the things that must/must not/may/should or should not be done comes from.

Timescales

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Structure of the draft ALN Code

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 2 - Principles of the Code

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>Q1 children and young people consultation</p> <p>In considering this consultation, we discussed this questions with a group of approx. 25 sixth form students from across Swansea. We used the children and young people consultation document to look at this question. The young people were concerned that this was a vague question – the principles are relevant but it is questionable as to what aspect these principles are right for.</p>
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Chapter 3 - Involving and supporting children, their parents and young people

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

Question 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 United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 6 - Advice and information

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

Question 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)?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 4 children and young people’s consultation document

In considering this consultation, we discussed this questions with a group of approx. 25 sixth form students from across Swansea. We used the children and young people consultation

document to look at this question. The young people we discussed this with were concerned that 12 weeks would be too long to make a plan. When we explained that there was a difference between the language in the children and young people’s consultation document, which referred only to a deadline of 12 weeks (for Local Authorities) or 35 days (schools and colleges), and the language used in the Code which refers to plans being prepared ‘promptly’ they felt that this had a bearing on their response. They thought it was better to have a duty to do something as soon as they could, rather than 12 weeks – because they would simply take 12 weeks,

Deciding whether it is ‘necessary’ for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 13 - Content of an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Q 2 & 3 children and young people’s consultation document

In considering this consultation, we discussed this questions with a group of approx. 25 sixth form students from across Swansea. We used the children and young people consultation document to look at this question. We noted that in the Consultation Document for Children and Young People, they were only asked to comment on ‘other ideas’ about what the IDP should include, not about the mandatory content of the IDP. IN respect of those ‘other ideas’, the young people thought these were specific to the needs of children and provided information for all bases.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>Question 5 children and young people’s consultation document</p> <p>In considering this consultation, we discussed this questions with a group of approx. 25 sixth form students from across Swansea. We used the children and young people consultation document to look at this question. The young people felt that 6 weeks was too long and that the amount of time should be relevant to the information that was requested.</p>

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 6 children and young people’s consultation document

In considering this consultation, we discussed this questions with a group of approx. 25 sixth form students from across Swansea. We used the children and young people consultation document to look at this question. The young people noted the use of the phrase ‘the longest time’ – according more with the notion of providing information ‘promptly’ that is actually used in the Code. They felt in that case, 6 weeks was reasonable.

The Designated Education Clinical Lead Officer (“DECLO”)

Question 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)?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 7 children and young people’s consultation document

In considering this consultation, we discussed this questions with a group of approx. 25 sixth form students from across Swansea. We used the children and young people consultation document to look at this question. The group that considered this question thought that 7 weeks was a fair amount of time to review a plan, but for example a review by a Local Authority should take less time because they should have more access to information.

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 8 children and young people’s consultation document

In considering this consultation, we discussed this questions with a group of approx. 25 sixth form students from across Swansea. We used the children and young people consultation document to look at this question. The young people felt this was too long – a period of 4 weeks would be more appropriate.

Chapter 18 - Meetings about ALN and IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 19 – Planning for and supporting transition

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 20 - Transferring an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Q 14 Children and Young People’s consultation document: Do you think it is important that the ALN Co is a teacher or someone else who is already a SENCo?

Q 15 Do you think these are the right things for ALN Cos to do to help children and young people with additional learning needs

We feel that it is vital that the role of the ALN Co is carried out by someone with sufficient experience and expertise to properly support the child/young person.

We did not have time to discuss this with our study group of young people.

Chapter 25 - Avoiding and resolving disagreements

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Q 9 Children and Young People’s consultation document: What do you think of our ideas about things local authorities should do to help stop arguments and sort them out?

In considering this consultation, we discussed this questions with a group of approx. 25 sixth form students from across Swansea. We used the children and young people consultation document to look at this question. The young people though that this was strangely worded talking about young people because it would probably be adults who were involved rather than children/young people.

They questioned how the Local Authority would make sure children and young people could understand what they were doing.

They were very clear that the website would need to be heavily publicised, and were worried that it might not be available to everyone.

They approved of the principle that the local authority should make sure it is easy for children and young people to get help.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Q 10 Children and Young People’s consultation document: What do you think of our ideas about things local authorities must do to make sure advocates are doing a good job?

In considering this consultation, we discussed this questions with a group of approx. 25 sixth form students from across Swansea. We used the children and young people consultation document to look at this question. They felt that this made good common sense. Advocates should make sure a child's comments are expressed the way they were intended to be.

They wanted to know whether advocates were independent.

They thought that what represented 'a good job' needed to be defined.

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Q 11, 12 & 13 Children and Young People's consultation document: What do you think of how it will work when you ask a judge to decide who is right? What do you think of how long children, parents and young people will have to tell the judge and send a case to the judge? What do you think of how long Local Authorities and colleges will have to send a case to the judge?

In considering this consultation, we discussed this questions with a group of approx. 25 sixth form students from across Swansea. We used the children and young people consultation document to look at this question.

They felt it would work well as the judge will be impartial. Also, the child and their parent will have more of a voice and they will be able to get as much for their child - in terms of support - as possible. By using the judge a fair decision will be reached which benefits the child.

They felt 8 weeks was too log and should be cut to possibly 6 weeks as the parents would still be given enough time to write a case and still get support for it. However, if it is 8 weeks and an additional 4 weeks for the local authority or college, it is then 12 weeks which is a long time for the child to be without the proper support and education for them.

They did not think Local Authorities or colleges would need 4 weeks to write a case to the judge. They should be very knowledgeable about children needing more support. As a result, they felt the whole process should go through quicker so that the child can have their education that is supported which is critical and should be incredibly important to the college itself.

Chapter 27 - Case friends for children who lack capacity

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Any other comments

Question 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.

The UNCRC sets out the human rights of children in connection with their education and development, in particular, Article 28 which provides that primary and, where available, secondary education and higher education must be accessible to all children. The rights enshrined in the UNCRC should apply to all children without discrimination of any kind (Article 2).

Children and young people with learning difficulties or learning disabilities have the same right to education as children without those difficulties and disabilities so the provisions of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 and the supporting Code will be important tools to ensure that this vision is realised in Wales.

With respect to timescales, we share the concerns of the young people we engaged with that the process remains lengthy, leaving a child or young person potentially without adequate support for months from the time when he or she is identified as having additional learning needs. This means they will not be realising their right to education under Article 28.

Children and Young People have the right to make their views and opinions heard when decisions are being taken about them by adults. In addition to asking the young people referred to above about the consultation itself, we asked them 3 additional questions, as follows:

Did they think the children and young person's consultation document contained enough information for them to answer the questions?

The majority (3/5ths) felt that they did not have enough information to answer the questions in the children and young people's consultation document. As facilitators, we had to supplement

information with information from the 'standard' consultation document and the ALN Code itself. It was not always easy to cross reference between the documents.

Did they find the document was easy to understand?

Although overall they would have liked to have had more information, the young people we spoke to felt that the document was easy to understand. Some felt that it was oversimplified, but they liked the pictures and colour that were incorporated into the document.

Any other information they would have liked before answering the questions

Although, overall, the young people felt that the children and young people's consultation document did not overcomplicate things, split the consultation up easily and was easy to understand. One comment was that one of the questions was really not clear – relating to 'solving problems' it was not clear who the 'problems' would be between, and how children would be involved.

Finally, the young people were concerned that they were not asked to comment on all the aspects of the ALN Code. They accepted that some of the issues would be technical and they might not want to comment on everything, but they were concerned to learn that they were not asked about arrangements for terminating an IDP, when the standard consultation covered this.

Part 2 of the consultation: Draft Education Tribunal for Wales regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(c) Proposed revisions to the Part 6 Code

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Part 5 of the consultation: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

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

Question 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?

Question 65 – 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.

Respondent Details

Information	
Name	Joe Powell
Organisation (if applicable)	All Wales People First

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the ALN Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Timescales

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Yes, we feel having a statutory timescale across all education providers will help to bring a positive consistency and understanding across Wales.

Structure of the draft ALN Code

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

We also welcome the fact that an Easy Read version of this document has been produced at the same time as a full version.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes, as far as we can tell. We welcome that the code is broken into chapters separating the duties on Schools, FEI's etc.

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

We welcome the active inclusion of children, co-production, advocacy and information. We would like to reiterate the importance of transition between child and adult education and the importance of encourage children with ALN to be encouraged to aspire. It is important that

children are allowed to explore positive opportunities for education in an honest and realistic way, without their ALN limiting expectations of the person.

Chapter 3 - Involving and supporting children, their parents and young people

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

We would welcome the recording of children’s point of views to be separated from that of their parents and carers and others who work in co-production with them. This is to help ascertain how the individual aspirations are met or compromised by the points of views of others and how realistic expectations are being managed. It is also important that something about accessible information is added as part of 3.20 of the code. People with learning disabilities would need easy read, possibly a support worker and ideally information sent to them at least one week in advance of the meeting.

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

Question 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 United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes. It is important however that there is a way this can be adequately measured and that there is a process to ensure any violations of this can be challenged. We would also welcome joined up with Regional Partnership Boards or their appropriate agencies.

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 6 - Advice and information

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

We particularly welcome and commend that the use of easy read is listed in the document as part of the accessibility formats. We would endorse that.

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

Question 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)?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Duties on schools, FEIs and local authorities

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

We are not sure because we do not produce this information. What was clear by the people we spoke to at the consultation event was that the timescales were not realistic. This was because of a lack of funds and high demands. Our concern would be that adding any unrealistic timescales would add pressure and priority over delivering targets than it would actually supporting people on the ground. Whilst we welcome the ambition of the code, it is important to understand that we have to be realistic about what Welsh Government expects from the resources it is able to grant local authorities.

Deciding whether it is 'necessary' for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

This is not our area of expertise. We do welcome the mention of advocacy and where possible we would like to encourage people with learning disabilities to be given the skills to speak for themselves (self-advocacy).

Chapter 13 - Content of an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transport

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It is important that more is mentioned on the duty to ensure that authorities have adequate transport systems in place and that this strategy ties in appropriately with all transport

legislation. Many adults we represent with learning disabilities are being denied community access (especially in rural areas) because of cuts to local transport services. There is a real possibility therefore that this could impact on children with ALN needs too.

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

As mentioned previously, this is not our area of expertise but we would emphasise how important it is that timescales are realistic and do not add to the burden of bureaucracy which may impact on the service for children with ALN's on the ground.

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The Designated Education Clinical Lead Officer (“DECLO”)

Question 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)?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

We fear that the remit of the DECLO is too broad and are concerned that the duty sits with one designated person. We feel that this can only work if the DECLO is a team with an officer with responsibility over it. It is important the DECLOs meet often and feed into WG. We would also encourage more cross referencing between this code, the DECLO's and other WG bills such as the Autism Code of practice etc.

Chapter 16 - Review and revision of IDPs

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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Chapter 18 - Meetings about ALN and IDPs

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

<p>Largely yes but we would like more emphasis placed on accessibility for people with learning and disabilities and autism to attend meetings to be placed in this chapter. This includes easy read, low arousal environments, advocacy and time and support to look over documents at least one week in advance of the meeting. This is critical if a real contribution is to be made by children with ALN's. We would also welcome education to children in knowing how to communicate their needs themselves (where possible) to be added (self-advocacy).</p>
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Chapter 19 – Planning for and supporting transition

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>Largely yes. We welcome the fact that transition also includes independent living.</p>

Chapter 20 - Transferring an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>We welcome the consistency of approach in the transfer of IDP's at the same time as a person with ALN changes education establishments.</p>
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Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Mostly yes but we would say that the duty to consider reviewing an IDP on change to a new educational establishment should be changed from a should to a must. It is important that each establishment gets a understanding of each learner through their own experiences and observations. Failure to do so may mean that any flaws or inaccuracies in previous IDP's are not corrected.

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 25 - Avoiding and resolving disagreements

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Question 43 – 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 27 - Case friends for children who lack capacity

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Any other comments

Question 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.

<p>All Wales People First are a National Umbrella body for self-advocacy groups in Wales. Our responses in this consultation are therefore limited to the area of expertise we have. We are therefore answering only the questions we feel that we are able in this consultation,</p>

Part 2 of the consultation: Draft Education Tribunal for Wales regulations

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

(c) Proposed revisions to the Part 6 Code

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>We welcome any information that would help give greater information to inform those navigating the code to understand their duties.</p>

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes	✓	No	□	Not sure	✓
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Supporting comments

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Part 5 of the consultation: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

We would hope that the code would help bring realistic but also aspirational expectations for all children with ALN's.

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

N/A

Question 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?

N/A

Question 65 – 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.

Respondent Details

Information	
Name	Laurence Matuszczyk
Organisation (if applicable)	Edwardsville Primary School and Merthyr Tydfil School Governors' Association

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the ALN Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Timescales

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The general approach to the timescales is agreed. However, there is significant concern about the ability of the Health Body or Educational Psychologist to provide their expertise in a timely manner when required

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The interpretation of 'promptly' can very subjective and therefore needs further clarification.

Structure of the draft ALN Code

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>1.103 What is meant by 'significantly'? This needs to be clearly defined. Exemplars showing the applications of the functions and processes would improve understanding and drive consistency of approach.</p>
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Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>It is agreed as long as the Management Committee have the expertise and are qualified to fulfil the role.</p>

Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 3 - Involving and supporting children, their parents and young people

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

Question 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 United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 5 - Duty to keep additional learning provision (ALP) under review

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 6 - Advice and information

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

6.8 “Information made available by local authorities **MUST** be factual” The draft code states “should be factual”, which isn’t appropriate.

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

7.3, 7.6, 7.13, 7.18, 7.20, 7.21, 7.22, 7.23, 7.29, 7.31, 7.34, 7.35, 7.41, What is meant by ‘significantly’ or ‘significant’? This needs to be clearly defined.

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Because of the ambiguity of what ‘significant’ means, which is used extensively in the explanation. This will lead to differing interpretations between the responsible bodies.

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

Question 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)?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The recognition of this role is applauded as it is very much needed.

Duties on schools, FEIs and local authorities

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Deciding whether it is ‘necessary’ for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Not having direct experience of either organisation it’s difficult to have a view on whether the guidance is appropriate or not

Chapter 13 - Content of an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

It is believed the amount of detail required will be very time consuming and hence demand significant resource to support.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

It is believed the amount of detail required will be very time consuming and hence demand significant resource to support.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Transport

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The recognition of transport is very appropriate.

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This is accepted but there needs to be assurance all stakeholders will comply.

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 Act

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The Designated Education Clinical Lead Officer (“DECLO”)

Question 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)?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This role is very much needed and will need to have the proper resource in place.

Chapter 16 - Review and revision of IDPs

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 18 - Meetings about ALN and IDPs

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 19 – Planning for and supporting transition

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>19.16 There's no mention of transition from Key stage 2 to Key stage 3 (from year 6 to year 7).</p> <p>The management of all transition stages has significant resource implications/costs.</p>
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Chapter 20 - Transferring an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

Having no knowledge of the work necessary with young people subject to detention orders I can't confirm the content. The structure is clear.

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders

(as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

24.12 – 24.22 It does not seem feasible for one person to fulfil these requirements, which would then lead to significant cost for additional people.

24.15 It's not realistic to state "ALNCo's must secure relevant services that will support the learner's ALP..." How can a person secure services they aren't responsible for?

Chapter 25 - Avoiding and resolving disagreements

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

How can the local authority be truly impartial in the guidance it applies/provides to resolve disagreements when it could have a significant interest in the potential outcome?
 25.11 - 25.15 At a time when finances are being cut how is it expected the local authority will fulfil these requirements?

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The supporting case statement (evidence) required to support an appeal application looks to be quite extensive and gives the perception it's designed to deter applications.

Chapter 27 - Case friends for children who lack capacity

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Any other comments

Question 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.

Any significant failures in the performance of the current SEN system is more often than not caused by the lack of expertise being available at the appropriate time to meet the needs of a child in a timely manner. By the ALN regulations making the actions required by the individuals or bodies responsible, statutory, does not deal with the fundamental issue of not enough of the skilled people being available (or appropriate level of finance to support the provision). As there's no additional finance being provided to support the level of provision expected then the burden of the significant additional costs is being passed to the stakeholders involved. This attempt to force stakeholders to prioritise ALN at the cost of its other areas of responsibility is problematic as it will cause conflict and pressure on all the bodies/institutions/authorities involved. Especially within the education system where there are other initiatives ongoing such as the "Education in Wales: Our national Mission" in similar timescales, which also demands the allocation of finances and resources.

For the above reason the delivery of the ALN regulations will fail by any body, institution or authority with a significant demand for ALN to be dealt with. Also, it must be recognised there is a very strong likelihood that the relationship between carers and their children with the organisation responsible for the ALN provision could become very challenging as a consequence of the ALN Act regulations and the Code giving the carers and children idealistic expectations, which will not be able to be met.

How is the Performance Management of the ALNCo to be conducted? The performance measures will be very different from the mainstream teaching staff.

Part 2 of the consultation: Draft Education Tribunal for Wales regulations

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

It's not appropriate to hypothesise.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The supporting case statement (evidence) required to support an appeal application looks to be quite extensive and gives the perception it's designed to deter applications.

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

It's uncertain whether an applicant would be able to provide all the necessary evidence within the timescales

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>It does not seem feasible, without extra funding to pay for the additional time the ALNCo will need to fulfil the new statutory ALN regulations. Someone else will need to be employed to meet the mainstream school duties the ALNCo will no longer be able to do.</p> <p>It's not realistic to state "ALNCoS must secure relevant services that will support the learner's ALP..." How can a person be responsible for having to secure services they aren't in charge of?</p>
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Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Where's the funding for the Looked after Children in Education (LACE) Co-ordinator to come from?
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(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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(c) Proposed revisions to the Part 6 Code

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Part 5 of the consultation: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

Any significant failures in the performance of the current SEN system is more often than not caused by the lack of expertise being available at the appropriate time to meet the needs of a child in a timely manner. By the ALN regulations making the actions required by the individuals or bodies responsible, statutory, does not deal with the fundamental issue of not enough of the skilled people being available (or appropriate level of finance to support the provision). As there's no additional finance being provided to support the level of provision expected then the burden of the significant additional costs is being passed to the stakeholders involved. This attempt to force stakeholders to prioritise ALN at the cost of its other areas of responsibility is problematic as it will cause conflict and pressure on all the bodies/institutions/authorities involved. Especially within the education system where there are other initiatives ongoing such as the "Education in Wales: Our national Mission" in similar timescales, which also demands the allocation of finances and resources.

For the above reason the delivery of the ALN regulations will fail by any body, institution or authority with a significant demand for ALN to be dealt with. Also it must be recognised there is a very strong likelihood that the relationship between carers and their children with the organisation responsible for the ALN provision could become very challenging as a consequence of the ALN Act regulations and the Code giving the carers and children idealistic expectations, which will not be able to be met.

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

Question 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?

Question 65 – 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.

How is the Performance Management of the ALNCo to be conducted? Any performance measures will be very different from the mainstream teaching staff.

Respondent Details

Information	
Name	Janice Stuckey
Organisation (if applicable)	Ysgol Ty Coch Special Needs School

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the ALN Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Timescales

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Structure of the draft ALN Code

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Very comprehensive, covers the personnel/the various roles and requirements.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Appropriate as the PRU has the day to day involvement and responsibility for managing the provision along with direct contact with the young people and their parents.

Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Listening to/involving the young people and their parents is a must.

However, points 2.24 and 2.25 could be made more firm.

I don't think that the measures relating to the provision via the medium of Welsh is robust enough as in "must consider", "must take all reasonable steps".

Giving consideration does not mean any action has to be/will be taken.

How can “all reasonable steps” be defined, which again leaves LAs with a “get out” clause.

Chapter 3 - Involving and supporting children, their parents and young people

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Again gives consideration to the views of the pupils and parents and assistance to aid understanding.

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

Question 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 United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Gives clarity in the use of must/should. Footnotes and references to other related documents are very useful.

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

I found a lack of robustness in several of the points in this section.
5.3 “Must consider” in relation to the provision of Welsh – does not necessitate action.
5.4 “Should include Welsh medium workforce”
5.8 – 5.14 refers to the LA ensuring adequacy of provision and future planning to meet needs. Nowhere does it specifically refer to the fabric and size of the building/classrooms.
Particularly in relation to ALN provision there is a lack of guidance on this aspect of provision. Often pupils with ALN require equipment and devices to assist/enable them to

access learning in addition to one to one (in some cases more) support, yet there is no guidance as to what would be suitable classroom capacity to accommodate these needs.
5.14 A glaring omission from the list is that of the school's governors who are responsible for managing the finances, employing the staff and overseeing the SIP/SER all of which directly impacts on what's covered in this chapter.

Chapter 6 - Advice and information

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Explanations given provide clarity.

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The chronology is detailed and the inclusion of the multi-agency approach is useful. Flow charts also useful.

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

Question 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)?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

8.40 “should have experience” – needs to read **MUST** have experience. This is a person who is going to be advising at a strategic level across the LA how can they do this without first hand experience? They won’t have credibility with those they will be advising/instructing. This is the sort of role where the post holder will need to ‘hit the ground running’, learning on the job is not an option here.

8.41 Again needs to read **MUST** with regard to experience. This is vital as in early years provision, time is of the essence in gathering pupil information to inform future strategies to best help the child.

Duties on schools, FEIs and local authorities

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Detailed, use of must provides clarity. Flow charts also help clarification

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Deciding whether it is ‘necessary’ for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 13 - Content of an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Vital especially if pupils move schools/Authorities.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transport

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

In some instances travel can be a barrier.

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 Act

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The Designated Education Clinical Lead Officer (“DECLO”)

Question 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)?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Relevant experience/training brings understanding/empathy and the ability to see the bigger picture and thereby meet the strategic role.

Chapter 16 - Review and revision of IDPs

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Helped by the cross reference to links to requirements in other sections and the inclusion of a flow chart.

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Avoidance of duplication/confusion.

Chapter 19 – Planning for and supporting transition

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

19.64 – 19.66 does not go far enough. Could be improved by the inclusion of examples of services and facilities that may be appropriate.

Chapter 20 - Transferring an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 23 - Children and young people in specific circumstances

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>On a practical level it will be difficult for a small school to facilitate. A solution could be linking with another school or on a cluster basis including Special Needs Schools.</p>
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Chapter 25 - Avoiding and resolving disagreements

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

However - the definition as to who would be suitable to act as a Case Friend needs clarification. Possibly by giving examples of who might take on this role and who is not suitable for the role.

Question 43 – 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This is a duplication of Q42

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 27 - Case friends for children who lack capacity

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The definition as to who would be suitable to act as a Case Friend needs clarification. Possibly by giving examples of who might take on this role and who is not suitable for the role.

Any other comments

Question 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.

Part 2 of the consultation: Draft Education Tribunal for Wales regulations

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

They correspond with timescales given in the other document

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The person undertaking this role needs to have had training and experience in providing for children/young people with ALN.

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Part 4 of the consultation: Looked after children(Children Looked After)

(a) Proposed regulations to be made

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Heading should read - Children Looked After

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

As Children Looked After have another level of need to be considered/catered for.

(c) Proposed revisions to the Part 6 Code

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Could not see any specific explanation.

Part 5 of the consultation: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

If fully implemented, clarity for all stakeholders and the standardising of paperwork which will ease transfer of information between schools/Authorities. This should improve provisions for pupils.

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

The proposals lack substance, they need to be more robust. “Should” allows for a let off.

Question 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?

See comments above.

Provision of specific Welsh courses for ALN providers.

Question 65 – 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.

The matter of measuring capacity for ALN provision needs to be addressed as a matter of urgency.

There is a specific Welsh government document 021/2011 Measuring the Capacity of Schools in Wales which gives a formula for assessing main stream primary and secondary school's capacity which applies to all schools, other than those providing specifically for pupils with ALN. This is, at the very least, discriminatory.

The space a school has to deliver education to learners is as much a part of the learning experience/process as any other aspect of the delivery of education. Given that most pupils with ALN require additional aids of one sort or another and additional support staff to enable them to access education, adequate space is needed to accommodate the staff and equipment. As long as there is no guidance for ALN providers, schools have no way of ensuring that their classrooms are of a size that is suitable for the pupils they house. As the Local Authority has control of the admission of pupils' schools are not able to control how many pupils are in each class. Given these factors how can schools in this position be sure that the teaching environment is allowing the most effective experience for the pupils.

Respondent Details

Information	
Name	Delyth Crisp
Organisation (if applicable)	On behalf of Conwy County Borough Council Legal Department, Gwynedd Council Legal Department, and Wrexham County Borough Council Legal Department (The LAs)

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the ALN Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Timescales

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

1. The LAs agree in principle that having set timescales will assist with case management and ensure that delays are reduced, for the benefit of all parties.
2. Clarification is requested as to whether the days referred to in the timescales are calendar days or school working days within the school calendar/county school timetable, as the draft Education Tribunal for Wales regulations 2019 (regulation 19(2) for example) only refers to 'weeks'.
3. The challenges here will be where the Health Board (HB) do not comply with their duties to provide information within a fixed period, in circumstances where this will have an impact on the Local Authority's (LA) ability to comply with the timescale. This is dealt with further at the response to Q.16, below.

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

1. It is not accepted that the general exception, in its current form, is appropriate.
2. The wording of paragraph 1.35 appears to limit the exception to very narrow circumstances; *“The exception only applies where it has not been possible within the fixed time period to complete the action due to ‘circumstances beyond the responsible body’s control’. This is to allow for exceptional situations, such as where a child or young person is unavailable for a substantial period due to illness, absence from the country or some other reason, such that it is impossible to gather evidence (e.g. through observations or clinical or other assessments) at a time that would enable it to comply with the fixed time period.”*
3. In reality, education staff and pupils are largely unavailable during school holidays, and this does not appear to have been considered.
4. If a request for a plan for example was received in the last week before the summer holidays, the pupil and relevant staff may not be available for up to 6 weeks. It is not clear at present whether this very common scenario would fall under ‘circumstances beyond the responsible body’s control’.
5. Clarification is sought and it is suggested that the Code is clear about school holidays. As this is likely to be such a common occurrence, it would be beneficial if there was a specific paragraph dealing with that issues (although it is not suggested that there ought to be a prescriptive list of exceptions otherwise, which could be limiting).
6. It is suggested that an extension of time be granted to reflect the days lost due to school holidays.
7. The clarification of timescale days (either ordinary calendar days or working days in the education calendar) as requested above may also address this issue.
8. Paragraph 26.13 does state: *“There are no exceptions to the timescales set out in the regulations. However a local authority or FEI concerned may apply to the Tribunal for an extension to a timescale. The local authority or FEI should set out in its application the reasons for requesting an extension. The Tribunal may extend a timescale at its discretion if it considers it fair and just to do so.”*
9. The requirement to apply for this extension on each and every occasion where the timescale falls across a school holiday does place an additional and unnecessary requirement on the LA.
10. It is respectfully suggested that if school holidays were already contained in the Code as an automatic ground for extension of the fixed period, the burden on both LAs and the Tribunal to deal with regular applications for extensions in these circumstances would be removed.

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 2 - Principles of the Code

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 3 - Involving and supporting children, their parents and young people

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

Question 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 United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 5 - Duty to keep additional learning provision (ALP) under review

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 6 - Advice and information

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

Question 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)?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<ol style="list-style-type: none"> 1. The LAs respectfully state that the timescales are likely to be challenging for LAs generally, due to the availability of relevant parties in school holidays (addressed at Q.3, above), and also due to the delays often experienced when waiting for information from the Health Board (HB). 2. Where the HB do not comply with their duties to provide information within a fixed period, this will have an impact on the LA's ability to comply with the timescale. For example, the proposed 12 week timescales for preparation of an IDP includes a 6 week fixed period for the HB to return their information. When their response is not received within that 6 week fixed period, the LA will be hugely disadvantaged by either a) being left with less time to respond in cases where we are awaiting vital HB information/reports, or b) not having the necessary information to compile our plan comprehensively. 3. It is the experience of The LAs that the HB do not comply with timescales and routinely either fail to respond or respond after (an often significant) delay. 4. Paragraph 1.15 of the draft Code states, "<i>Failure of a relevant person to comply with any of the requirements imposed by the Code or by the Act or regulations made under it or other legislation, could, depending upon the circumstances, result in a decision being overturned by the Tribunal, a complaint to the Welsh Ministers, the exercise of local authority or Welsh Ministers' intervention powers, a complaint to the Public Services Ombudsman or a successful judicial review claim.</i>" 5. What process is proposed for ensuring compliance by parties (such as the HB) with the timescales? 6. Respectfully, reporting non-compliance to Welsh Ministers etc. as proposed in 1.15 places the onus on the already stretched LAs, and will not deal with the immediate problem unless there is a procedure in place for ensuring compliance. The LAs would welcome a clear system for not only reporting any non-compliance quickly and easily, but also to incorporate 'next steps' that would be taken by SENTW/ Welsh Government to ensure compliance. This might be a warning system with sanctions in place for persistent non-compliance without exceptional reasons, and for parity should apply equally to all parties, including the LAs. 7. One solution would be to place the onus on the parties to confirm that they have complied with timescales, using active online case management (as with the Courts) and to explain why if they are non-compliant. 8. It may also be more suitable for timescales to be longer, to allow a greater time for the HB to respond, if their capacity to do so within 6 weeks is such as to render that 6 week fixed period unattainable. Responses from the HB are so frequently delayed that there must be genuine concerns about their ability to comply with the proposed timescales.
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Deciding whether it is 'necessary' for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 13 - Content of an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

1. Paragraph 15.12 states that the HB ‘must’ comply with the timescale, and the footnote explains that this will be provided in a regulation made under s.16(5) of The Act. The LAs would welcome clarification of what, if any, regulations will be drafted to deal with non-compliance. At present the draft Code refers to a regulation that is not yet published and it is therefore difficult to comment on this, other than to say that in our respectful view, such regulations ought to set out any proposed method to ensure compliance. This could for example include the process for reporting and dealing with non-compliance, together with the consequences of/sanctions for the same.
2. At the end of paragraph 15.12 it states: *“But the requirement to comply within that 6 week period does not apply if it is impractical for the relevant person to do so due to circumstances beyond its control.”*
3. The LAs would seek clarification of this; what would **not** constitute ‘circumstances beyond [their] control’? We are concerned that this wording could be used to generate a standard response from the HB whenever there are time or resourcing issues.
4. As with the response to Q16 above, The LAs would welcome a clear and easy system for reporting non-compliance in relation to the exceptions, in a way that does not impact the already heavy workload. This would ensure that delays by the HB do not impact on the LA’s ability to comply with their own timescales or complete assessments/plans with the benefit of all necessary information.
9. As stated at para.2 of our response to Q.16, where the HB do not comply with their duties to provide information within a fixed period, this will have an impact on the LA’s ability to comply with the timescale. For example, the proposed 12 week timescales for preparation of an IDP includes a 6 week fixed period for the HB to return their

information. When their response is not received within that 6 week fixed period, the LA will be hugely disadvantaged by either a) being left with less time to respond in cases where we are awaiting HB information/reports, or b) not having the necessary information to compile our plan comprehensively.

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The Designated Education Clinical Lead Officer (“DECLO”)

Question 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)?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 19 – Planning for and supporting transition

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 20 - Transferring an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 22 – Children and young people subject to detention orders

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 23 - Children and young people in specific circumstances

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 25 - Avoiding and resolving disagreements

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 43 – 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

1. Paragraph 26.8, in setting out the powers of the Tribunal, does not refer to a power of stay to be exercised by the Tribunal without prior application from the parties, and it is unclear whether this is intended by the Act.
2. Paragraph 26.12 states: *“At any point during Tribunal proceedings, any party to the proceedings may apply for a stay in proceedings to consider alternative dispute resolution or settlement. All proceedings, including timescales, would be paused if the stay is approved and would recommence at the end of the stay period as specified by the Tribunal.”* The wording is limited here, in that an application for stay is to consider “alternate dispute resolution or settlement.” There are other reasons why a stay might be sought such as there being concurrent proceedings elsewhere, the outcome of which might have a bearing on the Tribunal.
3. It is respectfully suggested that the wording at 26.12 might be extended to include “or any other reason”, if it is felt that such wording would be compliant with the intentions of the Act.
4. The LAs would welcome clarification on whether the power to stay proceedings will be available to the Tribunal.
5. In cases where there are multiple proceedings/procedures/investigations running in tandem, it would be most advantageous for the Tribunal to have the power to stay the appeal to await the outcome of the other concurrent matter(s) where appropriate, without requiring an application from the parties.

Chapter 27 - Case friends for children who lack capacity

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Any other comments

Question 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.

Part 2 of the consultation: Draft Education Tribunal for Wales regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(c) Proposed revisions to the Part 6 Code

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Part 5 of the consultation: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

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

Question 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?

Question 65 – 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.

Respondent Details

Information	
Name	Mrs. J. Stuckey Communications Officer
Organisation (if applicable)	RCT CBC Governors Association

Part 1 of the consultation: The draft ALN Code**Chapter 1 - Introduction**

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the ALN Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Timescales

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Structure of the draft ALN Code

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Very comprehensive, covers the personnel/the various roles and requirements.

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Appropriate as the PRU has the day to day involvement and responsibility for managing the provision along with direct contact with the young people and their parents.

Chapter 2 - Principles of the Code

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Listening to/involving the young people and their parents is a must.
Points 2.24 and 2.25 need to be made more firm.
We are of the view that the measures relating to Welsh medium provision is not robust enough as in “must consider”, “must take all reasonable steps”.
Giving consideration does not mean any action has to be/will be taken.
How can “all reasonable steps” be defined, this leaves LAs with a “get out” clause. How can this be allowed given the Welsh Governments drive to increase the teaching of Welsh in schools and to increase the number of Welsh speakers as a whole?

Chapter 3 - Involving and supporting children, their parents and young people

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Again gives consideration to the views of the pupils and parents and assistance to aid understanding.

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

Question 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 United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Gives clarity in the use of must/should. Footnotes and reference to other related documents are very useful.

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

I found a lack of robustness in several of the points in this section.
 5.3 “Must consider” in relation to the provision of Welsh – does not necessitate action.
 5.4 “Should include Welsh medium workforce” – same as for 5.3
 5.8 – 5.14 refers to the LA ensuring adequacy of provision and future planning to meet needs. Nowhere does it specifically refer to the fabric and size of the building/classrooms. Particularly in relation to ALN provision there is a lack of guidance on this aspect of provision. Often pupils with ALN require equipment and devices to assist/enable them to access learning in addition to one to one (in some cases more) support, yet there is no guidance as to what would be suitable classroom capacity to accommodate these needs.

5.14 A glaring omission from the list is that of the school's governors who are responsible for managing the finances, employing the staff and overseeing the SIP/SER all of which directly impacts on what's covered in this chapter.

Chapter 6 - Advice and information

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Explanations given provide clarity.

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The chronology is detailed and the inclusion of the multi-agency approach is useful. Flow charts also useful.

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

Question 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)?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

8.40 “should have experience” – needs to read **MUST** have experience. This is a person who is going to be advising at a strategic level across the LA how can they do this without first hand experience? They won’t have credibility with those they will be advising/instructing. This is the sort of role where the post holder will need to ‘hit the ground running’, learning on the job is not an option here.

8.41 Again needs to read **MUST** with regard to experience. This is vital as in early years provision, time is of the essence in gathering pupil information to inform future strategies to best help the child.

Duties on schools, FEIs and local authorities

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Detailed, use of must provides clarity. Flow charts also help clarification

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Deciding whether it is ‘necessary’ for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 13 - Content of an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Vital especially if pupils move schools/Authorities.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transport

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

In some instances travel can be a barrier.

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 Act

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The Designated Education Clinical Lead Officer (“DECLO”)

Question 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)?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Relevant experience/training brings understanding/empathy and the ability to see the bigger picture and thereby meet the strategic role.

Chapter 16 - Review and revision of IDPs

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Helped by the cross reference to links to requirements in other sections and the inclusion of a flow chart.

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Avoidance of duplication/confusion.

Chapter 19 – Planning for and supporting transition

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

19.64 – 19.66 does not go far enough. Could be improved by the inclusion of examples of services and facilities that may be appropriate.

Chapter 20 - Transferring an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

On a practical level it will be difficult for a small school to facilitate as in the main all staff carry multiple responsibilities and adding these new requirements will be difficult to cope with. It will be particularly difficult for Welsh medium schools given the spread of schools making linking up more difficult.

A solution could be linking with another school or on a cluster basis.

Chapter 25 - Avoiding and resolving disagreements

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

However - the definition as to who would be suitable to act as a Case Friend needs clarification. Possibly by giving examples of who might take on this role and who is not suitable for the role.

Question 43 – 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This is a duplication of Q42

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 27 - Case friends for children who lack capacity

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The definition as to who would be suitable to act as a Case Friend needs clarification. Possibly by giving examples of who might take on this role and who is not suitable for the role.

Any other comments

Question 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.

Part 2 of the consultation: Draft Education Tribunal for Wales regulations

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

They correspond with timescales given in the other document

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>The person undertaking this role needs to have had training and experience in providing for children/young people with ALN.</p>
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Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Part 4 of the consultation: Looked after children(Children Looked After)

(a) Proposed regulations to be made

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Heading should read - Children Looked After

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

As Children Looked After have another level of need to be considered/catered for.

(c) Proposed revisions to the Part 6 Code

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Could not see any specific explanation.

Part 5 of the consultation: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

If fully implemented, clarity for all stakeholders and the standardising of paperwork which will ease transfer of information between schools/Authorities. This should improve provisions for pupils.

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

The proposals lack substance, they need to be more robust. “Should” allows for a let off.

Question 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?

See comments above.

Provision of specific Welsh courses for ALN providers.

Question 65 – 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.

The dire need for guidance for ALN schools/provision in respect of the capacity of the classrooms/other teaching/learning areas.
Main stream schools have the document 021/2011 Measuring the Capacity of Schools in Wales why is there on guidance for the most vulnerable of learners?

Respondent Details

Information	
Name	
Organisation (if applicable)	Gwasanaeth ADY a CH, ar ran Cyngor Gwynedd a Chyngor Mon

Rhan 1 o'r ymgynghoriad: Y fersiwn ddrafft o'r Cod ADY

Pennod 1 - Cyflwyniad

Ystyr 'rhaid', 'ni chaiff', 'caiff', 'dylai' ac 'ni ddylai' yn y Cod ADY

Cwestiwn 1 - Ydy'r esboniad ym mharagraffau 1.10 -1.16 o'r fersiwn ddrafft o'r Cod ADY o ddefnydd ac ystyr y gwahanol dermau rhaid, ni chaiff, caiff, dylai ac ni ddylai yn glir?

Ydy	<input checked="" type="checkbox"/>	Nac ydy	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Mae'r diffiniad hwn yn glir.

Amserlenni

Cwestiwn 2 - Ydych chi'n cytuno â'r dull gweithredu cyffredinol mewn perthynas ag amserlenni ar gyfer cydymffurfio â dyletswyddau (hynny yw, gweithredu'n brydlon a, ph'un bynnag, o fewn cyfnod penodol), fel yr eglurir ym mharagraffau 1.31 - 1.32 o'r fersiwn ddrafft o'r Cod ADY?

Ydw	<input checked="" type="checkbox"/>	Nac ydw	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Mae'r diffiniadau o ran amseru yn glir. Efallai fod angen diffinio beth sydd yn cael ei olygu o ran 'adnabod' fod gan blentyn neu berson ifanc ADY ac angen DDdY. Sut mae diffinio hwn yn hollol glir? Mae yna gamau cyn-adnabyddiaeth sydd angen cyferio atynt (e.e. prosesau tracio ac asesu cyffredinol ysgol)

Cwestiwn 3 - Ydy'r eithriad cyffredinol sy'n gymwys yn achos amserlenni, fel y'i disgrifir ym mharagraffau 1.33-1.35 o'r fersiwn ddrafft o'r Cod ADY, yn briodol?

Ydy	<input checked="" type="checkbox"/>	Nac ydy	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

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Angen diffiniad o eithriadau er mwyn cynnal perthynas a chydweithio gyda rhiant/person ifanc. Cynigir fod angen ychwanegu y dylai'r ALI hysbysu'r rhiant/person ifanc o'r rheswm pam nad yw'r bosib darparu'r CDU o fewn y terfynau amser.

Strwythur y fersiwn ddrafft o'r Cod ADY

Cwestiwn 4 - Ydy strwythur y fersiwn ddrafft o'r Cod ADY a'r modd mae'r Penodau wedi'u rhannu yn briodol, yn glir ac yn hawdd ei ddeall?

Ydy	<input type="checkbox"/>	Nac ydy	<input type="checkbox"/>	Ddim yn siŵr	<input checked="" type="checkbox"/>
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Sylwadau cefnogol

Er fod dealltwriaeth ynglyn a pam fod y ddogfen wedi ei gosod allan yn y modd hwn, mae yn arwain at ddogfen ail-adroddus.

Byddai'n ddefnyddiol cael mynegai o fewn y ddogfen – cyfeirio at rannau allweddol a pherthnasol.

Byddai'n ddefnyddiol i'r darllenwr pe byddai'r rhannau sydd yn ail-adrodd yn cael eu dangos/uwcholeuo er mwyn hwyluso i'r darllennydd.

Cwestiwn 5 - Ydy ffocws y fersiwn ddrafft o'r Cod ADY ar ddisgrifio ac egluro'r swyddogaethau a phrosesau yn briodol?

Ydy	<input checked="" type="checkbox"/>	Nac ydy	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

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Unedau Cyfeirio Disgyblion - Rheoliadau arfaethedig i'w gwneud o dan Baragraff 15 o Atodlen 1 i Ddeddf Addysg 1996

Cwestiwn 6 - Ydych chi'n cytuno â'r cynnig i ddefnyddio rheoliadau i ddirprwyo swyddogaethau o awdurdod lleol i Bwyllgor Rheoli Uned Cyfeirio Disgyblion?

Ydy	<input type="checkbox"/>	Nac ydw	<input type="checkbox"/>	Ddim yn siŵr	<input checked="" type="checkbox"/>
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Sylwadau cefnogol

Mewn sefyllfa lle mae'r Pwyllgor Rheoli Uned Cyfeirio Disgyblion dan ofal yr awdurdod a chynrychiolaeth gadarn o'r aelodaeth (gan gynnwys Seicolegydd Addysg) yn swyddogion allweddol o'r awdurdod yna mae hyn yn ddisgwyliad rhesymol.

Fodd bynnag, os oes gan awdurdod ddysgwyr mewn Uned Gyfeirio Disgyblion ar gomisiwn preifat neu yn gwneud defnydd/ rhannu UCD o Awdurdod Lleol arall mae angen ystyriaeth fod buddiannau'r dysgwyr yn cael eu gwarchod yn llawn. Rydym yn cynnig fod angen cynrychiolaeth o'r fam awdurdod felly ar Bwyllgor Rheoli UCD sy'n disgyn i gategorïau fel rhain. Rydym o'r farn fod angen Seicolegydd Addysgol ac arbennigedd ym maes ymddygiad/ cynhwysiad ar fwrdd rheoli unrhyw UCD er mwyn cyfarch anghenion dysgwyr.

Pennod 2 – Egwyddorion y Cod

Cwestiwn 7 - Ai'r egwyddorion a nodir ym Mhennod 2 y fersiwn ddrafft o'r Cod ADY yw'r rhai cywir?

le	<input checked="" type="checkbox"/>	Na	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Rydym yn gefnogol iawn i egwyddorion y cod.

Pennod 3 – Cynnwys a chefnogi plant, eu rhieni a phobl ifanc

Cwestiwn 8 - Ydy'r esboniad o'r dyletswyddau'n ymwneud â chynnwys a chefnogi plant, eu rhieni a phobl ifanc a roddir ym Mhennod 3 y fersiwn ddrafft o'r Cod ADY yn briodol?

Ydy	<input checked="" type="checkbox"/>	Nac ydy	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Rydym yn gefnogol i'r dyletswyddau hyn.

Pennod 4 - Dyletswyddau ar awdurdodau lleol a chyrrff y GIG i roi sylw i Gonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn a Chonfensiwn y Cenhedloedd Unedig ar Hawliau Pobl ag Anableddau

Cwestiwn 9 - Ydy Pennod 4 o'r fersiwn ddrafft o'r Cod ADY yn glir am y disgwyliadau ar awdurdodau lleol a chyrrff y GIG wrth gyflawni eu dyletswyddau i roi sylw dyledus i Gonfensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn a Chonfensiwn y Cenhedloedd Unedig ar Hawliau Pobl ag Anableddau?

Ydy	<input checked="" type="checkbox"/>	Nac ydy	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Mae goblygiadau hyfforddiant - mae'n angenrheidiol bod pawb yn ymwybodol o beth yw cynnwys y confensiynau uchod. Nid yw hynny yn wir ar hyn y bryd ac mae golblygiadau ar amser a chyllid yma.

Pennod 5 – Dyletswydd i gadw llygad ar ddarpariaeth ddysgu ychwanegol (ALP)

Cwestiwn 10 - Ydy'r canllawiau a roddir ym Mhennod 5 y fersiwn ddrafft o'r Cod ADY mewn perthynas â'r dyletswyddau i gadw llygad ar ddarpariaeth ddysgu ychwanegol yn briodol?

Ydyn	<input checked="" type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Mae Cyngor Gwynedd a Chyngor Mon wedi buddsoddi amser ac adnoddau mewn cynnal adolygiad cyson o ddarpariaethau ADY a CH. Bydd angen i hyn barhau, ac yn rhan annatod o ddarparu gwasanaeth o ansawdd i blant a phobl ifanc. Rydym yn cytuno gyda'r egwyddor hyn.

Fodd bynnag rydym yn teimlo y dylai'r Cod ffocysu ar ddeilliannau cynnal Adolygiad o'r fath yn hytrach na'r dull o gynnal Adolygiad – mae'n rhaid i All ddod i'r farn o sut y byddant yn adolygu eu darpariaeth yn ol eu cyd-destun eu hunain.

Dylid hefyd ystyried sut y bydd canlyniad Tribiwnlysoedd yn effeithio darpariaeth.

Rydym yn croesawu mai rol yr awdurdod sydd yn cael ei nodi yn arweiniol yn 5.12 a 5.13 gan fod hyn yn cael cryn effaith ar risg tribiwnlys, a risg ADY sydd ddim yn cael ei adnabod.

Pennod 6 – Cyngor a gwybodaeth

Cwestiwn 11 - Ydy'r canllawiau a roddir ym Mhennod 6 y fersiwn ddrafft o'r Cod ADY mewn perthynas â gwneud trefniadau i roi cyngor a gwybodaeth am ADY a'r system ADY yn briodol?

Ydyn	<input type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input checked="" type="checkbox"/>
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Sylwadau cefnogol

Teimlir fod y trefniadau yn briodol, ond:

Angen bod rol y gwasanaethau arbenigol o ran sicrhau Gwybodaeth addas o beth sydd yn realistig o ran DDdY, ac o ran hyfforddiant yn cael ei nodi hefyd – dyma yw' gwaith atalioi sydd yn lleihau'r datblygiad o ADY ac yn gwella gwydnwch ysgolion mewn darparu yn addas.

Nid yw'n glir sut y dylai cydlynnwyr ystyried yr angen i dderbyn cyngor gan asiantaethau eraill.

Teimlir for 6.5 yn aneglur, efallai bod angen trefn benodol a chlr i ddilyn / disgwyliaidau.

6.24 - Angen sicrhau digon o gefnogaeth i'r darparwyr addysg feithrin i gwblhau hyn.

Mae agweddau o fewn y bennod yma sydd yn gost ychwanegol i Awdurdodau o ran cynnal, cadw yn gyfredol ayb, ac mae angen cydnabod hyn.

Pennod 7 – Y diffiniad o ADY a DDdY, nodi ADY a phenderfynu ar y DDdY sydd ei hangen

Cwestiwn 12 - Ydy'r esboniad hwn o ADY a roddir ym mharagraffau 7.4 – 7.32 y fersiwn ddrafft o'r Cod ADY yn glir?

Ydy	<input type="checkbox"/>	Nac ydy	<input checked="" type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Heb ymhelaethu pellach fe fydd ystyr “sylweddol” yn agored i ddehongliad.

Efallai fod angen defnyddio diffinidau penodol fel yn y brawddegau isod i'w wneud yn gliriach:

“Heb godi un deilliant/lefel yn dilyn targedu ysgol priodol ym maes anhawster y plentyn”

“Asesiad yn y famiaith yn awgrymu ei fod/bod yn gweithio ar ddeilliannau/lefelau sydd ddau yn is na'r deilliant/lefel disgwylidig o fewn y meysydd dysgu hyn”

Angen bod mwy eglur yn disgrifio ADY yn y blynyddoedd cynnar (Pwynt 3 yn Ffigur 1).

Pwynt 7.14 - Ydi fod DdDy 0-3 yn “darpariaeth addysgol o unrhyw fath” yn briodol? Ydi hyn yn gost niwtral? Nid ydym yn teimlo fod hyn yn addas. Dylid diffinio DDdY yn y blynyddoedd cynnar yn llawer cliriach ac fel mewnbwn sydd yn gallu cael ei fonitro a sydd a deilliannau clir. Nid ydy hyn yn wir ar gyfer yr enghreifftiau a nodir.

Pwynt 7.20 – Beth ydi “cyfnod hirach”? Yr enghreifftiau (e.e. Bwlio) yn gamarweiniol.

Pwynt 7.22 - Angen bod yn fwy clir am ba gyflyrau meddygol/anabledau a all neu all beidio arwain at ADY. Mae hyn y codi fel maes cyffredinol sydd yn aneglur – beth yw perthynas y Ddeddfwriaeth ADY a Deddf Cydraddoldeb.

7.26 – Pwy sy'n gyfrifol am gyllido adnabod anghenion posib ADY plant SIY wedi lleihad yn y grant cenedlaethol sydd yn golygu nad dim ond gwasanaeth ymgynghorol sydd yn bosib ei gyllido?

Mae'r Cod yn ymddangos i bwysleisio ar adnabyddiaeth o ADY yn hytrach na'r holl waith sydd yn cymryd lle l rwystro ADY rhag datbygu, er gwaethaf y pwyslais ar ymyrraeth gynnar. Rydym yn cydnabod fod bynnag fod hyn yn sialens o'n profiad o greu Meini Prawf mynediad lleol.

Efallai dylid ymgynghori ymhellach gyda Seicolewyr Addysg ar gyfer y darn yma.

Cwestiwn 13 - Ydy Pennod 7 y fersiwn ddrafft o'r Cod ADY yn rhoi esboniad clir a chynhwysfawr o'r dystiolaeth a ddylai fod yn sail i benderfyniadau am ADY a DDdY, o ba ffynonellau y gellid coladu'r dystiolaeth hon, a sut y dylid ei hystyried?

Ydy	<input type="checkbox"/>	Nac ydy	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Beth ydy ADY yn y blynyddoedd cynnar? Beth ydy darpariaeth ychwanegol yn y blynyddoedd cynnar? Mae ystod hyn yn eang iawn iawn. Mae hyn yn bryder (gweler cwestiwn 12 hefyd)

7.16 – nodir grwpiau mam a'i phlentyn fel darpariaeth ychwanegol, yna nodir na ddylai rhaint orfod talu am ddarpariaeth. Sut mae disgwyl i'r awdurdod fonitro hyn? A chyllido hyn? Nid yw'r ddarpariaeth yma yn galluogi gosod a monitro deilliannau addas. Nid yw'n addas bod yn anelwig yma.

7.32 angen bod yn gliriach o ddifiniad anghenion meddygol sydd yn effeithio ar ADY a rhai sydd ddim. Ble mae deddfwriaeth ADY yn ffinio gyda deddfwriaeth cydraddoldeb? Angen cydnabod hynny yma.

7.35 Angen eglurdeb pellach ar gyfer y termau sy'n cael eu defnyddio e.e “heb wneud llawer o gynydd”, “lefelau sylweddol is”.

Efallai fod angen defnyddio diffinidau penodol fel yn y brawddegau isod i'w wneud yn gliriach:

“Heb godi un deilliant/lefel yn dilyn targedu ysgol priodol ym maes anhawster y plentyn”
“Asesiad yn y famiaith yn awgrymu ei fod/bod yn gweithio ar ddeilliannau/lefelau sydd ddau yn is na'r deilliant/lefel disgwylidig o fewn y meysydd dysgu hyn”

Efallai dylid ymgynghori ymhellach gyda Seicolegwyr Addysgol ar gyfer hyn.

Penodau 8 i 12 – Dyletswyddau ar ysgolion, SAB ac awdurdodau lleol

Swyddog Arweiniol ADY y Blynyddoedd Cynnar

Cwestiwn 14 - Ydy'r canllawiau ar rôl, profiad ac arbenigedd y Swyddog Arweiniol ADY Blynyddoedd Cynnar a nodir ym mharagraffau 8.40 - 8.47 y fersiwn ddrafft o'r Cod ADY yn briodol ar gyfer cyflawni'r amcanion (bod y rôl yn strategol a bod gan y cyfryw swyddogion y profiad a'r arbenigedd priodol i fodloni disgwyliadau'r rôl)?

Ydyn	<input type="checkbox"/>	Nac ydyn	<input checked="" type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Mae'r dyletswyddau a rhestrir o dan yr Swyddog Arweiniol ADY Blynyddoedd Cynnar (SAADYBC / EY ALNLO) yn addas o ran rol yr Awdurdod Lleol. Ac yn cytuno fod angen i un person fod a chyfrifoldeb strategol gyda hyn. Fodd bynnag o fewn y rhestr yma mae rolau strategol a gweithredol eang iawn. Ystyrir nad ydyw hyn yn addas i un person sicrhau fod hyn yn cymryd lle, ond byddai'r dyletswydd gweithredol yn disgyn ar amrediad o bobl – rol yr SAADYBC ydy i sicrhau fod proses yn ei le i alluogi i hyn ddigwydd.

8.40: Angen ystyried os oes angen ychwanegu priodol o systemau addysg?

8.2 Pwy o fewn yr awdurdod fydd a chyfrifoldeb am adnabod ADY 0-3, yn enwedig yn y meithrinfeydd preifat/ meithrinfeydd gofal yn unig/ gwarchodwyr? Mae angen nodi cyfrifoldeb ar y staff o fewn y ddarpariaeth ei hun, a bydd angen hyfforddiant gan yr Awdurdod i sicrhau fod hyn yn cymryd lle.

Dim atebolrwydd ar y lleoliadau wedi ei nodi yn y bennod. Dim yn nodi fod angen person dynodedig o fewn lleoliad (fel yn yr hen god ymarfer). Ym mhwynt 8.11 a 8.12, ma'n cyfeirio at swyddog a chydlynnydd - dim yn glir os mai run swydd ydy, ac os mai staff y cyngor neu staff y lleoliad mae'n gyfeirio ato.

Golblygiadau ar angen hyfforddiant Seicolegwyr Addysgol cyfrwng Cymraeg – mae'r drefn hyfforddiant yn aneffeithiol iawn ar hyn o bryd. Dylid ystyried dod yn ol i drefn lletya Seicolegwyr o dan Hyfforddiant mewn Awdurdodau gyda gorfodaeth ar iddynt weithio o fewn yr Awdurdod yn dilyn cwblhau'r cwrs.

Dyletswyddau ar ysgolion, SAB ac awdurdodau lleol

Cwestiwn 15 - Ydy strwythur a chynnwys Penodau 8 i 12 y fersiwn ddrafft o'r Cod ADY yn glir?

Ydyn	<input checked="" type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Mae'r amserlen yn heriol.

Ail-adroddus ond y glir ar y cyfan.

Mae'n ddefnyddiol bod pob pennod yn dilyn yr un strwythr ond byddai'n ddefnyddiol uwchleuo'r rhannau sydd yn ail-adrodd.

Angen mwy o egluredeb ar rolau 8:10-8:12 (wele sylwadau uchod)

Mae angen trefn bendant a thryloywder 9:5; 9:27-31 ar sail diffiniad ADY (pennod 7)

Pennod 11 – Nid ydym yn cytuno gyda Pennod 11. Nid yw'r Cod a'r Deddfwriaeth yma yn rhoi unrhyw ofyn ar leoliadau annibynnol i weithredu arfer dda a darpariaethau cyffredinol ar gyfer ADY, na mewnbwn wedi ei dargedu. Mae'r cyfan yn disgyn ar yr ALI gyda golblygiadau sylweddol cyllidol.

Cwestiwn 16 - Ydy'r amserlenni ar gyfer penderfyniadau gan ysgolion, SAB ac awdurdodau lleol ar ADY a pharatoi CDU fel y'u nodir ym Mhenodau 8-12 yn briodol?

Ydyn	<input type="checkbox"/>	Nac ydyn	<input checked="" type="checkbox"/>	Ddim yn siŵr	<input checked="" type="checkbox"/>
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Sylwadau cefnogol

Nid ydym yn ystyried fod golblygiadau Pennod 11 wedi eu hystyried yn addas o gwbl. Mae'r drefn o fewn y bennod yma, o ystyried pwynt, yn gosod yr Awdurdoau Lleol yn gyfrifol am weithredu darpariaeth ADY ar draws y spectwm angen o fewn ysgolion annibynnol. Gall yr ysgolion hyn ddiystyrru'r angen i roi darpariaeth mewn lle, a dod at yr awdurdod yn syth. Nid ydy'r awdurdod yn gallu monitro a sicrhau ansawdd y dysgu ac addysgu o fewn y sefydliadau hyn.

Angen eglurder ar "wyliau ysgol yr haf" bydd hwn yn cyfyngu amser i'r Awdurdod yn sylweddol – teimlir bod yn annaddas i Awdurdod wneud penderfyniad ynglyn a CDU pan nad ydyw'r dysgwr yn mynychu'r lleoliad addysgol ag y tu allan l'r amgylchedd ble mae angen ystyried DDdY– byddai'n amhosib gwneud asesiadau addas.

9:13 – Pwynt pwysig ond angen nodi bod hyn mewn cyd-destun ysgol gyfan? Mae angen i anghenion y dysgwyr gael ei rannu gyda holl staff Ysgol hefyd er mwyn sicrhau ymateb i angen mewn ffordd gyson.

10:37-56 – goblygiadau cyllidol ir AALI. Pryder o ddefnydd amser/arbenigedd o fewn yr AALI i ymateb o fewn yr amser penodedig. Diffyg cydnabod y gwaith ataliol mae gwasanaethau arbenigol yn gynnig ac angen parhau l gynnig er mwyn atal ADY rhag gwaethygu.

11:26 – pryder ynglyn a goblygiadau dewis rheini – gwrthddweud 11:56

Angen eglurder ogwmpas y terfynau amser – beth ydy'r digwyddiad sydd yn cychwyn y broses – digwyddiadau allweddol (e.e. rhannu'r CDU). Oes cyfnod monitro/arsylwi yma er mwyn adnabod a oes cydsyniad cyn dechrau'r broses? – proses ffurfiol y CDU ac anffurfiol cyn cychwyn y broses angen ei ystyried. Arfer dda cael cyfnod monitro/arsylwi yn gyntaf (yn ol Pennod 5).

Penderfynu a yw'n 'angenrheidiol' i awdurdod lleol baratoi a chynnal CDU ar gyfer person ifanc nad yw mewn ysgol a gynhelir neu SAB- Proposed regulations to be made under Adran 46 o Ddeddf 2018

Cwestiwn 17 - Ydy'r gofynion a chanllawiau arfaethedig ym mharagraffau 12.22 – 12.51 y fersiwn ddrafft o'r Cod ADY ynghylch pryd mae'n angenrheidiol i awdurdod lleol gynnal CDU ar gyfer person ifanc nad yw mewn ysgol neu SAB yng Nghymru yn briodol?

Ydyn	<input type="checkbox"/>	Nac ydyn	✓	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Er ein bod yn cytuno mewn egwyddor a'r datganiad uchod, mae agweddau ymarferol yn gallu llywio agenda o angen lleoliad ar frys er engraifft. H.y os yw plentyn yn wnebu gorchymun i'w leoli mewn sefydliad gyda llety a bwyd ac nad oes lleoliad sy'n diwallu Pennod 12.42 ar gael yna beth fyddai'r protocol yn yr achos yma – oes perygl i'r deilliannau yn y CDU fod yn cael ei teilwra er mwyn cyd-fynd gyda'r ddeddf yn hytrach nag adnabod y ddarpariaeth mwyaf addas?

Rydym yn ystyried fod angen ail eirio rhai paragraffau ym Mhennod 12 i gyfarch hyn e.e. lle mai'n ymarferol bosib neu mewn achosion cymleth

Mae hefyd angen ystyried anhwsterau sydd wedi ei hadnabod dros y ffin yn Lloegr lle mae dysgwyr bellach allan o addysg (Gartref) oherwydd nad oes yna ganolfannau i gyfarch angehion/ lleolaidai sydd wedi eu nodi/ gosod fel deilliannau.

Mae angen ystyriaeth hefyd i hawl dysgwr am addysg Gymraeg yma a'r effaith ar hyn petai dysgwyr yn gorfod derbyn lleolaid heb Gymraeg oherwydd nad yw'r ddarpariaeth sydd wedi ei nodi ar gael yng Nghymru.

Pennod 13 – Cynnwys CDU

Cwestiwn 18 - Ydy elfennau cynnwys gorfodol CDU sy'n ofynnol o dan y Cod ADY yn briodol?

Ydyn	<input type="checkbox"/>	Nac ydyn	✓	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Mae natur personol a canolog i'r disgybl ar goll o fewn y cynnwys gorfodol – mae'r penawdau yn feddygol/clinigol o ran ethos.

13.6 – Mae gorfodaeth i ddefnyddio'r templed, ond nid yw'r templed yn galluogi i fod yn offeryn person ganolog.

Teimlir fod y templed yn gwrthddweud naws gynhwysol y Cod ac ysbryd y Ddeddf gyda risg o fod yn ddogfen nad yw'r hygyrch i ddysgwyr a rhieni, mewn modd tebyg i gynlluniau EHCP sydd yn gymleth iawn.

Cwestiwn 19 - Ydy'r ffurflen safonol orfodol sydd mewn golwg ar gyfer CDU (wedi'i chynnwys yn Atodiad A y fersiwn ddrafft o'r Cod ADY) yn briodol?

Ydy	<input type="checkbox"/>	Nac ydy	<input checked="" type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Nid yw'n offeryn sydd yn cryfhau'r dull gweithio person ganolog ac ysbryd gynhwysol y ddeddfwriaeth. Mae'n rhoi negeseuon croes i asiantaethau, rhieni a'r dysgwyr eu hunain.

Cwestiwn 20 - Ydy'r canllawiau ym Mhennod 13 y fersiwn ddrafft o'r Cod ADY yn glir?

Ydyn	<input checked="" type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

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Cludiant

Cwestiwn 21 - Ydy'r canllawiau ar gludiant ym mharagraffau 13.74 - 13.76 y fersiwn ddrafft o'r Cod ADY yn briodol?

Ydyn	<input type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input checked="" type="checkbox"/>
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Sylwadau cefnogol

Angen eglurhad ynglyn a deddf cydraddoldeb a'r ddeddfwriaeth ADY.

Pennod 15 – Dyletswyddau ar gyrfif iechyd a phersonau perthnasol eraill

Ceisiadau statudol gan awdurdodau lleol i bersonau perthnasol am wybodaeth neu help arall - Proposed regulations to be made under Adran 65(5) o Ddeddf 2018

Cwestiwn 22 - Ydy'r amserlen a'r eithriadau sydd mewn golwg yn achos personau perthnasol yn cydymffurfio â chais awdurdod lleol am wybodaeth neu help arall (o dan Adran 65 Deddf 2018) yn briodol?

Ydyn	<input type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input checked="" type="checkbox"/>
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Sylwadau cefnogol

Mae'r amserlen yn dynn yn arbennig os oes angen gwybodaeth gan asiantaethau allanol.

DDdY i'w sicrhau gan gyrff y GIG - Proposed regulations to be made under Adran 21(10) o Ddeddf 2018

Cwestiwn 23 - Ydy'r cyfnod a'r eithriad arfaethedig y mae'n rhaid i gorff y GIG hysbysu eraill am ganlyniad atgyfeiriad iddo (o dan Adran 20 o Ddeddf 2018) i nodi a oes triniaeth neu wasanaeth perthnasol yn briodol?

Ydyn	<input type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input checked="" type="checkbox"/>
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Sylwadau cefnogol

Rhestrau aros gwasnaethau yn gallu bod yn factor allweddol. Fydd blaenoriaeth ddim yn gallu cael ei roi i ddarparu'r wybodaeth yma. Rhaid cofio, fel gyda pob asiantaeth, mai rhoi'r mewnbwn ydy'r darn pwysicaf o'r gwaith, nid ysgrifennu swmp o adroddiadau.

Mae'r amseriad yn hollol annerbyniol ac nid yw'n glir o gwbl pa gamau y dylai GIG fod wedi eu cymeryd, hynny yw cynnig apwyntiad neu fod wedi gorffen asesiad/ymgynhoriad

Y Swyddog Arweiniol Clinigol Dynodedig Addysg ("SACDA")

Cwestiwn 24 - Ydy'r canllawiau ar rôl, profiad ac arbenigedd y SACDA a nodir ym mharagraffau 15.37 – 15.53 y fersiwn ddrafft o'r Cod ADY yn briodol ar gyfer cyflawni'r amcanion (bod y rôl yn un strategol a bod gan swyddogion o'r fath brofiad ac arbenigedd priodol)?

Ydyn	<input checked="" type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Teimlir hefyd mai'r math yma o ddisgrifiad ddylai fod ar gyfer y EYALNLO

Pennod 16 – Adolygu a diwygio CDU

Cwestiwn 25 - Ydy cynnwys a strwythur Pennod 16 y fersiwn ddrafft o'r Cod ADY yn glir?

Ydyn	<input checked="" type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Amserlen mwy hyblyg ac wedi ei ddarhawanu dros y flwyddyn. Y gwasanaeth ADYaCh lleol wedi ymateb i'r drefn eisioes.

Mae hwn efallai yn ymateb yn fwy cadarhaol i bwysau gwaith y CLADY/personel ADYaCh

16:22-23 – pryder am amserlennu hwn

9.62 – Beth ydy Adolygiad Diweddar?

Beth ydy'r gwahaniaeth rhwng adolygu'r targedau ac Adolygiad o'r Ddarpariaeth yn y CDU?

Trefn weledol yn glir

Cwestiwn 26 - Ydy'r cyfnod a'r eithriad arfaethedig ar gyfer cwblhau adolygiadau mewn ymateb i gais gan blentyn, ei riant, person ifanc neu gorff y GIG (a nodir ym mharagraff 16.18 y fersiwn ddrafft o'r Cod ADY) yn briodol?

Ydyn	<input type="checkbox"/>	Nac ydyn	<input checked="" type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Mae angen sicrhau eglurdeb o ran dyddiad a'r digwyddiad sydd cychwyn y broses.

Angen gwybod beth yn union yw 'cais' – (9:5 – 'ar unrhyw ffurf'.)

Pennod 17 – Ailystyriaethau awdurdod lleol ac ysgwyddo cyfrifoldeb am CDU

Cwestiwn 27 - Ydy cynnwys a strwythur Pennod 17 y fersiwn ddrafft o'r Cod ADY yn glir?

Ydyn	<input type="checkbox"/>	Nac ydyn	<input checked="" type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Angen mwy o fanylder ar natur anghenion disgybl neu berson ifanc y byddai ALI yn cymryd cyfrifoldeb dros y CDU. Mae dehongliad Awdurdodau yn barod yn amrywio yn sgil gwahanol systemau datganoli – dylai hyn nodi yn glir bod math a lefel o ADY yn arwain at lefel o DDyY sydd o fewn cyfrifoldeb Awdurdod I osgoi gwahaniaethau rhwng awdurdodau.

Angen nodi unrhyw rolau ALI parthed cyfrifoldeb am CDU, a diffinio beth yw “cyfrifoldeb am CDU” gan ALI. Heb hyn gall arwain at Awdurdodau yn gweithio'n wahanol ar draws Cymru.

Cwestiwn 28 - Ydy'r cyfnod a'r eithriad arfaethedig ar gyfer awdurdod lleol sy'n ailystyried CDU ysgol (a nodir ym mharagraff 17.20 y fersiwn ddrafft o'r Cod ADY) yn briodol?

Ydyn	<input checked="" type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Mae 7 wythnos yn dderbyniol a rhesymol oni bai y bydd y cais yn cynnwys 6 wythnos gwyliau'r haf.

Beth ydy'r amgylchiadau y tu hwnt i reolaeth? Diffiniad hyn angen bod yn gliriach.

Pennod 18 – Cyfarfodydd am ADY a CDU

Cwestiwn 29 - Ydy'r egwyddorion a'r canllawiau a roddir ym Mhennod 18 y fersiwn ddrafft o'r Cod ADY ar gyfarfodydd am ADY a CDU yn briodol?

Ydyn	<input checked="" type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

18.8. – Bydd angen amserlen i asiantaethau o ran gallu bod yn bresenol mewn cyfarfodydd, rol DECLO yn help i rannu'r neges. Efallai cynnig o leiaf 6 wythnos o gyfnod i wahodd asiantaethau allanol er mwyn sicrhau cysondeb rhwng ysgolion.

18.19 – Angen atodi fod yr wybodaeth yn glir. Mae'r pwynt yma yn gwrthddweud rol y cydlynnydd yn yr Adolygiad ADY. Angen bod yn glir dylai'r person sydd yn cynnal y cyfarfod fod yn adnabod y disgybl orau er mwyn cyfrannu yn effeithiol.

Pennod 19 – Cynllunio a chefnogi pontio

Cwestiwn 30 - Ydy'r canllawiau ym Mhennod 19 y fersiwn ddrafft o'r Cod ADY ar gynorthwyo plant a phobl ifanc gyda phontio effeithiol yn briodol?

Ydyn	<input type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input checked="" type="checkbox"/>
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Sylwadau cefnogol

19.15 a 19.14 gyda potensial gwrthddweud – bydd angen arweiniad ynglyn a sut dylai'r penderfyniad ynglyn a paratoi yn amserol gymryd lle.

Pennod 20 – Trosglwyddo CDU

Cwestiwn 31 - Ydy cynnwys a strwythur Pennod 20 y fersiwn ddrafft o'r Cod ADY yn glir?

Ydyn	<input checked="" type="checkbox"/>	Nac ydyn	<input checked="" type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Mae'r cynnwys yn glir, ond teimlir fod angen rhoi amser i awdurdodau roi'r ddarpariaeth mewn lle pan fo trosglwyddiad. Nid yw'n realistig i hyn ddigwydd yn syth. Angen cymryd camau i roi darpariaeth mor agos a phosib ('best-fit') – efallai nad yw union yr un ddarpariaeth ar gael. 20.19 ydy hwn yn ddigon clir o ran disgwyliadau. Dylai hefyd fod disgwyliad I Awdurdodau gyd drafod yn amserol pan fo symudiad yn debygol o ddigwydd.

Mewn amgylchiadau eraill gall datganiad Pennod 20.22 o 'rhaid' i'r ysgol/sefydliad addysg bellach anfon copi o'r CDU i'r awdurdod lleol ar yr un pryd' fod yn an ymarferol/ ormodol. H.y os yw dysgwr ar 'Symudiad trwy drefniant' ac felly yn ymrestru mewn ail ysgol, mae disgwyl i'r ysgol newydd weithredu'r CDU a gwneud addasiadu rhesymol i gynnal dysgwr. Ond, nid ydym o'r farn fod angen gyrru copi o'r CDU Ysgol i'r awdurdod yn yr achosion yma i gyd, ac ddim yn gweld i pa ddiben fyddai hyn yn fanteisiol. Rydym yn awgrymu fod angen paragraff yn nodi amgylchiadau fel Symudiad trwy drefniant' yn eithriad i'r drefn, oni bai fod yr ADY ar lefel Awdurdod wedi ei adnabod eisioes.

Trosglwyddo CDU - Proposed regulations to be made under Adran 36(3) o Ddeddf 2018 a Adran 37 o Ddeddf 2018

Cwestiwn 32 - Ydy'r gofynion y bwriedir eu cynnwys mewn rheoliadau i drosglwyddo CDU i SAB (fel y'u disgrifir ym mharagraffau 20.12 - 20.17 y fersiwn ddrafft o'r Cod ADY) yn briodol?

Ydyn	<input type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input checked="" type="checkbox"/>
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Sylwadau cefnogol

Goblygiadau cyllidol i'r ALI – pwysau gwaith gweinyddol ychwanegol a phwysau cyllidol clir (gweler 10:37 – 56)

Angen trylowyder ynglyn a rol Gweinidogion Cymru

Cwestiwn 33 - Ydy'r trefniadau y bwriedir eu cynnwys yn y rheoliadau mewn perthynas â'r holl achosion eraill o drosglwyddo (fel y'u disgrifir ym mharagraffau 20.18– 20.21 y fersiwn ddrafft o'r Cod ADY) yn briodol?

Ydyn	<input checked="" type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

20:20 – goblygiadau cyllidol a capasiti swyddogion AALI. Mae angen cydnabod hyn.

Pennod 21 – Rhoi'r gorau i gynnal CDU

Cwestiwn 34 - Ydy cynnwys a strwythur Pennod 21 y fersiwn ddrafft o'r Cod ADY yn glir?

Ydyn	<input type="checkbox"/>	Nac ydyn	<input checked="" type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Nid yw'r geiriad ddigon clir - a yw'r 4 wythnos o ddyddiad yr Adolygiad? - ni fyddai hyn yn ddigon o amser i'r ALI; ond petai'r 4 wythnos yn golygu'r ALI yn hysbysu'r rhiant/person ifanc o'i bwriad o ystyried dod â'r CDU i ben byddai hyn yn dderbyniol gan fyddai yn rhoi cyfle i'r rhieni a'r ALI gasglu rhagor o wybodaeth neu gyfnod i ddatrys "yr anghydfod".

Angen eglurder pryd mae ADY yn peidio bod yn sylweddol.

Cwestiwn 35 - Ydy'r cyfnod o amser ar gyfer gwneud cais am ailystyriaeth (a ddisgrifir yn 21.18 y fersiwn ddrafft o'r Cod ADY) yn briodol?

Ydy	<input checked="" type="checkbox"/>	Nac ydy	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

OND Dylid ystyried hyd gwyliau Haf fel eithriad i'r broses.

Pennod 22 – Plant a phobl ifanc sy'n destun gorchmynion cadw

Cwestiwn 36 - Ydy cynnwys a strwythur Pennod 22 y fersiwn ddrafft o'r Cod ADY yn glir?

Ydyn	<input type="checkbox"/>	Nac ydyn	<input checked="" type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Rydym o'r farn nad yw'r termau/ geiriad bob tro yn glir ac felly'n creu anhawster a dryswch wrth ddiffinio.

Yn benodol CDU sy'n cael ei gynnal a CDU sy'n cael ei gadw – mae angen diffinio'n glir beth ydi ystyr hyn er mwyn sicrhau nad oes unrhyw gamddechongli. Awgrymwn felly fod hwn yn cael ei gyfarch yn y rhestr o dermau sy'n cael eu cynnwys yn y COD.

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Cwestiwn 37 - Ydy'r cynigion ar gyfer y rheoliadau mewn perthynas â phenderfynu a fydd hi'n angenrheidiol cynnal CDU ar gyfer plentyn neu berson ifanc dan gadwad pan fydd yn cael ei ryddhau yn briodol?

Ydyn	<input type="checkbox"/>	Nac ydyn	<input checked="" type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Gweler ymateb i gwestiwn 36. Mae angen diffiniad clir o termau cyn ymateb i'r cwestiwn hwn.

Cwestiwn 38 - Ydy'r cynigion ar gyfer y rheoliadau mewn perthynas â phlant neu bobl ifanc sy'n destun gorchymyn cadw a dan gadwad mewn ysbyty o dan Ran 3 o Ddeddf Iechyd Meddwl 1983 (fel y disgrifir ym mharagraffau 22.45 – 22.74 y fersiwn ddrafft o'r Cod ADY) yn briodol?

Ydyn	<input type="checkbox"/>	Nac ydyn	<input checked="" type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Gweler ymateb i gwestiwn 36. Mae angen diffiniad clir o termau cyn ymateb i'r cwestiwn hwn.
Mae hefyd angen ystyried ymarferoldeb ac effaith ar gost niwtral o gydlynnu CDU i berson ifanc mewn sefydliad dan gadwad.

Cwestiwn 39 - Ydy'r gofynion o ran amserlenni ar gyfer gweithredu'n "brydlon" mewn perthynas â phenderfyniadau am ADY a pahratoi CDU ar gyfer plant a phobl ifanc sy'n destun gorchymynion cadw (fel y nodir ym Mhennod 22) yn briodol, yn hytrach na chael gofyniad hefyd i gydymffurfio o fewn cyfnod penodol yn amodol ar eithriad neu eithriadau?

Ydyn	<input type="checkbox"/>	Nac ydyn	<input checked="" type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Gweler ymateb i gwestiwn 36. Mae angen diffiniad clir o termau cyn ymateb i'r cwestiwn hwn.
Mae hefyd angen ystyried ymarferoldeb ac effaith ar gost niwtral o gydlynnu CDU i berson ifanc mewn sefydliad dan gadwad cyn ystyried prydlondeb gweithredu

Pennod 23 – Plant a phobl ifanc o dan amgylchiadau penodol

Cwestiwn 40 - Ydy'r canllawiau ym Mhennod 23 y fersiwn ddrafft o'r Cod ADY ar blant a phobl ifanc o dan amgylchiadau penodol yn briodol?

Ydyn	<input checked="" type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

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Pennod 24 – Rôl y Cydlynnydd Anghenion Dysgu Ychwanegol

Cwestiwn 41 - Ydy'r wybodaeth a nodir ym Mhennod 24 y fersiwn ddrafft o'r Cod ADY am rôl a chyfrifoldebau'r Cydlynnydd ADY yn briodol?

Ydy	<input type="checkbox"/>	Nac ydy	<input type="checkbox"/>	Ddim yn siŵr	<input checked="" type="checkbox"/>
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Sylwadau cefnogol

24.5 Oes fformiwla gall ysgolion a'u Llywodraethwyr ddilyn er mwyn neilltuo amser yn realisitg ac yn deg ac yn gyson i Gydlwynwyr (er mwyn lleihau pwysau gwaith a Cydlynwyr yn cysylltu gyda'i Undebau)?

Mae golblygiadau cyllidol sylweddol yma, yn enwedig mewn Ysgolion bychan ac ardal wledig. Mae angen cydnabod hyn.

Pennod 25 – Osgoi a datrys anghydfodau

Cwestiwn 42 - Ydy'r gofynion a osodir ym Mhennod 25 y fersiwn ddrafft o'r Cod ADY ar awdurdodau lleol mewn perthynas â threfniadau i osgoi a datrys anghydfod yn briodol?

Ydyn	<input checked="" type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Gofynion clir iawn ond heriol i ALI, yn cynnwys y gofyn am gweithlu dynodedig a hyfforddedig a fyddai yn ychwanegol; ynghyd â baich cyllidol ychwanegol.

Diffyg nodi rol yr ysgol i ddatrys anghydfod – mewn digwyddiad ymgynghori a gynhalwyd yn lleol roedd pob ysgol yng Nghwynedd a Môn yn awyddus i gadw elfen gref o ddatrys anghydfod yn yr ysgol pan gynhaliwyd Gweithdy i drafod Datrys Anghydfod. Nid oeddent yn awyddus iddo fod yn wasanaeth annibynnol er mwyn gallu cynnal perthnasau positif cyd-weithio gyda rhieni.

Cwestiwn 43 - Ydy'r gofynion a osodir ym Mhennod 25 y fersiwn ddrafft o'r Cod ADY ar awdurdodau lleol mewn perthynas â darparu gwasanaethau eirioli annibynnol yn briodol?

Ydyn	<input type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input checked="" type="checkbox"/>
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Sylwadau cefnogol

Gofynion clir iawn ond heriol i ALI, a fyddai yn faich cyllidol ychwanegol. Gall arwain at fonopoli gan gwmnïau yn codi grogbris.

Pennod 26 – Apelau a cheisiadau i'r Tribiwnlys

Cwestiwn 44 - Ydy'r wybodaeth am apelau a'r broses apelau a nodir ym Mhennod 26 y fersiwn ddrafft o'r Cod ADY yn briodol?

Ydy	<input type="checkbox"/>	Nac ydy	<input checked="" type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Siomedigaeth nad oes dim bron trafodaeth/gwybodaeth/canllawiau/hyfforddiant ar agwedd hawliadau gwahaniaethu ar sail anabledd.

Pryder bod gan riant hawl i fynd i Dribiwnlys gyda CDU Interim ac yna ail hawl gyda CDU llawn

Pryder am y pwysau gwaith i'r ALI a'r gost ychwanegol yn sgil cynnydd yn yr apeliadau i'r Tribiwnlys oherwydd gall rhiant apelio yn erbyn unrhyw benderfyniad Awdurdod.

Pennod 27 – Cyfeillion achos ar gyfer plant â diffyg galluedd

Cwestiwn 45 - Ydy'r wybodaeth am gyfeillion achos, yn cynnwys y dyletswyddau ar y Tribiwnlys i benodi a dileu ffrindiau achos, yn cael ei hegluro'n glir ym Mhennod 27 y fersiwn ddrafft o'r Cod ADY?

Ydy	<input checked="" type="checkbox"/>	Nac ydy	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Cytuno mewn egwyddor.

Unrhyw sylwadau eraill

Cwestiwn 46 - Rhowch unrhyw sylwadau eraill yr hoffech eu gwneud ar y fersiwn ddrafft o'r Cod ADY. Os yw'ch sylwadau'n ymwneud â phennod neu baragraff penodol yn y fersiwn ddrafft o'r Cod ADY, nodwch hynny yn eich ymateb

Sylwadau cefnogol

Diffyg proses i ALI, rhiant neu berson ifanc yn anhapus gydag ansawdd darpariaeth ADY mewn ysgol nas gynhelir gan yr Awdurdod o gofio y pwyslais ar ansawdd addysg a chyflawniad plentyn gan Estyn.

Llwyth gwaith i lunio a chynnal CDU PMG – aneglurder pwy fydd yn ei lunio

Er yn croesawy nodi rol y Seicolegwyr Addysgol o fewn y Cod, mae angen hefyd cydnabod y gwaith ataliol sydd yn cael ei wneud, a hefyd y ffaith bod mewnbwn arbenigol (e.e. gan Seicolegydd) yn rhan o'r DdDY hefyd. Mae'r cod yn awgrymu mai rol asesu sydd gan weithwyr profesiynol. Hynny ym Mhennod 2, 5 a 6. Mae angen newid y dull hyfforddi Seicolegwyr hefyd – nid yw'n dderbyniol caniatáu i'r gweithlu adael i weithio i Loegr yn y niferoedd presennol, ac nid yw'n dderbyniol o ran y diffyg Cymraeg ar y cwrs hyfforddi.

Mae agweddau clir o'r Deddf a'r Cod nad ydynt yn gost niwtral i Awdurdodau ac mae ymgynghori gyda Aelodau hefyd yn gytun gyda hyn. Nid yw'r agweddau canlynol yn gost niwrtal:

- Darpariaeth a gweinyddiaeth 0-3, a 16-25 oed.
- Y cynnydd yn y llwyth gwaith cydlynnu o ran y lleoliadau nas gynhelir, clymu'r awdurdod i ddarparu ar gyfer dysgwyr nad ydynt mewn lleoliad a gynhelir gan yr awdurdod, heb reolaeth o ansawdd yr addysg yma.
- Cynnydd mewn tribiwnlysoedd
- Cynnydd mewn cost ar gyfer sicrhau fod gan Ysgol CLADY sydd yn cyd-fynd a'r rheoliadau – mae nifer o Gydlynwyr yn Mon a Gwynedd yn Bennaethiaid, neu yn

dysgu amserlen llawn, rhai yn Gymorthyddion. Bydd creu y rol yma yn lleihau cyllid I ddarparu ymyrraethau, heb fuddsoddiad ychwanegol.

Mae posibilrwydd i'r Deddf a'r Cod yma fod yn yn chwyldroadol, ond mae'n rhaid cydnabod y newid mewn cost er mwyn cefnogi'r newid yn llwyddiannus.

Rhan 2 yr ymgynghoriad: Rheoliadau Tribiwnlys Addysg Cymru drafft

Yr hyn rydym yn ei gynnig

Cwestiwn 47 - At ei gilydd, ydy'r rheoliadau Tribiwnlys Addysg drafft yn darparu prosesau a gweithdrefnau clir ar gyfer apelau a hawliadau i'r Tribiwnlys Addysg?

Ydyn	<input type="checkbox"/>	Nac ydyn	<input checked="" type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Cwestiwn 48 - At ei gilydd, a fydd y prosesau a'r gweithdrefnau a amlinellir yn y rheoliadau Tribiwnlys Addysg drafft yn galluogi'r Tribiwnlys Addysg i ymdrin ag achosion yn deg ac yn gyfiawn?

Bydd	<input type="checkbox"/>	Na fydd	<input checked="" type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Mae materion yn codi o ran diffiniad ADY, ac DDdY, yn enwedig yn y Blynyddoedd Cynnar ac OI -16. Rydym n teimlo yn agored i ddyfarniadau'r achosion cyntaf aiff i'r Tribiwnlys oherwydd hyn.

Cwestiwn 49 - Ydy'r broses arfaethedig ar gyfer datganiadau achos (rheoliadau 12-21 y rheoliadau Tribiwnlys Addysg drafft) yn briodol?

Ydy	<input type="checkbox"/>	Nac ydy	<input type="checkbox"/>	Ddim yn siŵr	<input checked="" type="checkbox"/>
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Sylwadau cefnogol

Cwestiwn 50 - Ydy'r amserlenni arfaethedig ar gyfer pob parti yn y broses datganiadau achos (rheoliadau 12-21 y rheoliadau Tribiwnlys Addysg drafft) yn rhesymol?

Ydyn	<input type="checkbox"/>	Nac ydyn	<input checked="" type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Ni does digon o amser, yn enwedig os yn disgwyl adroddiadau lechyd fe rhan o'r Tystiolaeth.

Cwestiwn 51 - Ydy'r amserlen lle mae'n rhaid i gyrrff y GIG adrodd i'r Tribiwnlys Addysg o fewn 6 wythnos i argymhelliad (rheoliad 65 o'r rheoliadau Tribiwnlys Addysg drafft) yn briodol?

Ydy	<input type="checkbox"/>	Nac ydy	<input checked="" type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Nid ydynt yn realistig, hyd nes y bydd y system lechyd yn newid, bydd hyn yn siwr o gael effaith negddol.

Cwestiwn 52 - Ydy'r amserlenni ar gyfer cydymffurfio â gorchmynion y Tribiwnlys Addysg yn briodol?

Ydyn	<input type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input checked="" type="checkbox"/>
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Sylwadau cefnogol

Cwestiwn 53 - Ydy'r dull gweithredu mewn perthynas ag amserlenni (rheoliad 66 y rheoliadau Tribiwnlys Addysg drafft) yn briodol?

Ydy	<input type="checkbox"/>	Nac ydy	<input type="checkbox"/>	Ddim yn siŵr	<input checked="" type="checkbox"/>
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Sylwadau cefnogol

Cwestiwn 54 - Ydy'r rheoliadau arfaethedig yn ymwneud â chyfeillion achos (rheoliadau Tribiwnlys Addysg drafft 64 i 68) yn briodol?

Ydyn	<input checked="" type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Rhan 3 yr ymgynghoriad: Fersiwn ddrafft o'r Rheoliadau Cydlynnydd ADY

Cwestiwn 55 - Ydy'r cymwysterau rhagnodedig i fod yn Gydlynnydd ADY a nodir yn y rheoliadau Cydlynnydd ADY drafft yn briodol?

Ydyn	<input checked="" type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Mae'r angen am gymwysterau a hyfforddiant perthnasol yn hynod o bwysig, ond yn annodd eu gweithredu mewn ardal ble mae nifer o gydlynnyddwyr yn bennaethiaid ar hyn o bryd.

Cwestiwn 56 - Ydych chi'n cytuno â'r tasgau y mae'n rhaid i Gydlynnyddwyr ADY eu cyflawni neu drefnu i gael eu cyflawni yn y rheoliadau Cydlynnydd ADY drafft?

Ydw	<input checked="" type="checkbox"/>	Nac ydw	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Onid mae'n rhaid cydnabod nad ydyw hyn yn gost nitwral. Mae angen bod yn effro i'r anhawsterau mewn rhoi hyn mewn lle mewn ardaloedd sydd ag ysgolion bychan iawn (cynradd ac uwchradd) a'r newid system ac arianol mae hyn yn ei greu mewn cyfundrefn sydd yn cael ei thaenu yn hynod o dennau.

Rhan 4 yr ymgynghoriad: Plant sy'n derbyn gofal

(a) Rheoliadau arfaethedig i'w gwneud

Cwestiwn 57 - Ydych chi'n cytuno y dylai rôl Cydgysylltydd Addysg Plant sy'n Derbyn Gofal fod yn rôl statudol?

Ydw	<input checked="" type="checkbox"/>	Nac ydw	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Bydd angen ystyried fod y personau yma hefyd angen cymhwysterau sydd yn berthnasol i Addysg.

(b) Pennod 14 y fersiwn ddrafft o'r Cod ADY – Cynnwys CDU ar gyfer plentyn sy'n derbyn gofal

Cwestiwn 58 - Ydych chi'n cytuno y dylai fod ffurflen safonol ar wahân ar gyfer plant sy'n derbyn gofal ac Ydy'r ffurflen safonol arfaethedig, ynghyd â'r canllawiau a'r gofynion sy'n gysylltiedig â hi, yn briodol?

Ydw/Ydy	<input checked="" type="checkbox"/>	Nac ydw/ Nac ydy	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

(c) Diwygiadau arfaethedig i'r Cod Rhan 6

Cwestiwn 59 - Ydy'r diwygiadau drafft i'r Cod Rhan 6 yn rhoi esboniad clir o'r dyletswyddau ar awdurdodau lleol mewn perthynas â'u swyddogaethau gwasanaethau cymdeithasol ar gyfer plant sy'n derbyn gofal sydd ag ADY a beth mae'r dyletswyddau hyn yn ei olygu yn ymarferol?

Ydyn	<input checked="" type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

Ond mae angen rhoi mwy o bwyslais ogwmpas dyletswyddau Ysgolion hefyd

Cwestiwn 60 - Yn gyffredinol, ydych chi'n cytuno â'r dull a ddefnyddir yn y fersiwn ddrafft o'r Cod Rhan 6 diwygiedig i egluro'r newidiadau deddfwriaethol, yn cynnwys integreiddio cynlluniau addysg personol a CDU a chynnwys gorfodol cynlluniau addysg personol? Ydy'r gofynion a'r disgwyliadau a'r hyn maent yn ei olygu yn ymarferol yn cael eu hesbonio'n glir?

Ydw/Ydyn	<input checked="" type="checkbox"/>	Nac ydw/	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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		Nac ydyn			
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Sylwadau cefnogol

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Cwestiwn 61 - Ydy'r newidiadau sydd wedi eu gwneud i'r cod Rhan 6 yn egluro rôl y Cydgysylltydd Addysg Plant sy'n Derbyn Gofal yn glir o ran goruchwylio'r trefniadau ADY ar gyfer plant sy'n derbyn gofal a beth mae hyn yn ei olygu'n ymarferol?

Ydyn	<input checked="" type="checkbox"/>	Nac ydyn	<input type="checkbox"/>	Ddim yn siŵr	<input type="checkbox"/>
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Sylwadau cefnogol

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Rhan 5 o'r ymgynghoriad: Effaith cynigion

Effaith rheoliadau arfaethedig

Cwestiwn 62 - Pa effaith ydych chi'n rhagweld o ganlyniad i'r rheoliadau arfaethedig?

Sylwadau cefnogol

Effaith ar y Gymraeg

Cwestiwn 63 - Pa effaith y byddai'r cynigion yn y fersiwn ddrafft o'r Cod ADY a'r rheoliadau arfaethedig yn ei chael ar y Gymraeg yn eich barn chi?

Sylwadau cefnogol

Mae'r Cod ADY yn cryfhau'r posibilrwydd i ddysgwyr sydd angen darpariaeth yn y Gymraeg, i'w gael.

Mae hyn yn rhywbeth mae Awdurdod Mon a Gwynedd yn gallu ei ddarparu ar hyn o bryd, ond nid yw bob amser yn gallu cael ei ddarparu gan y Bwrdd GIG. A fydd gofyn iddynt sicrhau e.e bod posib iddynt ddarparu gwasnaeth CAMHS drwy gyfrwng y Gymraeg. Materion datblygiadol a chyllidol yma.

Angen hefyd sicrhau ymrwymiad llwyr i hyfforddi Seicolegwyr Addysgol sydd yn hyddysg yn y Gymraeg.

Cwestiwn 64 - Sut ydych chi'n credu y gellid llunio neu newid y cynigion yn y fersiwn ddrafft o'r Cod ADY a'r rheoliadau arfaethedig er mwyn:

- i) cael effaith gadarnhaol neu fwy o effaith gadarnhaol ar gyfleoedd i bobl ddefnyddio'r Gymraeg a sicrhau nad yw'r Gymraeg yn cael ei thrin yn llai ffafriol na'r Saesneg?;
- ii) sicrhau nad oes effaith andwyol ar gyfleoedd i bobl ddefnyddio'r Gymraeg ac ar sicrhau nad yw'r Gymraeg yn cael ei thrin yn llai ffafriol na'r Saesneg?

Sylwadau cefnogol

Gweler uchod

Cwestiwn 65 – Rydym wedi gofyn nifer o gwestiynau penodol. Os oes unrhyw faterion cysylltiedig nad ydym wedi cyfeirio'n benodol atynt, nodwch nhw fan hyn.

Rydym yn croesawu egwyddorion y Deddf yn fawr ond:

- Mae angen gwranddo ar yr hyn mae Awdurdodau Lleol yn nodi o ran costau ychwanegol ac ystyried yn ofalus – dyma ble mae'r Arbenigwyr yn y maes.
- Mae angen sicrhau fod egwyddorion cryf y Deddf ddim yn cael ei golli mewn proses gyda effaith tebyg i beth yr ydym yn ei weld dros y ffin yn Lloegr – gweithwyr proffesiynol yn glwm i broses a ddim yn darparu mewnbyn i'r plant – Invest to Save.

Respondent Details

Information	
Name	Mrs Jayne Edmonds
Organisation (if applicable)	Minera Voluntary Aided Primary School

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the ALN Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Too wordy – could be more briefly written.

Timescales

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The timescale for those things that must be done is clear. It may be helpful to put illustrative examples in boxes rather than the main text.

The text in paragraphs 1.31 and 1.32 is a little confusing ie what does 'promptly' mean? Paragraph 1.32 should be amended to make the points more clearly. I think it would be better to state the timescale and then explain when exceptions may apply.

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The explanation regarding exceptions for timescales a little confusing. Guidance on what is meant by 'impractical' is needed.

Structure of the draft ALN Code

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The draft ALN Code is not easy to follow. This is due to many factors including:

- the large number of chapters
- the amount of detail and the repetition throughout the Code.

Perhaps each chapter could have a summary at the start of what is covered and the key messages. Perhaps chapters could be divided into sections e.g. Section A: Duties; Section B: Identifying ALN and securing ALP etc.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Perhaps examples to illustrate particular points could be included. However, these should be made clear that they are illustrative only.

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 2 - Principles of the Code

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

I believe that the principles set out in Chapter 2 are the right ones. However, I suggest:

- the definition of inclusive education should be an education system which enables every child to participate and meets their needs. The Code needs to recognise the need for a range of provision, including specialist provision.
- the inclusion of the principle of the terms equality and fairness – it must be clear that provision complies with equalities legislation and this includes promoting the public sector equality duty
- that Part c) collaboration should include the word 'co-operation'. This would ensure that the external services which support education, including health and care services take ownership of their role.

Chapter 3 - Involving and supporting children, their parents and young people

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Again, the text might be less wordy.

I believe that:

- school staff will need considerably more time to undertake planning and decision-making. This will require additional resources which must be provided through monetary investment from Welsh Government.
- While I applaud that the Code advocates that learners are encouraged and supported to participate in decision making, this must not undermine the professional judgement of the teacher or other professionals.

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

Question 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 United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 6 - Advice and information

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This chapter has a lot of information and key messages rare not always clear. For example, the section on multi-agency working needs to be more precise. Many key messages are lost in the detail of the text.

Paragraph 7.62 is unnecessary. Paragraph 7.69 is the key paragraph Its importance is lost by putting it at the end of the section.

Perhaps, the diagrams at the end of the chapter would be better at the beginning of the chapter?

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

Question 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)?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

I think that the ALNLO should be knowledgeable and have appropriate experience and expertise. I also agree that the ALNLO role should be strategic.

Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Paragraph 9.4(a) I am deeply concerned about:

- the lack of clarity in the Code around who is responsible for taking actions to determine whether a pupil has ALN and for then preparing and maintaining the IDP. The Code currently does not make it clear if the responsibility falls on the school (and so the governing body of the school) and not on the individual teacher.
- the workload that will be generated by the proposals.
- the lack of clarity in the Code about when the responsibility for preparing and maintaining an IDP should move from the school to the local authority.
- the problem of local authorities raising thresholds for assessment and rationing access to support.

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

I am concerned that 35 school days may not be long enough as we often experience delays in receiving information from agencies (and particularly parents) in order to determine whether a pupil has ALN.

Deciding whether it is 'necessary' for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 13 - Content of an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

I am concerned:

- that the Code does not make it clear that the IDP should reflect the complexity of pupil need. The Code does not make it clear that IDPs should differ in the amount and level of detail according to complexity of need. The Code does not make it clear that that for most learners the IDP would not be a lengthy document. I think it would be essential for Welsh Government to provide training for school staff on preparing IDPs.
- there are considerable workload burdens associated with preparing and maintaining IDPs.

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

As I have stated above, I am concerned that using the mandatory form will result in many IDPs being unnecessarily detailed and workload intensive.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Whilst the guidance may be clear, there are some requirements which will be difficult to do in practise. As already stated, there is no clarity around the level of detail for an IDP and issues of gathering reports and information from outside agencies.

Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The Designated Education Clinical Lead Officer (“DECLO”)

Question 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)?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The Code should make it clear whether there is capacity for pupils with less complex needs to be reviewed during meetings with parents which are already established e.g. parents’ evenings.

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

I am concerned that the timescales for completing reviews are every short. It can be very difficult to co-ordinate all the attendees for a meeting, particularly for those pupils with diverse needs for which a range of professionals are involved.

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

As already stated, I am concerned regarding the 'stretched' nature of Local Authority budgets and staffing levels for compliance with timescales to be realistic.

Chapter 18 - Meetings about ALN and IDPs

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

However, such an approach is very time-consuming and will only be implemented effectively if staff have developed relationships with the learner and their family and have time to actively engage the learner and their family in decision making.

I think that the guidance around the format of meetings suggests a one size fits all mentality. Meetings for learners' with complex needs with input from a range of specialists and services will be very different for those with less complex needs. Again, this approach is likely to be extremely time-consuming.

Paragraph 18.19 suggests that the IDP co-ordinator is best to lead most IDP meetings. However, it may be better for the class teacher to lead IDP review meetings with support from the IDP co-ordinator.

Chapter 19 – Planning for and supporting transition

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Effective transition is key. However, paragraph 19.44 which mentions transition events during the holidays would be unacceptable for me.

Chapter 20 - Transferring an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 22 – Children and young people subject to detention orders

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Paragraph 24.3 does not make it clear that the ALNCO role should have a strategic leadership role which is recognised and remunerated appropriately (either as a post on the leadership scale or a post with a significant TLR).

The Code needs to make it clear that the ALNCO needs dedicated and protected time to undertake the role.

Paragraphs 24.24-26 (ALNCO qualifications and experience) is general and does not provide assurances that ALNCOs will receive the training they need to fulfil the role.

Chapter 25 - Avoiding and resolving disagreements

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 43 – 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 27 - Case friends for children who lack capacity

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Any other comments

Question 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.

Part 2 of the consultation: Draft Education Tribunal for Wales regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>I think that Welsh Government should make a commitment to fund all ALNCOs to undertake a qualification and ensure that they are able to undertake the training within the working day. I also think that newly appointed ALNCOs should gain a relevant qualification and that it is appropriate for this to be a Masters level qualification.</p>
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Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>I think that the Code should make it clear that the ALNCO is responsible for leadership of ALN across the school.</p>
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Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(c) Proposed revisions to the Part 6 Code

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Part 5 of the consultation: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

Positive issues:

- Increased participation of pupils and parents in the provision and support pupils with ALN receive.
- A hopefully seamless system which will cater to the needs of learners into early adulthood.
- Training for all ALNCoS

Negative issues:

- Rights of the Young Person to 'opt out' regardless of teacher and/or parental knowledge.
- Teacher workload will be massively increased.
- Future litigation.
- Lack of capacity of Local Authority services to provide guidance/support to schools for those pupils with complex needs.

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

I cannot discern any significant impact on the Welsh Language.

Question 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?

Question 65 – 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.

Respondent Details

Information	
Name	Carol Maher, Chair of Governors
Organisation (if applicable)	Oak Field Primary School

Part 1 of the consultation: The draft ALN Code**Chapter 1 - Introduction**

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the ALN Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Timescales

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Clearly defined timescales should help to ensure compliance providing there are realistic and achievable

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Yes there does need to be some built in flexibility in meeting the timescales as described

Structure of the draft ALN Code

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>Yes, as it makes the PRU Management Committee consistent with Maintained School Governing Bodies</p>

Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>Yes, all the principles contribute to the best possible outcome for the child. It is useful to see how these principles are applied to practice</p>
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Chapter 3 - Involving and supporting children, their parents and young people

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Useful for all concerned, particularly governors, who may not be familiar with the duties and agencies involved

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

Question 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 United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 5 - Duty to keep additional learning provision (ALP) under review

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The guidance is clear, however as governors we do not have the depth of experience to judge whether or not it is appropriate

Chapter 6 - Advice and information

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

As above (see Question 10)

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

Question 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)?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Duties on schools, FEIs and local authorities

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

As governors we do not have the depth of experience to judge whether or not it is appropriate

Deciding whether it is 'necessary' for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 13 - Content of an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It is good to see the need for collaboration between agencies mandated.

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

13.74 I would suggest changing “might find it helpful to record” to “should record” as travel arrangements may well affect the ALP offered

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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The Designated Education Clinical Lead Officer (“DECLO”)

Question 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)?

Yes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 16 - Review and revision of IDPs

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

I particularly like the flow chart setting out the process for reviewing IDPs

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

As governors we do not have the depth of experience to judge whether or not it is appropriate

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

For clarity, at 18.12, add the part underlined below:

“Where professionals have supplied advice in advance of the meeting, this should also be sent to the child, child’s parent or young person in advance of the meeting to allow them to fully engage in the discussion”.

Chapter 19 – Planning for and supporting transition

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The guidance is clear but as governors we do not have the depth of experience to judge whether or not it is appropriate

Chapter 20 - Transferring an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The guidance is clear but as governors we do not have the depth of experience to judge whether or not it is appropriate

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The guidance is clear but as governors we do not have the depth of experience to judge whether or not it is appropriate

Chapter 22 – Children and young people subject to detention orders

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

NA

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

NA

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

NA

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

NA

Chapter 23 - Children and young people in specific circumstances

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Consideration needs to be given to the time needed for ALNCoS to fulfil the role as most ALNCoS have a teaching role in addition to their role as an ALNCO

24.18 What information is required to be published by the governing body?

Chapter 25 - Avoiding and resolving disagreements

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Training on conflict resolution needs to be put in place for governors as well as teaching staff

Question 43 – 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This question should read “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”

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Chapter 27 - Case friends for children who lack capacity

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Any other comments

Question 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.

Usefulness of the Document

The document is particularly useful for governors as it gives a clear definition of ALN, and provides a clear framework for ALN provision

Role of the Governing Body

I feel that the role of the governing body needs further clarification within the document, in that the HT has overall responsibility for the day to day running of the school, and along with school staff, is responsible for the practical implementation of the ALN code.

The role of the governing body, as I see it, is to ensure that governors should/must have an overall knowledge of the code, the number of pupils in their school with ALN, and know how their needs are being met, so that they can challenge the school, and are well informed should any issues arise with individual children's IDPs.

The earlier sections of the code note that plans are to be prepared and maintained by governing bodies and that, where a governing body has a duty to maintain a plan, it must secure the additional learning provision contained in the plan. Section 1.26 recognises that "for the most part, the functions of governing bodies are undertaken by staff members acting for the governing body". However, some specific guidance would be welcome, perhaps from the local authority, on how the governing body can delegate operational issues within the remit of this code to staff members.

Tribunals/Training needs

As governors have overall strategic responsibility for meeting the needs of children with ALN, they may well be involved in meeting with parents/carers. Specific training for governors in handling complaints and conflict resolution should therefore be offered

ALP

It is already difficult to meet the needs of all children with ALN, so it is essential that provision is made available within the recommended time period. This is sometimes out of the hands of individual schools, and can have a major impact on school budgets

Role of the ALNCo

Serious consideration needs to be given to the amount of time needed for the ALNCo to fulfil such a demanding role effectively, and adequate support should be provided

Part 2 of the consultation: Draft Education Tribunal for Wales regulations

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>Consideration needs to be given to the time needed for ALNCoS to carry out the tasks as most ALNCoS have a teaching role in addition to their role as an ALNCO</p>
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Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

(c) Proposed revisions to the Part 6 Code

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

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Part 5 of the consultation: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

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

Question 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?

Question 65 – 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.

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the ALN Code

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Timescales

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Structure of the draft ALN Code

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 3 - Involving and supporting children, their parents and young people

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

Question 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 United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 6 - Advice and information

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

Question 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)?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Deciding whether it is ‘necessary’ for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 13 - Content of an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The Designated Education Clinical Lead Officer (“DECLO”)

Question 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)?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 16 - Review and revision of IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 19 – Planning for and supporting transition

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 20 - Transferring an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 22 – Children and young people subject to detention orders

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders

(as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It is crucial that an ALNCo is available to parents on a day to day basis to discuss their child. It is also important that Estyn or an authority audits the ALNCo dept in schools more frequently than normal inspection timescales, eg each school year.

Chapter 25 - Avoiding and resolving disagreements

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 43 – 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 27 - Case friends for children who lack capacity

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Any other comments

Question 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.

<p>That set out in this Code needs to be completely transparent to all parents. Many parents are in stressful difficult situations and try extremely hard to help their children through school.</p> <p>They need to understand this new code and not be put off by complicated information and rules. The child's rights to an education and how to get that education should not be difficult to accomplish for the child.</p>
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The parent knows the child the best and should be listened to when they feel there are concerns the school should listen to.

Most of all talk to the child. Don't assume anything about that child. Learn from the child on how to help that child through their education years.

Part 2 of the consultation: Draft Education Tribunal for Wales regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(c) Proposed revisions to the Part 6 Code

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Part 5 of the consultation: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

It will be difficult for schools to cope. For two reasons, firstly because they can't cope now and also because there are so many changes. My experience is that the resources were not available for an ALNCo to be available to do their job. I think they will be even more stretched putting this much needed code into practice.

Parents aren't aware now what help they can get their child and are up against the authority and schools when trying to help their child. This proposal has to be explained to parents and it has to be offered out to parents; parents shouldn't have to search for it.

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

There needs to be available to the children, who are educated in the Welsh language, home tutors that speak Welsh. The PRU in Cardiff is also not Welsh Language based. There needs to be a PRU in Cardiff that is Welsh language based. Until resources for ALN are adequately provided for in the Welsh language then the proposed changes can't become fully effective to Welsh learners. It shouldn't say "where possible children can have ALN help in Welsh" it should be a "must".

Question 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?

(i)There needs to be available to the children, who are educated in the Welsh language, home tutors that speak Welsh. The PRU in Cardiff is also not Welsh Language based. There needs to be a PRU in Cardiff that is Welsh language based. Until resources for ALN are adequately provided for in the Welsh language then the proposed changes can't become fully effective to Welsh learners. It shouldn't say "where possible children can have ALN help in Welsh" it should be a "must".

Question 65 – 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.

Respondent Details

Information	
Name	Respondent requested anonymity
Organisation (if applicable)	

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the ALN Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- **Must, must not, should, should not is clear and the use of colour coding throughout the document is useful.**

However:

- **Concern from SENCOs that the term 'may' could be used as a means of removing accountability or avoiding responsibility.**
- **The 'exceptional circumstances' around should and should not could do with some clarification perhaps with examples as it could be open to interpretation.**

Timescales

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- **We agree with the need for timescales to comply with duties and with the need to act 'promptly' in the interests of the child or young person.**

However:

- **1.31- Should be in clearer, simpler language as the meaning is unclear.**

- Clarification is requested as to whether the days referred to in the timescales are calendar days or working days within the school calendar/county school timetable, as the draft Education Tribunal for Wales regulations 2019 (regulation 19(2) for example) only refers to ‘weeks’.
- Concerns that the use of ‘exceptional circumstances’ may become the default position in regard to the timelines, particularly where agencies lacking capacity to comply are concerned.

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

- Clarity is needed on what is considered to be ‘exceptional circumstances’
- ‘Promptly’ is open to interpretation.
- ‘Circumstances beyond the responsible body’s control’ needs further definition/clarification.
- Concerns regarding school’s ability to complete IDPs if key staff are absent- particularly at secondary level where there is not one class teacher to support the person centred approach. Should there be a key named person who can and should act in the absence of the ALNCo?

Structure of the draft ALN Code

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

- A separate chapter dealing specifically with all the requirements surrounding LAC would be helpful rather than the content being spread throughout the code. Whilst we appreciate that this may seem more inclusive it would be much more accessible for those dealing with LAC to have all the relevant information in one place.
- Although the chapters are designed so that professionals can easily find the most relevant information, which we feel is a good idea in principle, we found that reading chapters in isolation led to misunderstanding as not all the necessary information is always contained within a chapter to allow for a sound knowledge. E.g An Early Years professional may read chapter 8 in which case friends are mentioned but unless you read chapter 27 your knowledge is incomplete. Consideration needs to be given to ensuring the chapters can stand alone.
- The Code reads more like a legal document and we feel it will not be as ‘user friendly’ as the current Code. We are concerned that professionals (for whom the code is actually intended) may have difficulties understanding and interpreting the information which could lead to complications in implementation and negatively impact on the service provided to and experience of children and young people. Many of the paragraphs have either / or: a complex sentence structure, long sentences or ambiguous wording which could make them difficult to understand and are often repetitive.
- We feel the way in which the Code is written will make it inaccessible to many parents who we feel may also need access to the information contained within it in order to support their child.

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<ul style="list-style-type: none"> • The functions and processes are appropriate. <p>However:</p> <ul style="list-style-type: none"> • The functions and process are open to interpretation and lack clarity. They would benefit from the inclusion of further, more specific, guidance.
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Pupil referral units (PRUs) – Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<ul style="list-style-type: none"> • We are broadly supportive of proposals within the draft ALN code where processes support consistency with Pupil Referral Units and their Management Committees acting with the same degree of responsibility as Schools and their respective Governing Bodies. <p>However:</p> <ul style="list-style-type: none"> • There is also concern regarding the requirement of Local Authorities to maintain an IDP irrespective of needs when ‘the child or young person attends more than one school or other institution (dual registration / enrolment) (9.2). This would apply to the majority of pupils in PRUs, other than those permanently excluded. We would question the necessity of this particularly when for the purposes of the code PRUs have the same duties and responsibilities as maintained schools (1.57). Therefore, it is not necessary for a LA IDP.

Chapter 2 – Principles of the Code

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<ul style="list-style-type: none"> • Overall we agree with the principles set out in the chapter <p>However:</p> <ul style="list-style-type: none"> • 2.2 The use of the terminology ‘A rights-based approach’ implies a litigious approach. We feel this should be replaced with ‘A person-centred approach’ which is a more

suitable way to describe what is contained in (a). Perhaps there is a need here to separate the rights and the person centred elements of the principles.

- 2.3 - 2.4 as above we feel the term person-centred is more appropriate than rights-based.
- 2.12 We agree that pupils/parents should have rights to challenge etc. However, the tone of this section makes it sound quite 'hostile'.
- 2.15 We agree with the spirit of this section but feel the language is unclear and overly complicates things.
- 2.16 'Should' to be replaced with 'must'
- 2.17 to 2.19. We strongly agree with the principles of effective collaboration discussed here.
- 2.21 The language here is overly complicated and although it acknowledges there will be exceptions these exceptions need further clarification. We feel it may be helpful to recognise here that some children will be educated in a maintained school but this may not be mainstream- these are not the same thing.
- 2.22 Whilst we agree with equality of access to activities we feel the 'must' here is inappropriate as you cannot force this engagement or participation and it may or may not be appropriate for every individual. This is a contradiction of the person-centred practice that it supposed to be central to the Code.
- 2.24-2.26 We fully agree and are committed to with the bilingual system but feel currently some services may struggle to meet this expectation.

Chapter 3 – Involving and supporting children, their parents and young people

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- Overall we feel that Chapter 3 has been well thought out. Arrangements for pupil voice/participation have been explored and we feel the chapter reflects this.

Chapter 4 – Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

Question 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 United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- We agree with the principles of the UNCRC and UNCRPD and their inclusion within the Code.

- 4.6- Please define which ‘functions’ this refers to
- 4.11 In the UNCRC a ‘child’ refers to a person under 18. The Code considers a ‘child’ to be under compulsory school age i.e. 15 or 16. This a clear discrepancy- what are the implications of this?
- 4.15 We fully support the notion of ‘social model of disability’ and are pleased with its inclusion in the Code.
- 4.17 It is important leaders/managers of services or departments are appropriately skilled/ aware of rights under the conventions. We very much welcome the concept of children and young people with ALN/disability being given opportunities to influence policies which directly affect them.

Chapter 5 – Duty to keep additional learning provision (ALP) under review

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- We agree that the guidance is appropriate.
- 5.6 We support the need for a regular review process to monitor demands for provision and where there may be an excess of resources. All LAs need to ensure they can cater for all needs and that wherever possible this should be done within their own authority.
- 5.22 We are fully supportive of the idea of joint, regional provision for pupils whose needs cannot be met in existing provision- particularly those with complex, low incidence needs.

However, we feel it is unrealistic for the following reasons:

- 5.2 Difficult for LAs to have regard to the ALP provided by the NHS and FEIs as part of the review process as LAs cannot direct these organisations.
- 5.3 Concerns about the development of specialist ALP in Welsh. This will need investment but how will this be possible if the process is considered to be cost neutral?
- 5.4 We are concerned about the need for workforce development to include specialist Welsh medium staff within services but as above cannot see how this will be possible under the constraints of being cost neutral.
- 5.26 Concerns over pressure on LA budget. We can consider changes to funding arrangements but implementation may prove difficult in a cost neutral system.

Chapter 6 – Advice and information

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- We agree with guidance about arrangements to provide advice and information although we are aware that this will need a good deal of development at a local level.

Chapter 7 – The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input type="checkbox"/>	No	✓	Not sure	<input type="checkbox"/>
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Supporting comments

- 7.13 -‘Significantly greater than’ needs clearer definition.
- How broad is the comparison of children of the same age? Is it in comparison to other children in the setting, children locally or children nationally? This needs clearer definition.
- 7.16 - What is considered ALP for children under three and post 16 needs much more clarification.

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- The recognition that ALN does not always require ALP is very welcome as is the emphasis on the role of the class teacher in meeting the needs of the children. Equally valuable is the recognition in 7.43 that slow progress and attainment do not automatically relate to ALN and that children with attainment in line with their chronological age or making progress may be underachieving and may in fact have ALN.
- 7.34 to 7.37- Gives useful practical advice and examples surrounding sources of evidence and of the expectations surrounding what observation and assessment can mean.
- The information regarding EAL, MAT and ALN is clear and helpful.

However:

- 7.34 to 7.37 We must be careful this doesn’t become an exhaustive tick-list and that other measures and assessments are considered in the exploration of possible ALN where appropriate.
- A clearer understanding of what constitutes ALP is needed- is this always a focus on ‘learning’ or may it include tools for managing behaviours or promoting wellbeing for example?
- 7.1- Clarification of what ‘usually’ means is required.
- 7.5 refers to ‘the test’, what the ‘test’ is needs further clarification.
- 7.22 Concerns surrounding what will happen to those who currently have a statement based on medical needs- this again comes back to what is considered ALP and the focus on what is considered as ‘learning’.

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Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

Question 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)?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<ul style="list-style-type: none">• We welcome the identification of this key role as the 0-3 year age range has the potential to be fragmented without a role pulling it all together. <p>However:</p> <ul style="list-style-type: none">• 8.39 This a very large role, which will create issues relating to both capacity and funding.• Concerns over this role being merged into an existing role rather than it being given the high profile it deserves as there is no funding for it.• What level of involvement will the officer need to have (e.g. ‘the review and revision of IDPs) particularly in the likely event that the officer is unlikely to know the child well enough to implement a person centred approach to the IDP?• Clarity is needed regarding ‘suitably qualified and experienced’ and what this actually means (the ‘and’ could also be replaced with ‘or’).• In 8.41 it refers to the role being strategic, however, this conflicts with earlier statements e.g. 8.39 where it suggests that the officer would have responsibility for ‘the review and revision of IDPs’ – again this needs clarification.• 8.42- If the officer has ‘a range of strategic responsibilities (d)’ would there be capacity for this person to carry out (a) (b) and (c)?• 8.46 – Need to remove ‘and prevent the development or escalation of ALN’ this statement is not appropriate and needs rewording.• 8.46- What is ‘lower level ALN’ and ‘other developmental needs’?• Concerns regarding the potential for children who do not attend any groups and have parents who do not engage to be missed within the Early Years.
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Duties on schools, FEIs and local authorities

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<ul style="list-style-type: none">• Overall the division of the Chapters is mostly clear. <p>However:</p> <ul style="list-style-type: none">• Needs to be much more specific surrounding ‘pupil/ YP being brought to the attention of the LA’ How will this happen- needs a clearly defined process with clear paperwork as this could be an area for possible miscommunication and potential referral to tribunal.

- Concerns surrounding PR- if the child or YP is brought to the attention of the LA by others what if the parent disagrees?
- How does the LA responsible for a child determine the provision or ALP if the child's nearest suitable provision is in another LA or the child resides with carers in another LA?
- Clarity is required regarding cross border arrangements: children/YPs moving in and out of authorities- there needs to be clear transfer arrangements and clear guidance on financial responsibilities as there is the potential for conflict between LAs. Clarity is similarly required regarding arrangements with authorities in England.
- SALT input pre-school age needs careful consideration and definition- is this a learning need or a health need? We know SALT needs have been identified in the past as a prerequisite for learning.
- In Early Years there is a need to define clearly what is considered 'additional learning provision' for those under three.
- For those identified pre-school age the need to 'seek advice from an educational psychologist' may not always be appropriate- are the needs always severe or complex enough to justify this? Also the type of advice and what form this advice will take needs clearer definition.
- Several places where we feel 'should' could be changed to 'must' there is an inconsistent use of terminology throughout the chapters and the wording often lacks clarity e.g. 8.19- 'A child's parent must be offered the opportunity to further discuss the decision that there is no ALN' would be much more appropriate than 'it might be helpful to offer an opportunity'
- The flow charts and footnotes and references are helpful.
- Needs clarification about how the concerns to schools are raised- there needs to be a clearly defined process with clear paperwork to avoid miscommunication and potential referral to LA or tribunal.
- If the learning skills plans from Careers Wales are to be superseded by IDPs what will the mechanism be for determining what ALP will be? Who will decide? There needs to be clear guidance here to define the mechanisms and responsibilities.
- 12.10 Consideration should be given to whether the young person already has any engagement with or support from other agencies and involve them in the process of deciding whether the young person has ALN.
- Concerns surrounding the age a child becomes a young person and the right of a young person to decide they do not want an IDP and the capacity of a person under the age of 18 to make these decisions themselves. There is also concern around the parent no longer having the right to be kept informed once a child becomes a young person and the negative impact poor decision making could have on young people.
- What happens when a YP chooses not to have an IDP but is accessing a specialist placement- does the placement then cease?
- There is a need for funding considerations to be made for LAs to ensure that there is both staffing and capacity to adhere to the content of the code in each setting. It is unrealistic to believe that this would be a cost neutral exercise.
- 12.2 – There is ambiguity over the young person who the LA is responsible for but are not in maintained or FEI education- who are this group? Is it referring to EOTAS? If so please could the language here be simplified.
- 12.6 'Should' needs strengthening to 'must'.

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Views of Schools:

- IDP creation for schools within the 35 school days is manageable so long as it is written using the information the schools have available. If we need to involve outside agencies in order to identify ALP this could cause delays due to the capacity of outside agencies.
- The workload of ALNCo's needs consideration- the timescales are only realistic for schools if the ALNCo has sufficient non-teaching time to complete their duties.
- There are times when the volume of children requiring the implementation of an IDP might be higher than at other times for example at the beginning of term or after testing- this could put strain the 35 day period.
- 'Brought to the local authority's attention' needs clarity- is this a referral and if so what will this process look like? There is a need for clear paperwork and a defined referral pathway both for schools and the LA. Lack of clarity could lead to confusion over when the 'clock' started on a referral and therefore impact on the timescale.
- 'Seek advice from an educational psychologist' needs clarification- does an EP actually need to see a child? Assess a child? Report on a child? If so the timescales will be insufficient due to issues surrounding the capacity of EPs. Are needs always complex enough to justify the input from an EP?
- Involvement from health services- does the 6 week period mean a child should have an initial appointment and then be on a waiting list? Or is there an expectation that the child has been assessed and a report written or a contribution to defining ALP been made- if so this is an unrealistic timescale.
- Concerns surrounding PR- if a parent doesn't consent what happens and could this impact on the timescales?
- Concerns surrounding issues related to staff absence and the impact this may have on the ability of schools to meet the 35 day period- particularly in the case of smaller schools and secondary schools. Schools will need to ensure they have a robust process in place to overcome this but it must be recognised this will not be cost neutral.
- What happens if a child moves school or setting during the 35 day period? Does the 35 days start again? Concerns it would be unrealistic for the new school or setting to get to know the child or young person sufficiently to make the necessary assessments and follow person centred practices in order to comply with the timescale.

Views from Early Years:

- EY timescales- does the half day a child attends nursery and preschool sessions count as a day or a half day for the purposes of the timescales? This needs to be clearly stated.

Views from Post 16 Providers:

- There is a lack of clarity over some of the terminology used which may leave things open to interpretation.
- What will the implementation timescale for LA maintained statements of young people in year 11 to 14 from September 2020 be? This is a group which is not identified in the current plan.
- 10.13- 10.15- the use of 'promptly' here needs clearer definition as this is ambiguous.
- 12.26 Concern surrounding ability to comply with timescales when outside agencies may be involved as timescale may then be dependent on the capacity of these agencies.

Views of the Local Authority:

- There is a lack of acknowledgement of the time needed for communication between parents and the LA when an LA is asked to reconsider a school decision. Under the current system parents have 15 days to respond to the proposed statement which would under new proposals give only 5 weeks for the LA to conduct assessment and writing of the IDP, which is unrealistic.
- The 12 week period for LAs should, as with the school timescales, refer to 60 school days to allow for school holidays and the difficulties with making observations and gathering evidence during holiday periods. This could also help to spread the workload of completing IDP requests to the LA as there would then no longer be a need for schools to submit requests prior to certain points in the school year to avoid issues relating to holidays.
- The LAs responsibility during the 7 week period to reconsider school decisions needs clearer definition. Is it expected that the LA will review the evidence presented by the school or gather its own evidence and will this involve information from other agencies who may lack the capacity to work within this timescale?
- 11.1 - clarification is needed relating to 'children who are educated at home.' If parents opt for EHE why is the LA preparing the IDP?

Deciding whether it is 'necessary' for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

- 12.22 Who within the LA decides about 'capacity to learn' and is there the potential to conflict with FEIs established decision making processes.
- 12.23 Based on the listed criteria the LA would find it difficult to cease an IDP.
- 12.25 There is need to stipulate who funds the ALP.
- 12.26 We feel that the EP doesn't necessarily need to be involved.
- 12.31 and 12.32- Should it be the LA's responsibility to consider appropriate courses? This is inappropriate as the LA is unlikely to have the necessary knowledge of the young person and the courses available to them. What will be the remit of Career's Wales from 2020?
- 12.44 The terminology used is not always appropriate e.g. refers to 'board and lodgings' when we feel the term residential should be used throughout to maintain consistency.
- 12. 46 and 12.47- there is a change in the terminology- 'the LA will want to'
- In 12.48 and 12. 49 we feel that the terms use need strengthening e.g. 'LA and LHB might consider' should be changed to should consider and 'LA would want' should be changed to LA should
- 12.51 'Reasonable need for education or training and best endeavours' needs to be more specific as it is open to interpretation.

Chapter 13 - Content of an IDP

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- We welcome the inclusion of one- page profiles in the IDP and agree the need for a standardised format which should foster a common approach to supporting those with ALN.
- The standardised format will be helpful in ensuring consistency when a child or young person moves settings.

However:

- What exactly constitutes ALP needs clearer guidance. There are also concerns about what happens to ALP when a transition occurs- what one setting is reasonably able to offer or support may differ from another setting, particularly across border, counties or regions.
- It would be helpful if ALP was categorized into areas of need such as cognition and learning, sensory, physical and medical, communication and interaction and social, emotional and behavioural as is the case under the current system. This would ensure that all areas of need are identified and supported appropriately.
- Considering the emphasis on raising the aspirations and attainment for children with ALN we are surprised that the IDP template lacks sections for the evaluation of targets and for tracking a variety of test scores which we feel is essential for monitoring progress.
- Where will review comments be recorded?
- There needs to be a mechanism to archive previous/ achieved targets which detail a child or young persons learning journey over time. Consideration needs to be given to how to do this.

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- The sections and information to be included are all appropriate.
- The mandatory form makes it clear what has to be included and should help to ensure a standardised approach to the information used to support children and YP. This will be particularly helpful in supporting transition.

However:

- Concerns about how we are going to make the IDP accessible for all agencies (particularly if it is not possible to develop a shared IT system or if the IT system takes some time to implement). This also raises concerns regarding confidentiality and who will be able to see which parts of the IDP- is it appropriate for all agencies involved with a child or YP to access all the information, particularly sensitive social care information or medical information?

- Concerns regarding the administration workload for schools in developing and managing what are potentially very large and detailed documents.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- Overall the guidance is clear
 - 13.9 – The clear demarcation of elements which can be appealed at tribunal is useful.
- However:
- 13.1 – what ‘anything else’ refers to needs defining.
 - Consideration needs to be given to making the format more ‘child friendly’- 13.6 to 13.8 make it clear how the IDP can be altered.
 - 13.3 – There are concerns surrounding the capacity for agencies and professionals to work together, particularly within the timelines identified.
 - What is supported within universal provision and what is considered as specific ALP needs clearly defining.
 - 13.36- What is meant by ‘guidance and support’ needs more clarity.
 - Overall the guidance on what should be included in each section is helpful but exemplars of completed high quality IDPs at differing stages of the process would be useful in supporting this understanding further and for training purposes.

Transport

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- The guidance is clear in regard to transport organised by the LA but not clear if the transport is arranged by a setting such as a PRU.
- Information on a Child/Young Person’s needs in relation to transport should be included as a section on the IDP.

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help – Proposed regulations to be made under Section 65(5) of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

- We agree with the proposed timescale and exceptions if there is no need to see/assess all children referred as a review of health reports already completed may be sufficient.
- We do not believe the 6 weeks will be long enough in the case of severe or complex needs where detailed assessment and advice from different areas of health is required.
- There are different protocols and timescales within the two different systems of Health and Education which are incompatible.
- The LA needs a clear and easy system for reporting non-compliance in regards to responding to requests for information. The system must not impact on the already heavy LA workload, to ensure that delays from Health do not impact on the LA's ability to comply with their own timescales.
- What will the consequences be for Health should they fail to respond or meet the timescale?

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- As above, the proposed period may be appropriate in cases where a child already has health involvement but if it is a new case in the system the proposed period may be too short to get a full picture of a child's needs and thus identify the relevant treatment or services.

The Designated Education Clinical Lead Officer ("DECLO")

Question 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)?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- We agree that it needs to be a strategic role and that they need to be at a high level within management structures in order to effect change or make things happen. However, it may be difficult to find a strategic manager with specific ALN experience or knowledge.
- We feel that in order to be successful there needs to be clear recognition that it is a dedicated post and must not form a part of a person's responsibilities in addition to another role.
- It is a huge role and we have concerns that the remit is too wide and may have limited impact, particularly in larger health board areas.

Chapter 16 - Review and revision of IDPs

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- 16.1 Whilst we agree with having a full review annually we currently review and update shorter term IEP targets at least twice a year, three times as best practice. We feel that this good practice should continue with the inclusion of shorter term targets which are reviewed more frequently and that the code should make provision for this.
- 16.7 We welcome the provision for schools, FEIs and LAs to be able to stagger IDP reviews in order to manage workload. However, there will need to be effective systems in place to keep track of when reviews need to be completed.

However:

- 16.12 It is very unclear what this section actually means- the language needs to be simplified or supported by a flow chart.
- 16.23 Will a full review be required each time a child is discharged from an NHS service?
- There is the potential for some children/YP to have a large number of reviews in a year potentially creating workload issues for the school, FEI or LA.
- Concerns regarding the potential for parents to request frequent reviews. Although the request can be declined we feel the potential for disagreement and tribunal will put pressure on schools, FEIs and LAs to comply with parental requests even where they feel review is unnecessary. This again has implications for workload.
- The flow charts at the back of the chapter are useful but there is no mention on either of the NHS or of timescales which would be useful inclusions and give greater clarity.

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- We agree in general with the proposed period and exception.

However:

- 16.19 In the case of the LA could the period also be 35 school days rather than 7 weeks to allow for school holidays. There will be difficulties preparing for review over holiday periods e.g. if a parent requests a review right before the summer holiday this will impact on the school's ability to support the LA in providing information for the review. It will also create uniformity with the relevant periods for schools and FEIs
- Concerns surrounding the capacity of agencies to prepare and submit information for review in the timescales. Pressure on those facilitating the reviews to collate the information from the different agencies- who is ultimately held to account if an outside agency fails to respond or lacks capacity to respond to requests for information for reviews?
- If there is a large number of parental/YP or child requests for review, particularly at secondary school where there may be a significant number of pupils with an IDP there is the potential to overload the system and make the timescales unmanageable.

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- We agree with the structure of the Chapter but feel some of the content is ambiguous as follows:
- The process for the LA to consider taking on a school IDP or to refer it back to school is not a current function and we have concerns over the capacity to deal with this extra layer of LA intervention. There is also the potential here for the LA to become embroiled in parent/school conflicts.
- 17.2/17.3/17.9 The cross-border arrangements between England and Wales need to be much clearer. There needs to be greater definition surrounding ‘child/young person in the area of an LA in Wales/area of England’- is ‘area’ regarded as the home address or the school attended? Could the language be simplified to a child living in Wales and attending a school in England and vice versa?
- 17.5 (a) ‘The issue’ is a very negative way of referring to a ‘request’ which may be a more appropriate use of terminology.

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- We agree with the need to work promptly in the interests of the child and agree that a 7 week period for reconsideration should be sufficient in most cases except for those children/young people who may require more specialist assessment as this may be dependent on the capacity of services (although this could be covered in the exceptional circumstances?)

Chapter 18 – Meetings about ALN and IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

- Whilst we agree with the principles underlying the chapter, we feel the guidance is unclear in places and consideration of the following is needed:
- The approach discussed in the chapter is appropriate for longer more formal review meetings such as the annual review or meetings to update targets or discuss or add outside agency recommendations. However, the approach may be less appropriate for the shorter more informal conversations also mentioned in 18.1.
- We agree with the principles of involving children, parents and young people and working in a way that is person centred. However, we don’t believe that a child always needs to be present in order to put them at the centre of a discussion. Child participation should be based on professional judgement of what is appropriate.
- There are concerns regarding time management and the additional time needed to prepare for and conduct a person centred review, particularly as all those with an IDP will now need this full annual review where under current provision it is only those with a statement who require an annual review. There is an obvious impact here on

workload and implications for release time and funding for staff to undertake this additionality.

- 18.5 The suggested headings are useful for steering more formal review meetings.
- 18.8 “Other agencies and professionals should be invited” should be strengthened to must be invited. Similarly, “such invitations should be in writing” should be strengthened to must be in writing.
- 18.5 We feel that decisions must be explained not should.
- 18.22 “should invite all agencies” to be changed to “must”
- 18.24 The format of the ‘report’ needs clarification or an example. Do we need a separate report- couldn’t progress towards targets be recorded on the IDP and person centred practice would indicate that this was done at the review meeting in partnership with all involved not on a report prior to the meeting.
- 18.29-18.30 Will it be appropriate to include the IDP in other documents- it needs clarification of which documents it may be included in as there could potentially be sensitive information held in an IDP and there could be issues related to information sharing and GDPR. This is also true of documents to be included within the IDP, especially those involving health.
- Agree with the principle of co-ordinating similar meetings to avoid repetitions and time consuming attendance at several meetings. However, there also needs to be a mechanism for updating things on the IDP without the need for a full review meeting each time as otherwise there is the potential for a huge number of meetings being conducted, particularly for those with more complex needs.

Chapter 19 – Planning for and supporting transition

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- Most of the guidance is clear and we agree with most of the information and principles contained within the chapter.
 - The signposting to further information in 19.2 and 19.3 is helpful.
- However:
- 19.16 and 19.17 There is no mention of transition from key stage 2 to key stage 3 – a key transition.
 - 19.22 and 19.23- The ‘shoulds’ in this section need to be strengthened to ‘musts’.
 - 19.44 There is concern surrounding transition sessions taking place in school holidays. Schools may be unable and unwilling to provide this bearing in mind their staff are on holiday- this is highly inappropriate and may lead to unrealistic expectations from parents. This could also have Teaching Union implications. Effective transition arrangements during school term time are already established in many schools.
 - 19.48 The school or LA can inform a child of their rights and what their rights will be as a young person but this may well be affected by the child’s capacity to understand. Who decides if a child has capacity?
 - 19.50 Will the parents be informed about a young person choosing not to have an IDP? The parent may need to assist in cases where the young person lacks capacity (such as applying to become a case friend) but will be unable to do so if they don’t know they need to act because they weren’t kept informed. A young person may also need adult guidance for transition but can object due to their age which is concerning.
 - 19.60 Discusses ‘child/child’s parent’ in relation to post 16 where there will be only young people- this reference to the child/parent needs removing.

- We feel that some children who have a diagnosis or disability but do not require ALP supported by an IDP may also benefit from enhanced transition arrangements and some recognition of this within the Code may be appropriate.
- Home visits can have huge cost implications for staff release and can also place staff in a vulnerable position. Equally some parents view home visits as intrusive. Careful consideration should be given to whether inclusion of home visits within the Code is really appropriate.

Chapter 20 – Transferring an IDP

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- 20.1- “moves to another local authority area” needs clearer definition- does this mean moved house and lives in another area or does it mean moves setting to another area?
- 20.7 is unnecessary as this situation is covered by 20.6
- 20.8 What happens if a student enrolls after the end of September?
- 20.11 This section is very unclear- Is it suggesting that the LA will maintain the IDP of children and YP who cease to be LAC? If so why? The responsibility should be as any other person- the IDP should only be maintained by the LA if they have a level of need that requires this otherwise the IDP should be passed back to the setting to maintain.
- There is no guidance given about the transfer of an IDP to an EHCP should the child continue education in an English LA.

Transfers of IDPs – Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

- 20.12 – Is there a specific timescale for the LA to have written to the FEI to request that they become responsible for maintaining the IDP? Is it at the start of the educational course?
- There are no criteria given to determine how the LA should determine if the FEI can meet the young person’s needs from their own resources. Would the FEI use a moderation model to determine this first?
- 20.14- Clarification of this section is needed. We believe it means the FEI has 20 term time days to agree. If the FEI does not agree the LA then immediately has 4 weeks to refer it to the Welsh Ministers? However, it is not very clear.
- 20.14 – 20 term time days seems inadequate if there is a need to give “..the FEI long enough to consider the matter properly and resolve any issues with the local authority,…”
- How will the LA refer to Welsh Ministers- what is the process? Is there any right to appeal the Ministers decision?
- There is nothing else in place if the FEI decline to implement the IDP, it just goes straight to the Welsh Ministers. There is no middle ground for trying to reach a consensus before this happens and it could be regarded as a punitive process.
- Concerns were expressed about the of role political ministers determining if the young person should continue to have an IDP. What experience/ ALN knowledge/local knowledge/ training will they have? How well do they know the young person(in such a rigid timescale) to make such an important decision on their behalf?

- Unlike the LA there is no deadline given for Welsh Ministers by which they must make a decision.

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- Why must the LA take responsibility for dual registered pupils particularly for those in FEI? Will the LA be part of these discussions before the decision to dual register is made?
- 20.20- 20.21 – It is not clear if this refers to an LA maintained IDP or not and is badly worded and difficult to understand. The meaning and the context are very unclear.
- 20.22 It needs to be made clear that the school or FEI that must maintain the IDP is the primary registration as the current wording doesn't make it clear which of the two settings is actually responsible. Or in the case where the dual registration spans two counties or across border please clarify which LA would be responsible.
- Concerns about the practicalities or appropriateness of arranging board and lodging for a child / young person in order that they stay at their original school whilst waiting for the IDP to be revised. The chapter does not specify a time limit for the revision referring only to 'Until such time as it is possible.'
- We feel that 20.23 and 20.24 are unnecessary as they simply refer to the process of starting a new IDP which is covered in other chapters.

Chapter 21 – Ceasing to maintain an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- Yes the content and structure are clear.
- However:
- There are lots of references to other Chapters and parts of the ALN Act which means further reading is required to understand the guidance fully. It does not stand up well as a chapter on its own.
 - 21.1 The decision that a child no longer has ALN needs further discussion. Please clarify how this decision might have been made, following what process or which assessments?
 - 21.6 The wording of this section particularly in (b) is rather ambiguous. In one place it says the LA must maintain the IDP and then says it can direct the FEI or school to maintain?
 - 21.8 Will the decision to cease an IDP in reality be made by the governing body or by school staff delegated to this duty by the governing body (i.e. in the role of the ALNCo)? Will there need to be a formal governing body process for this?
 - 21.9 It is unclear what the expectation is on what information must be provided and how it should be presented. This needs to be made clear, particularly as an unhappy parent may choose to appeal the ceasing of an IDP if the situation is badly handled.
 - 21.13 Why does an IDP need to transfer to the LA in the case of pupils who are dual registered? Why can't the primary registration be responsible for the IDP and for co-ordinating/sharing the IDP with the second setting- particularly where a child or young

person does not have complex needs and the need can easily be met by a school/FEI based IDP?

- 21.14 We agree that a child/ child’s parent or young person must be notified. However we believe the ‘shoulds’ need to be strengthened to ‘musts’ and a timeframe should be put on the period for consideration/ providing views to prevent any ambiguity.

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- The timescales appear appropriate.
- However:
- there is potential for a huge increase in appeals to the Education Tribunal
 - Concerns about the LA capacity to manage reviewing decisions to cease school based IDPs. This is not a current function and is adding an extra layer of LA responsibility which will impact on the workload of LA staff.
 - When the LA is asked to review the decision of the school are they reviewing the information provided by the school or are they expected to make assessments of their own? If further assessment by the LA is required this could impact on the timescales involved depending on the capacity of LA staff.
 - There will need to be robust systems in schools and FEIs to monitor timescales and ensure that IDPs are carried on for the correct periods of time after notification of the intention to cease an IDP.

Chapter 22 – Children and young people subject to detention orders

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	✓
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Supporting comments

- Why do the duties in 22 .2 (a) cease? We must keep school and college links where appropriate, to ensure continuity and assist in the resettlement and rehabilitation of children and young people returning from custodial settings.
- What happens when a young person is remanded into Youth Detention Accommodation under the ‘*Legal Aid, Sentencing and Punishment of Offenders Act 2012*’ prior to be sentenced to a Detention and Training Order. LASPO/ YDA provides the child/ young person under 18 years with LAC status for the remand period and this is not clear in this document.
- Structure is clear overall, but a bit repetitive

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- In theory yes, however some ideas may be hard to put into practice based on non-engagement by the child/ young person in education/ training

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- Overall the proposals are appropriate.

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

- Whilst we understand why the requirement to act ‘promptly’ rather than having a fixed period may be needed due to difficulties accessing or working with a child or young person subject to a detention order there is concern that this may lead to a lack of imperative to act.

Chapter 23 – Children and young people in specific circumstances

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

- We agree that the guidance is appropriate in relation to EHE. However, the chapter requires more clarity and definition regarding EOTAS as it is not a standardised provision. The offer for children and YP could look very different from one LA to another.
- 23.17 Is the only section that covers EHE and ALN. There is revision imminent for the guidance for Elective Home Education. However, this is not yet available and may contradict this outcome. Equally the draft guidance briefly covers ALN.
- There needs to be clarity regarding who is responsible for the identification of ALN and ALP and the subsequent creation and facilitation of the IDP for children and young people not attending a maintained setting.

Chapter 24 – Role of the Additional Learning Needs Co-ordinator (ALNCo)

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- 24.24-24.26 We agree that the ALNCo in a school must be a qualified teacher and not an NQT and understand that others acting currently as a SENCo who do not meet these requirement may continue in their role. However this is not quite the same as the information in the easy read version of the code which says that ALNCoS should be ‘teachers or someone already doing a similar job’ and that some SENCoS are not teachers but could be the right person to be an ALNCo- it is not clear from this that they cannot apply for a new ALNCo role or that the setting will need to meet the new requirements should this person leave the role. The easy read version needs amending to make this clear.
- 24.7 The strategic role of the ALNCo carries a great deal of responsibility. It is felt that it is a senior leadership role and must be recognised as such. The role should be given a high profile and be viewed as a leadership role which is part of a professional development pathway that can lead to headship in a similar way to deputy or assistant headship, it is not a middle management role. The current situation where some ALNCoS are SLT and some are not is divisive and the wording in 24.7 does not address this with sufficient strength. However, there is also a cost implication to this for some schools as not all ALNCoS currently receive remuneration for the role. PayscaleS will potentially need to be reviewed – rather than a separate SEN scale would it be more appropriate to pay ALNCoS on the management scale?
- 24.8 The LA ‘may’ support the role of ALNCo needs to be strengthened to at least ‘should’ but really could be ‘must’
- 24.13 If the ALNCo is not SLT it may be difficult for them to designate a person other than themselves.
- 24.15 The ALNCo can request support from relevant services but cannot ‘secure’ the services- this wording is inappropriate.
- 24.16 What constitutes a ‘regular basis’ needs clarification- does this refer to the yearly requirement for review or something more?
- 24.3 states that ALNCoS should be highly qualified and should have expertise, however 24.24-24.26 suggests that the only requirement is that they are a teacher registered with the EWC and have completed their NQT year. This is ambiguous and further clarification and consideration is needed of what qualified and experienced means in terms of being ‘suitable’ for the role. ALNCoS /SENCoS are disappointed that there is no mention of a national ALNCo qualification. Whatever is agreed in terms of qualification needs to be transferable across Wales.
- We agree with the tasks ALNCoS must carry out but are aware that this is a large role. Whilst we fully agree that the ALNCo needs dedicated time away from teaching what is considered ‘sufficient time’ needs clear definition. Potentially a formula based on the number of children with ALN the ALNCo is responsible for and the complexity of their needs might be considered helpful. There is currently a great deal of disparity between what ALNCoS in different settings are allocated in terms of non teaching time- this needs addressing to ensure equity in the role. There is also a cost implication to schools associated with this. There is concern as to how schools will fund this non teaching time.
- Secondary schools have concerns around IDP development and the ALNCo responsibilities as it is not possible to allocate the development of IDPs to teaching staff who spend limited time with the children involved.

Chapter 25 – Avoiding and resolving disagreements

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

As a LA we already facilitate a resolution of disagreement service via SNAP Cymru. which provides independent advice to parents as well as an independent Advocacy service if required.

However:

- **25.44.** We feel that it should be compulsory for all parties in dispute to use the disagreement resolution services first before making an application to the Tribunal. It makes complete sense to use independent services to attempt a resolution to a dispute before incurring the time and expenditure involved in Tribunal proceedings.
- **25.4- 25.5.** It will difficult for the LA to resolve disputes in ‘institutions’ that it cannot direct.
- The LA’s Parent Partnership provider may need to increase their workforce capacity, therefore it will have an impact on budget and will not be cost neutral.
- **25.15.** We feel that a Development Plan with targets is not needed or appropriate to provide quality assurance of delivery.
- **25.37-25.43.** We believe that there is no improvement on the current system as the LA will still be ultimately responsible for dissatisfaction about NHS provision with little consequence.
- **25.51.** Welsh Ministers whilst may have the power to intervene, this must not to be at the detriment of local and national policy.

Question 43 – 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Identical question as above.

Chapter 26 – Appeals and applications to the Tribunal

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

Yes	✓	No	□	Not sure	□
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Supporting comments

- The information is appropriate but note the following:
- 26.1 Please could you indicate in the footnotes here where a school would need to look for the relevant information on disability discrimination.
- 26.5 and 26.6 Are these a complete list of right to appeal? It needs to be clear if they are an exhaustive list or if other cases may apply (as in 26.11).
- 26.6 A short description and definition of what ‘detained’ means would be appropriate here.
- 26.8 and 26.9 Again please make it clear if these are exhaustive lists.
- 26.10 The process for deciding if a child needs a case friend needs to be clear to prevent delay within tribunal proceedings. Appointing a case friend needs to be considered before getting to tribunal.
- 26.11 to 26.13 Please state the timescales not just discuss them
- 26.15 Use of the legal term ‘appellant’- please use simple language other professionals will understand.
- 26.15 The 4 week period is only appropriate where the appellant has provided a clear statement but may be more challenging to adhere to where the statement is ambiguous and unclear.
- 26.16 It would be more appropriate if the 7 weeks in (a)(c)(g) and (i) were also 35 term days to allow for school holidays and the difficulties the LA may have during holiday periods gaining access to a child or young person for the purposes of undertaking assessments or compiling evidence. This would also create a more uniform approach to the timescales in general.
- 26.21 We agree with the use of ‘must’ in relation to an NHS body reporting to the Tribunal. However, what if they don’t? What are the consequences? This is unclear.
- 26.23 It is not appropriate for the chair of the Tribunal panel that made the decision to then review the decision made. A review should be conducted by the president or a different chair to the original panel.
- We welcome the inclusion of the flowchart to explain the process of appealing a decision but feel it needs more detail.
- At the bottom of the flow chart it notes that English resident children attending school in Wales have slightly varied appeal rights- however it is not stated what this variance is. We feel that this information needs including within this chapter.

Chapter 27 – Case friends for children who lack capacity

Question 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?

Yes	□	No	✓	Not sure	□
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Supporting comments

- The process for who appoints and funds a case friend needs much more clarification. In 27.23 it states that case friends can only be appointed by Tribunal but in 27.16 it discusses the case friend being used at earlier stages prior to a more formal dispute

resolution procedure or an appeal. How is it possible for the Tribunal to appoint case friends in these earlier stages?

- **27.15** Whilst we agree with the principles of what a case friend must be as set out in (a) to (d) we feel they could conflict with the ability of family members or family friends to carry out the role of a case friend. How for example will it be ascertained by the Tribunal that they do not have interests that could be adverse to that of the child?
- What if a parent disagrees with the appointment of the person selected to be their child's case friend (this could be particularly pertinent in cases of split families who are estranged or in dispute)?
- **27.32** How long the Tribunal will wait for an application from a case friend needs to be specified.
- **27.33** Does the provision of the independent advocate by the LA imply that the LA will also pay for the advocate? Where will this independent advocate come from?

Any other comments

Question 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.

- There needs to be transparency with parents surrounding what is considered to be ALN and ALP and what can be supported as part of universal provision. Universal provision and interventions will require an LA/regional approach as there are concerns that what one school is able to offer as universal another school may lack the capacity to offer.
- There are concerns surrounding ALP and what happens if a child transfers school. If a child has ALP identified which the new school is unable to provide what will then happen?
- The Draft ALN Code is not user friendly for all stakeholders and the intention to publish additional guidance and explanations for different parts of the code is frustrating. Education professionals particularly would like one accessible document which contains all relevant information and expectations rather than lots of different documents to do one job.
- There is a feeling that somehow the spirit of person centred planning seems to have been lost amongst the need to clarify practical arrangements in some places throughout the Code.
- Chapter 15 15.9-15.10 All relevant persons should or must also respond to a school request. Information from other relevant persons may be equally important in the writing of a school maintained IDP as an LA one. It seems to put unfair responsibility on the LA when relevant persons have failed to respond to a school.

Part 2 of the consultation: Draft Education Tribunal for Wales regulations

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- Overall we feel the processes and procedures are clear.

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- Overall we feel the processes and procedures will enable the Education Tribunal to deal with cases fairly and justly.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

- What happens where the Appellant/Claimant fails to submit a case statement within the required time period/not at all? It is clear what the consequences are for the Respondent in failing to submit a case statement but not for the Claimant/Respondent.
- Clarity is needed about whether appeals could be made about the same issue time after time.

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

- **We believe that this is sufficient time and it is for the NHS bodies to make representations as to why they consider otherwise (if that is the case).**

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- **Overall we feel they are appropriate**
- However:
- **Regulation 62(7) – what additional evidence is required regarding a person’s suitability? Please see our response to chapter 27 for further discussion.**

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- We agree that an ALNCo should be a qualified teacher and that those SENCos who are already in post but not qualified teachers should be allowed to continue. For further discussion of our thoughts on the qualifications please see our response to chapter 24.

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- We agree with the tasks set out in the functions of an ALNCo in the draft regulations but please see our response to chapter 24 for further discussion of our thoughts surrounding the implications and impact on the terms and conditions of ALNCos

Part 4 of the consultation: Looked after children

(c) Proposed regulations to be made

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- Agree that as it is the LAs duty to decide whether a LAC pupil has ALN then it should also be the responsibility of the LA to ensure the effective co-ordination of intervention for the LAC pupil.
- The LACE co-ordinator has an important strategic role to play in pulling together the wide range of services and individuals in order to develop an IDP and fulfil the duties in the code. Recognition of the importance of this role by making it statutory is positive. However, those with experience and knowledge of LAC do not necessarily have ALN experience or knowledge. Therefore, the skill set of this of the LACE may require development and training.

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- If the elements of a PEP were included the separate form would be appropriate. However, the current form does not meet the criteria for a PEP laid out in the Wellbeing Act. Therefore, the inclusion of LAC status on the standard form in Annex A used alongside the PEP would be more appropriate.
- There is no reference to PSPs – will these now form part of the ALP on the IDP or will this continue to be an additional layer of paperwork on top of the PEP and IDP? If it is to be incorporated into the ALP will all children needing a PSP now need an IDP?

© Proposed revisions to the Part 6 Code

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

- **Part 6 of the code provides an explanation of the importance of the PEP and the changing emphasis of the duties of the LACE Co-ordinator. However, it does not match the specifics of the ALN/IDP provision in the Code which is more detailed.**
- **The overall impression of Part 6 and the ALN/IDP provision is that Part 6 has got a distance to go in order to take on board the changes.**

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- **The mandatory content of the PEP, the role of the LA and contribution of the corporate parent is clear and very detailed. However, any mention of the IDP is at best scant and any overlap or replacement of documentation is not mentioned.**

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

- **The details in the new code in particular the timescales, collaboration and consultation with a range of agencies and the amalgamation of previous stages and criteria into the new IDP are far more extensive for the role of the LACE Co-ordinator than appears in part 6 of the act which focuses on the PEP.**

Part 5 of the consultation: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

- **Concern that children living in England at Welsh schools with an EHCP currently funded by England will could end up being funded by LA's in Wales- this could potentially have a massive budgetary impact.**
- **Concerns regarding people schools across border back into Welsh schools (when potentially living in England) in order to access the new system as the IDP will cover children currently at school action plus as well as those who have a statement whereas the EHCP only covers those with the most severe and complex needs.**
- **Concerns regarding Independent schools not needing to have regard to the code but LAs having to maintain IDPs and provide ALN support for those attending Independent Schools. There is potentially a large implication in terms of budget and also issues of practicality regarding the maintenance of an IDP in a setting which does not follow the Code.**

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

We welcome the proposals in the draft Code which stipulate that all reasonable steps to secure provision and services in Welsh must be made. However, we feel that the practicalities of this may be more challenging as we do not currently have the provision to offer all services and provision (particularly specialist) in Welsh and that the development of these services and provision will need additional funding.

Question 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?

- i. It should promote the opportunities to use the Welsh Language.
- ii. It should not have an adverse effect unless the Workforce does not have the capacity to support or provision.

Question 65 – 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.

The principle of the new system being cost neutral is unrealistic. Due to the extended age range there will pressure on the service and ultimately the budget. Additional staff needed will include Administration staff, Educational Psychologists, Preschool specialist staff, Outreach services such as Speech and language, specialist Welsh medium staff, Careers Wales & SNAP Cymru. Whilst it is hard to quantify an actual financial cost, it is likely to be for staffing costs alone approx £500k. Any identified specialist provision will be in addition.

Respondent Details

Information	
Name	David Davies
Organisation (if applicable)	Vale of Glamorgan Council

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the ALN Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The use of the terms must, must not, may, should and should not are clearly explained in paragraphs 1.10 - 1.16 of the Draft Code.

Timescales

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This question encapsulates the contradictions in the Act and in the subsequent Code of Practice. All professionals working in this field would support the principles of early identification and prompt support. However, the timescale set out in the Code will be very challenging to deliver, particularly in more complex cases. Achieving compliance with such timescales, particularly in light of the extended age range, will require significant additional funding for schools, LAs and all partner agencies. If this is not the case these timescales will not be met and will result in considerable increase in litigation and reputational damage for local authorities and Welsh Government (WG).

The Code should provide flowcharts for easy and accurate reference of processes and associated timescales. This will prevent confusion for stakeholders and will remove the possibility of various interpretations of processes and timescales. A Code of Practice to

support the Code would be welcome. The inconsistencies between the 12 week timescale for LAs and the 14 week timescale for 'Putting it Right' for NHS queries is untenable.

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The statement in paragraph 1.34 is a concern, this indicates that an IDP must be prepared even if there is outstanding evidence which might provide a fuller picture of the extent of ALN. It is a huge concern that as a legal document an IDP could be prepared in order to meet a statutory timescale without crucial evidence from professionals being included. It is understandable for the sake of clarity that WG only want to have one exception “circumstances beyond the responsible body’s control”. However, it would be impractical for the local authority, being the body responsible for the IDP, to issue the IDP without relevant input from partner agencies such as Health. It would not be reasonable to expect a local authority to be required to defend this decision around the IDP and the ALP and consequently fund any provision which may then result from tribunal decisions, because of incomplete advice.

It would also be helpful to set a statutory timescale on partner agencies responding to a request for a report / evidence, this will assist LAs to prepare the IDP in a suitable timeframe.

1.37 refers to other exceptions being detailed within footnotes of the Code, however these footnotes cannot be found.

Structure of the draft ALN Code

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Labels are clear and cross referenced/ linking chapters commented on as you go through the draft Code, it would be helpful to have those links mentioned in the overview.

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Management Committees of PRUs are in their infancy relative to Governing Bodies in schools. It is not felt that management committees have the systems and expertise in place to carry out such functions at this time. Training would need to be given to support management committees in the execution of their powers around the role, this would be staffing and resource issue for the LA.

Chapter 2 - Principles of the Code

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The local authority is fully supportive of the general principles as set out in the draft ALN Code and the 2018 Act: a rights-based approach, early identification, intervention and effective transition planning, collaboration, inclusive education and a bilingual system. What is not accepted is the view held by Welsh Government that developing this system will be “cost neutral” for local authorities in Wales. To deliver on these aspirations significant additional funding will be required.

The extended age range though laudable also requires increased services, new processes and staffing in order to provide the services detailed in the Code.

The bilingual system principles are also very positive, however, there is a real concern regarding Welsh ALN provision, resources and assessments that will be needed in order to fulfil the requirements as outlined in the Code. It would be helpful for this to be addressed nationally.

Chapter 3 - Involving and supporting children, their parents and young people

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The child being at the centre of the process and involved in all aspects is welcomed, good PCP practice supports this. There is no doubt that the child/ YP should be involved in the decisions and meetings, however, clearer guidance on how a child should be involved and when it is not suitable would have been useful, for example age related expectations on meeting attendance / timings would be useful as a guidance. Example pro formas / good practice would also be welcomed.

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

Question 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 United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It is helpful to see how the UNCRC and UNCRPD interact with the Code.

Chapter 5 - Duty to keep additional learning provision (ALP) under review

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This chapter gives very clear guidance on what local authorities should or must consider when carrying out their duties. This will be helpful in ensuring effective planning and commissioning of provision to meet the needs of children and young people with ALN. In relation to paragraph 5.12 which requires LAs to have evidence of the quality and range of provision available in schools, this will be challenging to local authorities and there will need to be a partnership approach with Regional School Improvement Services. The delivery of high quality provision for children and young people with ALN must be seen as part of the school improvement agenda as a whole.

Review of ALP is definitely a positive step towards consistency and improvement of ALP across schools, however, accessing data, evidence regarding differentiated teaching is only feasible through good partnership approaches with Regional School Improvement Services. Developing a strategic plan to encompass the aims outlined in chapter 5 will need buy in

form Head teachers in order to share the understanding that all teachers are teachers of ALN, and ensure that good differentiation, which includes ALN is trained for and promoted.

It is positive to see the collaborative approach suggested in 5.20. However, the emphasis on LAs to act on issues following a review is not met by a requirement on partner agencies to support this and this needs to be strengthened.

Chapter 6 - Advice and information

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

This chapter is well advised and most needed, however, it is certainly not cost neutral and will require resources, training and officer time to set up and maintain. It would be helpful if Welsh Government were able to produce information on parts of the Code and Act that could be used or adapted.

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The explanation of the definition of ALN provided lacks sufficient clarity and needs revising as a matter of urgency.

The term “significantly greater difficulty in learning than the majority of others the same age” is extremely vague. In its current form, this definition creates the potential for a huge amount of conflict between parents and schools, schools and local authorities, local authorities and parents, FEIs and parents, FEIs and local authorities, LAs and Health bodies.

Due to the vague, subjective nature of the definition, any decision taken by LAs will be open to local challenge and it is inevitable that LAs will face increased legal challenges which will be time consuming and costly.

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

A clear and comprehensive explanation is given on the range of evidence which may be required in the decision making process about ALN and ALP.

The range of agencies and professionals identified in the chapter highlights the scope of this reform and the extent to which so many professionals need to work in partnership to ensure the successful implementation and delivery of the principles set out in the Act. All of these groups will need to increase their capacity in order to support the increased expectations around partnership working, if any of the partners are unable to do this, the ability of LAs to discharge their function effectively will be diminished.

It is concerning to note that although Chapter 7 does not single out Educational Psychology as a discipline that is more crucial to the decision making process about ALN than any other professional body, subsequent chapters identify educational psychologists as key professionals in the process. For example, in paragraph 9.55, it is stated that “As part of the process of deciding whether a pupil has ALN, a local authority must seek advice from an educational psychologist”. This is far too prescriptive, in reality, the most appropriate professionals to advise on whether a pupil has ALN will depend on the nature of the ALN. LAs now use a range of professionals who are experts in their field to support and work with young people and the Code will need to reflect this. An over-reliance on Educational Psychology will also create a crisis in capacity as there will be insufficient numbers of trained Educational Psychologists to meet the increasing demands.

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

Question 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)?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The guidance does set out clearly the role, experience and expertise required of the Early Years ALNLO. There is no doubt that this is an important post within LAs and one which is required if LAs are to be able to discharge their additional duties from 0-3 and ensure that identification of need and effective transition into mainstream education is achieved. There has to be recognition, however, that this is a post does not currently exist in LAs.

The Early Years ALNLOs role is comprehensive and far reaching, involving collaboration, raising awareness, promoting early identification and prevention, and outlining strategic responsibilities. The requirements outlined in the Code support a post for a leader with far reaching skills and experience. The creation of such a post within LAs will therefore require significant additional funding.

Duties on schools, FEIs and local authorities

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The structure is clear but there are a number of concerns regarding the content. The main concern is the lack of clarity at all key decision points.

The decision by the early years educational that an IDP should be prepared is based on a decision around the significance of the additional learning need which, as stated previously, is highly subjective and therefore open to interpretation.

If a school decides that a pupil has ALN then it is required to prepare an IDP and set out the appropriate ALP. In exercising this function, the school “must take all reasonable steps to secure the ALP”. Once again the term “reasonable” is highly subjective and open to interpretation which results in the same issues as with “significance”.

There are no standard requirements for schools to provide ALP or any guidance about what ALP is expected in all schools. Therefore, governors and head teachers of individual schools are able to provide what they feel is adequate, which may well be determined by budget and teacher skills, rather than the needs of the school population. Further guidance is required on what ALP would be expected in a mainstream school.

The coordinator outlined in paragraph 8.11 in relation to children looked after is an indication of the restructuring that will be needed by local authorities to ensure the implementation of the Act and specifically the details included in the Code. As many of the outlined duties are beyond the grade of the existing teams within local authorities, this will have cost implication in order to implement the Act and code details successfully.

Paragraph 8.12 onwards, outlines the contents of communication for parents. It would be useful on this occasion and the numerous other occasions where communication is detailed to have sample/ pro formas given in the Annex which could be adapted by local authorities. Additionally a flow chart for the timescales would be useful.

Paragraph 9.39 Referrals from a maintained school to a local authority – this point needs significant clarification. The term “adequately determine” and “would not be reasonable” regarding ALN or ALP in relation to the referral from schools to the local authority needs for more clarification. The terms are open to interpretation by schools and will cause conflict

between schools and LAs. It would be useful to have an agreed understanding of the ALP that schools should be able to offer, and further clarification around the ALN definition.

9.40 The usefulness of dual registration in maintaining children and a young person in mainstream education is questionable if the IDP is automatically picked up by the local authority. The IDP process should revolve around the pupil, and thus should be written by the mainstream school involving any other institutions where the child / young person is attending. If the mainstream funding is given to the school, it should be the school who maintain the IDP unless the child / young person's needs are complex.

In paragraph 9.44 it is stated that "The circumstances of the school (i.e. its location, size, budget, experience etc.) could affect the school's view on whether it would be reasonable for it to secure the ALP. This is unacceptable as it suggests that the level of support that a pupil can expect will vary from school to school. Would a similar rationale be used for the delivery of literacy or numeracy, i.e. there must be an expectation that all schools are able to deliver the same level of provision for all learners.

Further detail is also required in relation to equipment. Much equipment used for the curriculum can only be used once, and many children with ALN will require equipment that can be only be used for them, e.g. a special pencil grip, sloping writing surface. Additionally the term 'intensive daily support' needs quantifying, as this would be judged very differently by individual schools and teachers. What evidence would be needed to support the need for intensive daily support? Further clarification is needed.

9.45. The need for a set of principles to decide who would secure an ALP is clear, however, this would surely be the same for all local authorities and would thus lend itself to national guidance. Without such guidance access to ALP may vary according to where a person lives leading to a "postcode lottery" determining access to support.

9.50. A parental request to consider ALN, take on an IDP or review an IDP. Plus a professional referral (9.53) of which the LA must consider these requests, leaves the authority open to countless requests which will become unmanageable, especially in the given timescales. If this is to be the case, detailed criteria needs to be included to explain what evidence is needed to support these requests.

The numbers that could be referred to the LA under the Code as it is detailed is worrying. There needs to be further clarification around the children and young people who need to have an LA IDP. In addition, the fact that all decisions are appealable to the Education Tribunal, means that local authority staff and resources will be used defending and evidencing decisions rather than meeting need.

Chapter 10 which related to the duties of FEI's and local authorities in relation to young people at an FEI raises a number of concerns for local authorities.

The chapter appears to assume that local authorities have the same relationships with FEI's as they do with maintained schools which is fundamentally not the case. LA's do not fund or have any jurisdiction over FEI's and the Code does not in any way recognise this.

It is therefore highly problematic to state as in 10.1 that an FEI can refer a young person's case to the local authority if the FEI considers that it would not be reasonable for it to secure or that it cannot adequately determine the extent of nature of the ALN, or that it cannot adequately determine the ALP.

In short the FEI becomes able to independently decide whether it can meet the ALN of a young person and if the decision is that it cannot, all the responsibility transfers to the local authority. The consequences of this would be that a local authority would be responsible for funding the assessment and provision for young people attending an institution which it does not fund or have any jurisdiction over.

The issue about what it would be reasonable for the FEI to provide needs to be addressed fully. The current Code could lead to local authorities becoming responsible for funding all provision that it currently provides for schools. This would include access to educational psychology services, outreach support services for speech and language, autistic spectrum disorder, visual impairment, hearing impairment, social emotional and mental health difficulties.

A fundamental review of the role of FEI's within the education system, particularly in how they relate to ALN is needed. If FEI's do not meet the needs of a wide range of learner's post 16 then there will be an increased demand for private sector providers and specialist colleges which will drain the finite resources of LAs. Positive relationships exist and can be future developed between LAs and FEIs, however processes and responsibilities need to be addressed, with increased funding in order to meet the needs of children with ALN post 16 to ensure that they are receiving the services and support that they need.

Further clarity around parental preference 11.33 and 11.58 and the evidence needed to support views at odds with the local authority is needed. This is an area already contested in Educational tribunal and further details would be helpful.

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

All professionals working in this field would support the principles of early identification and prompt support. However, the timescales set out in the Code will be very challenging to deliver, particularly in more complex cases.

There is a concerning disparity between the timescales set out for FEIs and LAs; FEIs have 35 working days where as LAs have 7 weeks. This does not take into consideration the added difficulties LAs are likely to encounter when attempting to liaise with all parties involved in the IDP over school holiday periods, particularly holiday periods of 5 days or more which will make the timescales even more challenging to deliver for LAs.

The differences in time scales for schools and Local Authorities whilst understandable in principle could prove difficult to meet. Current experience demonstrates that to write effective plans there needs to be quality partnership between the two bodies, and parents. School holidays will be a significant barrier to this partnership working. Meeting to discuss IDP needs greater emphasis than the 'should'. Concerns about a high level of demand on lower funded provisions, may need to be addressed. Time scales involved may need to be more flexible.

Achieving compliance with such a timescale will require significant additional funding for schools, LAs and all partner agencies. If this is not the case these timescales will not be met and will result in considerable increase in litigation and reputational damage for local authorities and Welsh Government (WG).

Deciding whether it is 'necessary' for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	✓	Not sure	<input type="checkbox"/>
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Supporting comments

The majority of the identified paragraphs give clear guidance, however some content could be open to interpretation.

Points which need to be clarified are:

- Defining realistic expectations in relation to outcomes
- Difference between purely social care provision as opposed to educational provision which could be interpreted as social care e.g. independent living skills.
- 12.37 – it is concerning that the Code indicates the local authority should maintain an IDP if the 'reasonable needs' for ALP would not be met. The term 'reasonable' needs to be expanded and exemplified as the term 'reasonable' would be widely interpreted. An agreed minimum expectation for FEI maintained provision should be identified.
- 12.48 – this is crucial to the effective provision of residential placement but needs to be strengthened in relation to joint funding arrangements. The wording 'might consider' does not give enough onus on health to cooperate.

Chapter 13 - Content of an IDP

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes the content is appropriate, though further guidance about what is to be included under each heading would be useful. Good practice guides where Welsh Government share their expectations about what should be included would be helpful.

The element regarding to commenting on the capacity of either child/parent or young person is a contentious issue – many IDP co-ordinators may feel they do not have the expertise to comment on this. The LA has concerns regarding the legal redress when making such judgements. Will there be guidance on how these judgements should be made? Feedback taken from the LA from current SENCOs / ALNCOs indicates that they would not be willing to comment on a person’s ‘capacity’ but would be happy to comment on whether a person ‘needed support’ with the IDP process.

13.44 The LA will only be able to describe provision recommended by health professionals. This could lead to the inability to explore creative solutions or may fall short of the expectations of parents.

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The standard forms do not sit well within the person centred processes that Welsh Government have encouraged. The forms are stark and unfriendly and will need some adaptation. Further electronic systems to support the IDP process would be more efficient and easier to adapt, this could be rolled out nationally.

Further consideration of how the forms will be used, shared and adapted would lend itself towards electronic versions, on apps or similar with additional sections that could be included or left out as appropriate. For a new system these forms already seem dated.

Reference to appeals to Education Tribunal are highlighted in the form which the LA feels is unnecessary and pre-emptive and may encourage parents to proceed in this direction without engaging in purposeful mediation. There is no mention in the form about mediation. As this provides an overview of what has happened so far, what has been tried, what has worked, in order to plan next steps.

The emphasis on transition at all stages of a child / young person’s development is considered positive. However, clarity is required as to what needs to be entered into this section – issues relating to transition or a transition plan for example.

The mandatory form has one column for a review/end date. It was considered that this should be separated. This would ensure that all ALPs made are subject to review to consider effectiveness and if provision has achieved its objectives.

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The guidance is on the whole clear. It would be more helpful if some of the expectations were made mandatory, i.e. “must” rather than “should”, to ensure consistency. Timescales also need to be addressed, it would be useful to have a flow chart with timescales stated clearly.

Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The guidance is very general and lacks detail. As a result LAs will continue to make decisions based on the guidance set out in the “Learner Statutory Provision and Operational Guidance 2014”. Further clarification is needed here.

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

See comments for question 23.

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The most problematic paragraph in the Draft Code is 15.36. It is completely unacceptable to state that “if a tribunal orders the revision of an IDP in relation to ALP specified as ALP an NHS body must secure, an NHS body is not required to secure the revised ALP unless it agrees to do so” and that the body maintaining the IDP should work with the NHS body to reach agreement in such circumstances. It is difficult to find any rational, logical argument to justify such an approach. The consequence of this will be that an NHS body, as in the current system, not recognise the decision of tribunal as binding and the cost of any ruling relating to increasing the input from NHS bodies such as therapy services will have to be met by the LA. Not only does this have financial implications for the LA, it also then requires the LA to purchase additional provision from private therapists operating outside of the health service which undermines the whole partnership approach. In the current system, NHS bodies do not prioritise Education Tribunal cases because they are not bound by the tribunal decision. As a consequence, advice is not always forthcoming or is not detailed comprehensive advice which can be used successfully in tribunal to counter what is often very detailed advice provided by parents who have commissioned private therapists to assess and advise. If the Code does not address this issue, it will be ignoring what is a fundamental flaw in the current system.

In such circumstances the LA should not be expected to deliver and fund this provision. Matters relating to ALP that an NHS body must secure, should not be heard by the Education Tribunal if they do not have the legal jurisdiction to require compliance. Such issues should therefore be referred to the NHS complaints system.

Currently, once Tribunal has made its determination, the LA is legally responsible for providing the provision. If NHS bodies refuse to accept the findings of the Tribunal as is often the case, LAs are required to source and fund the provision. There can be no delay in securing the provision while a negotiation takes place with the NHS which can take a significant amount of time.

- Clarity is required about the use of the two sections, 65 and 20. It was understood that section 65 is the request for advice. It was considered that the LA, to comply with the timescales, would need to request under section 65 and refer under section 20 at the same time in order to obtain the necessary information to complete the IDP. This would provide the pupils medical needs together with intended provision to meet those needs.
- The 6 week compliance time in a 7 or 12 week timeframe is ambitious as Health cannot meet current timescales and very often do not provide by the 26 week deadline to issue a final statement
- Concern that the requirement to provide information does not apply if it is ‘impractical for the relevant person to do so due to circumstances beyond its control’. What circumstance would apply? This needs clarity to avoid potential conflict.

The Designated Education Clinical Lead Officer (“DECLO”)

Question 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)?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 16 - Review and revision of IDPs

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>There is no guidance in Chapter 16 which sets out the requirements on health bodies and other relevant persons to contribute to reviews. It should be made clear in the Code that if a review is agreed by the body maintaining the IDP and advice is requested about the ALP provided, the health body or other relevant person must contribute fully to that review. If this is not stipulated, the review process will become meaningless.</p> <p>The aspiration set out in the Act, and the draft Code, for multi-agency partnership working needs to be supported by the Code and the responsibilities of all partners made clear in this regard. If this is not set out clearly in the Code, agencies will not create the capacity to contribute in a meaningful way and local authorities will be the only body held to account. In the current system, it is difficult for health bodies to engage in the review process in a meaningful manner and this will continue to be the case unless the duty to contribute in this way is not set out in a legal framework.</p> <p>It is very concerning that no limit is set in terms of the number of reviews that can be undertaken in a calendar year. The IDP review process as set out in the draft Code is very rigorous and all partners are expected to contribute fully to this. As the Code is currently set out, it would be possible for a review to be requested every 35 days in the case of an FEI or school and every 7 weeks in the case of a local authority. In the face of such requests, the</p>
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onus would be on the body responsible for the IDP to prove that it was unnecessary. This will drain the resources of that body and undermine the system. The Code should protect delivery bodies from such an approach by requiring those requesting a review to demonstrate the basis on which a review is required.

The guidance on exceptions in paragraph 1.35 is clear. However, it will be extremely challenging for LAs to comply with the timescales when faced by a potentially significant increase in requests for reviews, particularly when needing to collaborate with a school based stakeholders during school holiday periods that extend beyond 5 school days.

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input type="checkbox"/>	No	✓	Not sure	<input type="checkbox"/>
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Supporting comments

17.2 states that any school, FEI, child, parent, young person can request that an LA take over responsibility for an IDP, which means that the LA could be liable for significant numbers of IDPs and can be in tribunal to defend the IDP of one of the above institutions, which they have not written. This is not acceptable. The amount of time required to execute the powers listed in the above chapter is unmanageable for most local authorities. The number of staff involved in dispute resolution, IDP and ALN decisions and educational tribunals would be unsustainable.

As stated earlier timescales are also an issue.

Question 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?

Yes	<input type="checkbox"/>	No	✓	Not sure	<input type="checkbox"/>
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Supporting comments

There are many risks for LAs which result from this section of the draft Code. It significantly increases the role of the LA in determining whether a schools' decision making and provision for pupils with ALN is correct when challenged by parents. The process of "reconsideration" as set out in the draft Code is extensive and the 7 week timescale for achieving the expectations set out in the Act is unrealistically challenging.

The LA currently has no such role with schools, certainly no role which is set out in law with rights of appeal to tribunal, as is the proposal under the draft Code. To fulfil this function effectively, a significant investment will be required to increase the resource and capacity within an LA. It is also highly likely that the number of such requests for reconsideration made to the LA will be significant and if this were the case, LAs could become overwhelmed and unable to meet its statutory requirements.

Even more significant is the intention set out in the Code for an LA not only to be the body which has the statutory duty to “reconsider” and ultimately take over responsibility for IDPs in all maintained schools in Wales. The Code also gives the same duty to LAs in respect of FEIs. As stated previously, this is unworkable and does not fit with current legislation.

LAs have no legal jurisdiction over FEIs, they are separate entities and are funded from Welsh Government. It would be wholly inappropriate for LAs to carry out this role within the FE sector and wholly inappropriate for LAs to become responsible for IDPs for pupils attending FEIs. It would be far more appropriate under current legislation for Welsh Government to take over this responsibility.

Para 17.25 makes reference to ‘the school or FEI should consider consulting an educational psychologist...’ as referred to previously, this should be expanded to include other relevant specialist professionals e.g. advisory teachers

Chapter 18 - Meetings about ALN and IDPs

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

The principles and guidance provided is appropriate, however, as stated previously, schools and LAs will require significant investment to increase skills and capacity of staff in order to meet the aspirations as set out in the Act and the draft Code.

Further detail is required around a standard format for meetings and suggested agendas. This would ensure consistency and that PCP processes are used.

Chapter 19 – Planning for and supporting transition

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

In general, this chapter in the draft Code provides guidance to support effective transitions when moving into, between and out of educational settings. However, some of the terminology is vague and many of the duties are referred to as should, which can be open to interpretation, some of the requirements should be considered mandatory, i.e. must. Timescales also need to be clearer. A flow chart, with timescales would be useful.

As stated previously, the LA should not have any responsibility for an IDP when a young person is attending a FEI. It is absolutely appropriate for the LA to work with the FEI to ensure a smooth and effective transition but once this process is completed, all responsibility for meeting the needs of the learner with ALN should transfer to the FEI.

Paragraph 19.54 states that learners with ALN who are at risk of becoming NEET should be identified as a priority group requiring enhanced services and the involvement of Careers Wales. The LA has concerns regarding the capacity of services to provide this support.

Chapter 20 - Transferring an IDP

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The content of this Chapter as it relates to transfers for children looked after by a local authority, where a child ceases to be looked after and transfers from a local authority to an FEI are unsatisfactory.

Section 20.12 – 20.13 needs to be strengthened.

It is crucial that FEIs are funded appropriately to be able to develop the provision required to meet the needs of young people with ALN. The current draft Code does not address this fundamental issue. Chapter 20.12 states that an LA may request the FEI becomes responsible for maintaining the IDP for a student who transfers from a local authority to an FEI. The expectation should be that the FEI would automatically become responsible for the IDP. The section goes on to say “such requests should only be made where the local authority believes that it would be reasonable for the FEI to secure the ALP as set out in the IDP”. The fundamental issue to be addressed is the inclusive nature, or otherwise of FE institutions, this is a decision which needs to be taken by Welsh Government. For the ALN Act to operate effectively, it is fundamental that FEIs are seen as an integral part of this and Welsh Government need to legislate to this regard and ensure that FEIs are funded appropriately to meet these needs. The current draft Code fails to do this and as a consequence creates the danger that by default, responsibility for developing provision and meeting the needs of the 16-25 year old with ALN will need to be developed or commissioned and/or funded by local authorities. This will place huge financial and operational strains on LAs which will be unsustainable for future generations.

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The issues around directing FEIs have already been covered. Again the terminology is open to interpretation and therefore the main responsibility will still be with the local authority, which is a funding and resource issue. The timescales are useful, though it is noted that there is no timescale for Welsh Ministers to respond.

The term ‘reasonable’ in relation to what an LA can consider an FEI to provide in terms of ALP is vague and open to interpretation and great variation across LAs. There needs to be an agreed understanding of what ‘reasonable’ means in this context with minimum expectations for ALP within all FEIs.

Whilst we appreciate the provision of a body to appeal to, clarity regarding the criteria upon which the Welsh ministers will make their decision needs to be agreed and widely available. This will prevent unnecessary conflict between LAs and FEIs and will avoid unnecessary workload for LAs, FEIs and Welsh Ministers. As a new requirement, written requests that LAs will be required to make to Welsh Ministers to review cases in dispute are likely to be time consuming and will have an impact upon the capacity of LA services. This is unlikely to be cost neutral in its implementation.

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The arrangements are set out clearly however, 20.18 and 20.19 need further timescales included to ensure that these duties can be met promptly.

The aim should be seamless transition and continuity of ALP, with appropriate transition arrangements there should be no need to review provision as the new body will have been an active partner in the previous review. Only where this has not been possible should there be a need for a review on entry.

Paragraph 20.20/21 – There is lack of clarity in these paragraphs regarding interim arrangements where there may have been, for example, a breakdown in placement.

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input type="checkbox"/>	No	✓	Not sure	<input type="checkbox"/>
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Supporting comments

The structure of the chapter is clear, however, ceasing an IDP / deciding if a child young person has ALN is related to the initial definition, which as noted in the comments above lacks detail. (See 21.7)

Again timescales need to be clearer (21.14) and longer (see above notes re staffing and resources) and a flow chart would be useful.

As stated previously, the term reasonable need for education 21.12 is a concern as it lacks clarity.

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

Yes	<input type="checkbox"/>	No	✓	Not sure	<input type="checkbox"/>
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Supporting comments

See previous notes on timescales. The impact on staffing and resources is considerable, the timescales are unrealistic.

No. there is lack of clarity in relation to the timescale for LAs to reconsider a school's decision to cease an IDP. It is clear that there are 4 weeks during which a request for the LA to reconsider a school's decision can be made but it is not clear how much time the LA has to make its decision following the request. Do the request and the decision made by the LA have to both be made within the 4 week period? For example, if the parents make a request to the LA during the last few days of the 4 week period, it would be extremely unrealistic to expect the LA to be able to comply with the request within the 4 weeks.

Chapter 22 – Children and young people subject to detention orders

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes	<input type="checkbox"/>	No	✓	Not sure	<input type="checkbox"/>
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Supporting comments

The draft Code needs to include guidance on the duties of health bodies and other relevant persons relating to this group of children and young people. On reading the Code it suggests that local authorities have sole responsibility for meeting the ALN of this group. This is particularly concerning given the complexity of need which is often evident in this group of children and young people.

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Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

See Q36

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

See Q36

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes, this is reassuring as it would be highly unlikely that LAs could comply with fixed timescales due to the complexity of the cases above. The timescales clearly take into account the typically short nature of custodial sentences and the practicalities of securing appropriate ALP within the limitations of youth accommodation for detained persons.

Chapter 23 - Children and young people in specific circumstances

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

EOTAS children guidance seems appropriate, except we have no power over FEIs to provide a specific ALP. I would also question, the need for the LA to take over the PRU IDPs, due to them being dual registered. For the purpose of the ACT PRUs are seen as schools, so it would seem appropriate for them to take over the IDPs from the mainstream school whilst maintain contact. This would be a large number of additional children for the LA to develop and review IDPs for and would impact on staffing, and thus funding.

Further clarity on timings and which healthcare needs are suggested as needing the LA to take over IDPs is needed, as this could be a clear reason for parental disagreement. What is meant by a sustained period of time/ prolonged hospital stay? (23.15)

It is difficult to understand how the LA will prepare and maintain IDPs, ensuring appropriate ALPs for children and young people who are EHE, in independent schools, and schools in England, when we have no jurisdiction in any of these areas. (23.16)

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The move to make the role of ALNCO a mandatory post is very much welcomed as is the requirement for them to be a registered school teacher. Given the highly strategic emphasis to this role, it is questionable if a teacher with just the statutory induction period of experience has enough experience to effectively undertake the role. The term ‘highly qualified and should have expertise in dealing with a broad spectrum of ALN’ needs greater clarity as to the extent of that ‘highly qualified’ this also has significant implications for training and development for the current workforce.

The ‘Clear and sufficient time allocation’ to undertake the duties – the role outlined is vastly different to that carried out by SENCOs. School leaders need support to recognise this and ensure ALNCOs are given the appropriate senior leadership support and skill development. A concept muted during discussions was the creation of an indicative formula which might support schools to allocate appropriate time in the early stages of code implementation, the factors which might be included are

- Size of school
- FSM/deprivation index
- Number of pupils with school based IDP

- Number of pupils with LA maintained IDP
- Pupil population movement
-

The duties place a much greater emphasis on the strategic leadership of ALP, this is welcomed and will provide for a much needed shift in thinking to a much wider school improvement approach to ALN, this has the potential to require a significant shift in the focus of school development plans. It is vital that school leaders and those involved in school accountability (challenge advisers and Estyn) are trained to recognise and support schools to identify good practice and develop this consistently across a setting.

The ongoing professional development to shift existing SENCoS to be effective ALNCoS cannot be underestimated, for many the role currently centres around SEN administration a small role with very little perceived impact on effective teaching and learning. The regulations also require the ALNCo to manage Learning support staff, deliver quality training and monitor effectiveness of ALP. Significant training is required to undertake these tasks effectively. Governing bodies will also need a significant level of awareness raising to enable them to effectively support school leadership to enable ALNCoS to undertake the expanded remit. Para 24.12 and 24.16 are in conflict. In the first instance it is promoted that ALNCoS are ensuring quality IDPs in place – it is assumed these will be written by the person who knows the learner and the best methods to meet their learning needs, yet in para 24.16 it is the ALNCo who is providing regular information to the child or family. This should be reflective of the IDP preparation and the ALNCo have responsibility for ensuring it happens rather than have responsibility for this directly.

When all the above points are taken into account, Regulation 3(b) allowing someone in post who is not a qualified teacher to continue in the role is not compatible with the significantly greater demands of the role as described in this chapter.

Chapter 25 - Avoiding and resolving disagreements

Question 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?

Yes	<input type="checkbox"/>	No	✓	Not sure	<input type="checkbox"/>
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Supporting comments

It is not appropriate to require local authorities to be responsible for resolving disagreements relating to FEIs. FEIs are not under the jurisdiction of LAs.

How reasonable is it to intervene with proprietors of relevant institutions which also include academies, independent and post16 institutions who the LA do not have jurisdiction over. For example, it would be difficult to promote the arrangements for avoiding and resolving disputes within organisations which we have no input.

Section 25.11 The LA must ensure staff have a detailed understanding of the ALN system, with appropriate training, impartial to the outcome of any potential disagreements , plus have

enough staff to see and facilitate children separately to parents (25.14), this has significant staffing and cost implications for the LA.

Given the need to publish guidance on avoiding disagreements and building relationships for adults, children and young people, it would be useful to have some guidance from Welsh Government.

It would be useful if there were timescales for the involvement of the DECLO / health, in relation to a decision on whether their advice is relevant or submitting advice. This does not encourage a prompt resolution of difficulties.

Question 43 – 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The requirements are appropriate. Although LAs currently have similar services in operation, it needs to be recognised by Welsh Government that LAs will need to increase the capacity of these services due to the Act which will require additional funding. Should there not be a duty upon FEIs and not LAs to provide advocacy services for those learners who have FEI maintained IDPs?

There is lack of clarity as to whether advocates will be able to represent families at Education Tribunals.

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The Act and draft Code expand significantly the matters about which appeals can be made. This, together with the extended age range to which the Act and draft Code applies, is almost certainly going to lead to an increased number of appeals to tribunal. This is of great concern to LAs as defending such appeals is a very costly, time consuming and bureaucratic process which requires a great deal of officer time. In addition, the nature of the current system almost always finds in favour of the appellant with LAs only being successful in approximately 5% of all cases. Expectations with regards the mediation process required are

unclear. It should be mandatory that parents/carers or young people themselves engage in mediation with either school, FEI or LA as applicable.

The flowchart provided at the end of the chapter is considered helpful, particularly in drawing the distinction between decisions made by a school or NHS and that NHS complaints procedures should be followed. However, it is unclear as to whether parents will follow NHS complaints procedures, given that doing so, currently does not appear to allow parents to challenge clinical decisions made with regards Health Board provision.

26.18 Tribunal direction adds a further layer of bureaucracy.

The reduced timescales for preparing case statements together with the likelihood of increased number of appeals is very likely to overwhelm LAs and potentially lead to a breakdown of the system.

Chapter 27 - Case friends for children who lack capacity

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There needs to be greater clarity as to the difference between a case friend and advocate.

27.6 – whether a child or young person has capacity or not is considered too simplistic. It is possible that they have some understanding of some aspects and considered that capacity can vary dependent on context and depending on the issue being determined. This is concerning as the child or young person potentially loses all rights if it is decided they do not have capacity at any given time. The possibility of reviewing this is not considered.

There appears to be an assumption that if a parent is making an appeal, then a case friend is not required. It is felt that a case friend may still be required to help support the child through the process.

There needs to be greater clarity with regards the needs of children who are looked after or detained as to whether they will have access to a case friend.

21.29 Clarification is required as to whether a young person may disagree with their parents and request a case friend.

Any other comments

Question 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.

The local authority is fully supportive of the general principles as set out in the draft ALN Code and the 2018 Act: a rights-based approach, early identification, intervention and effective transition planning, collaboration, inclusive education and a bilingual system. What is not accepted is the view held by Welsh Government that developing this system will be “cost neutral” for Local Authorities in Wales. To deliver on these aspirations significant additional funding will be required.

The bilingual system principles are also very positive, however, there is a real concern regarding Welsh ALN resources and assessments that will be needed in order to fulfil the requirements as outlined in the Code. It would be helpful for this to be addressed nationally.

Part 2 of the consultation: Draft Education Tribunal for Wales regulations

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes. However, it is unclear how the timescales set out for the NHS to respond to recommendations made by the Tribunal indicating what action they have taken or why they have not taken action, will run alongside other specified timescales for LAs and FEIs to comply with orders. For example, where a Tribunal makes a recommendation to the NHS regarding ALP, will the Tribunal await the response from the NHS (6 weeks timescale) before issuing an order to LAs and FEIs? If not, awaiting a decision from the NHS which could take 6 weeks would make the process of complying with Tribunal orders within the 35 day or 7 weeks timescales allowed for FEIs and LAs extremely difficult, if not impossible in some cases.

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There is concern that the very premise that an Education Tribunal can make recommendations relating to health provision is fundamentally flawed in relation to making fair, just and well informed decisions. Further clarification would be welcomed in relation to circumstances that are considered to be ‘fair and just’ as there appears to be a significant imbalance in the number of tribunals that currently find in favour of parents and not LAs.

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The sequential process that has been introduced in relation to the submission of case statements by the parties is helpful and a significant improvement on the current system.

Question 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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There is concern that the 4 week timescale for LAs to submit a case statement is unrealistic due to the potential increase in tribunal appeals and that there is no dispensation given within the LA timescales regarding the impact of school holidays on the above process – e.g. unavailability of school based professionals, unavailability of families etc. There is clear inequity between the timescales allowed for the different parties involved for which there appears to be no clear rationale or justification.

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Yes, when considering timescales outlined for other parties. However, there is lack of clarity regarding whether the 6 week timescale runs concurrently with the 35 days / 7 weeks allowed for FEIs and LAs to comply with orders or is intended to form part of a sequential time frame, whereby FEIs and LAs are aware of the outcome of NHS response to Tribunal recommendations prior to the commencement of their 35 day / 7 week timescale in order to inform their actions.

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

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There is lack of clarity regarding whether the 6 week timescale runs concurrently with the 35 days / 7 weeks allowed for FEIs and LAs to comply with orders or is intended to form part of a sequential time frame, whereby FEIs and LAs are aware of the outcome of NHS response to Tribunal recommendations prior to the commencement of their 35 day / 7 week timescale in order to inform their actions.

There is clear disparity in the timescales outlined for different parties to comply with orders and there is no consideration given to the impact that a school holiday period can have upon the LAs ability to comply with orders.

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There is lack of clarity regarding what is considered fair or just grounds for extensions to timescales as the current system does not appear to treat parents and LAs on an equal footing.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Overall but there are a number of concerns highlighted in Q45 in relation to the information provided about case friends.

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The move to make the role of ALNCo a mandatory post is very much welcomed as is the requirement for them to be a registered school teacher. Given the highly strategic emphasis to this role, it is questionable if a teacher with just the statutory induction period of experience has enough experience to effectively undertake the role. The term ‘highly qualified and should have expertise in dealing with a broad spectrum of ALN’ needs greater clarity as to the extent of that ‘highly qualified’ this also has significant implications for training and development for the current workforce.

The ongoing professional development to shift existing SENCoS to be effective ALNCoS cannot be underestimated, for many the role currently centres around SEN administration a small role with very little perceived impact on effective teaching and learning. The regulations also require the ALNCo to manage Learning support staff, deliver quality training and monitor effective ness of ALP. Significant training is required to undertake these tasks effectively.

When all the above points are taken into account, Regulation 3(b) allowing someone in post who is not a qualified teacher to continue in the role is not compatible with the significantly greater demands of the role as described in this chapter.

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The duties place a much greater emphasis on the strategic leadership of ALP, this is welcomed and will provide for a much needed shift in thinking to a much wider school improvement approach to ALN, this has the potential to require a significant shift in the focus of school development plans. It is vital that school leaders and those involved in school accountability (challenge advisers and Estyn) are trained to recognise and support schools to identify good practice and develop this consistently across a setting.

The ongoing professional development to shift existing SENCoS to be effective ALNCoS cannot be underestimated, for many the role currently centres around SEN administration a small role with very little perceived impact on effective teaching and learning. The regulations also require the ALNCo to manage Learning support staff, deliver quality training and monitor effective ness of ALP. Significant training is required to undertake these tasks effectively.

Governing bodies will also need a significant level of awareness raising to enable them to effectively support school leadership to enable ALNCoS to undertake the expanded remit.

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The LACE Coordinator has a key role in overseeing the education of all children who are looked after, not only those with ALN. Learners who are looked after have a particular set of experiences and complex needs that may not receive the same level of expertise if they were to become part of a broader 'vulnerable' group. Making the role statutory would assist in standardising practice across LAs. However, it is concerning that there is no clear understanding of the qualifications / experience required to undertake this role in comparison to those set out for the ALNCo within the draft Code.

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It is positive that the IDP would be incorporated within the PEP as this will raise the profile of the PEP to give it the status that it requires to ensure that children looked after receive appropriate learning provision and support in an integrated manner. As there is an All Wales IDP template within the draft Code, it is felt that consideration should be given to producing an All Wales PEP template to align with the proposed timescale for the implementation of IDPs from September 2019.

In light of the requirements of the draft Code in relation to review of IDPs, the LA queries whether the guidance relating to the review of PEPs as outlined in the SSWbA will remain unaltered.

There is concern that there is some slight overlap in the content of an IDP and a PEP, although we recognise that these documents may, at times, be reviewed in isolation.

(c) Proposed revisions to the Part 6 Code

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The differences in the definition of a child who is looked after between the SSWbA and the draft Code are confusing and may lead to discrepancies within local authorities. This is likely to lead to some confusion regarding when the completion of a PEP is required. The revisions are not clear regarding roles and responsibilities in terms of implementing and reviewing IDPs and ALP.

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

The integration of PEPs and IDPs will be highly beneficial in ensuring a holistic approach to addressing the ALN of children who are looked after. The mandatory content is acceptable. However, further clarification is necessary in relation to roles and responsibilities and accountability of parties involved in the coordination and completion of the above documents. Currently, there appears to be lack of accountability regarding failure to adhere to due process in relation to PEPs.

Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

There is insufficient detail regarding the role and responsibilities of the LACE Co-ordinator other than stating that they will have a critical role in overseeing / coordinating the IDPs and in developing effective collaboration with the school designated person for LAC. There is no consideration of the impact of the above upon the LACE's workload and capacity, or to how this would look in practice. There needs to be clear guidance around the experience and qualifications required to undertake this role and a clear outline of responsibilities.

The additional responsibility of the LACE coordinating IDPs for all children who are looked after is unrealistic when considering the multi-faceted nature of the LACE role currently and

the complexity of this cohort of pupils in general. Larger LAs will likely need to enhance their staffing capacity in terms of the above statutory responsibilities which will incur additional costs.

Part 5 of the consultation: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

The impact of the proposed regulations have been set out in answers to preceding questions.

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

The bilingual system principles are very positive, however, there is a real concern regarding Welsh ALN resources and assessments that will be needed in order to fulfil the requirements as outlined in the Code. It would be helpful for this to be addressed nationally if there is to be a positive impact on those accessing education through the medium of Welsh.

The requirement to provide ALP in Welsh is welcomed and will ensure equitable provision is available. The potential demand for Welsh provision is unknown at the current time. There are concerns with regard to making resource efficient provision with a suitable level of specialist input available if there is a low level of demand. Collaboration between local authorities may address this to some extent, but it may still lead to children travelling significant distances to access provision.

Investment in developing a wider range of Welsh language ALN resources would be welcomed. Consideration should also be given into researching the most effective formats of provision e.g. specialist input and support to exiting settings versus distinct WM provisions.

Question 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 proposals in the ALN Code and proposed regulations will reflect the strong legislative emphasis of the Welsh Government on ensuring equity for the Welsh language.

Question 65 – 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.

Respondent Details

Information	
Name	
Organisation (if applicable)	Response of Prestatyn Cluster (Bodnant Community School; Clawdd Offa; Hiraddug; Melyd; Penmorfa and Prestatyn High School)

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the ALN Code

Q1. Is the explanation in paragraphs 1.10 -1.16 of the draft ALN Code of the use and meaning of the different terms must, must not, may, should and should not clear?

The explanation is clear.

Question 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?

In principal, we agree with a prompt response to a request from parents. However, the Code needs to be more specific about The School/Headteacher providing the ALNCo with adequate time/resources to work on ALN, which means dedicated time away from the classroom. Ideally this would be set out by the Local Authority. Furthermore, adequate and appropriate training to carry out assessments. Also, the request should be in a written format signed by the parent and given to the ALNCo and then the timescale would start.

Question 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?

This is appropriate.

Structure of the draft ALN Code

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

It does appear to be written in legal jargon and that a number of different individuals have contributed to the text which doesn't make the ALN Code as easy to follow.

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

Mostly.

Pupil referral units (PRUs)

Question 6. Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Not applicable to our setting.

Chapter 2 - Principles of the Code

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

The principles are the right ones.

Chapter 3 - Involving and supporting children, their parents and young people

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

Is it appropriate for the person facilitating to decide with the child not to attend the review? How will it be recorded?

Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

Q9. 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?

Yes

Chapter 5 - Duty to keep additional learning provision (ALP) under review

Question 10. 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?

There could be disagreement/conflict with LA and school. Negative wording. Maybe support.

Chapter 6 - Advice and information

Question 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?

Yes.

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

P.56 7.6 contradicts. 7.44 - needs clarification. Specific guidelines on what is ALN.

Question 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?

Needs county guidance clarification

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

Question 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)?

Not appropriate to our setting.

Duties on schools, FEIs and local authorities

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

Timing.

Question 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?

Currently, there is disparity between the amount of time allocated for ALNCOs in Primary and Secondary Schools throughout North Wales and within actual counties. There is also differences in time allocation between local secondary schools. 35 teaching days; what happens if an ALNCo is waiting for a report from CAMHS or other NHS bodies? What would happen if the ALNCo was off ill? Would it then be legitimate to suspend the stated timescale? Will there be flexibility on this timescale in these circumstances? Headteacher/Governing Body need to be aware of these particular pressures on the ALNCo and resource time appropriately. It would also be helpful if there was a flowchart of what should be done in the '35 days timescale'.

Deciding whether it is 'necessary' for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI

Q17. 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?

Yes.

Chapter 13 - Content of an IDP

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

Exemplar case studies of the IDP. Furthermore, concerns have been raised about how in-depth the IDP document is; the concern here is that subject teachers will be over-loaded with paper-work. Would it be acceptable for the classroom teacher to have the one-page profile or IEP? Also, what about the implications of GDPR and having so many large, confidential documents? Security implications? Who is entitled to access? Some clarification over the implications of GDPR would be helpful to ALNCOs.

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

We feel that a standard form throughout the country would be appropriate since there is transition between different secondary schools and transition

from local primary to a secondary school. We feel it is essential that the document is a standard format.

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

There could be greater clarity in terms of responsibility for producing the IDP. There is an assumption that this will be the ALNCo but there are individuals in school who could contribute if not produce an IDP. This requires some clarification.

Transport

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

Yes.

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help

Question 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?

Fine.

ALP to be secured by NHS bodies

Question 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?

Not applicable to our setting.

The Designated Education Clinical Lead Officer (“DECLO”)

Question 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)?

LA responsibility.

Chapter 16 - Review and revision of IDPs

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

Guidelines and structure of who needs an IDP.

Training.

Time issues – how much is done by the school/LA?

Chapter 18 - Meetings about ALN and IDPs

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

Time issues

Chapter 20 - Transferring an IDP

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

What about ~EHIC from England? Is the review immediate 35 days or when it is due?

Chapter 21 - Ceasing to maintain an IDP

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

How long can they be re-assessed after a decision to cease the IDP?

Chapter 24 - Role of the Additional Learning Needs Coordinator (ALNCo)

Timing, money, training compatible with other duties?

Queries – Considerations for a small school sharing role.

24.12 is not clear, needs clarification.

Responsibilities are more statutory.

Heads and deputy involvement.

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

There is ambiguity regarding whether the ALNCo should or should not be on the Senior Leadership Team. The increased responsibility and accountability that the draft ALN Code places upon the ALNCo needs recognition, not only in terms of status within the school, but also in terms of financial reward. It is also important that Heads and Governors ensure that ALNCos are provided with sufficient time to do their role – the draft Code is once more ambiguous in this regard. It needs to be more concrete. Training is another important consideration which the draft ALN Code does not appear to be specific enough. A number of current SENCos have MA equivalent qualifications or are studying at present. There appears to be no recognition of qualifications that have been taken or are in the process of qualifying.

Part 3 of the consultation: Draft ALNCo regulations

What we are proposing

Functions of ALNCoS

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

There are no prescribed qualifications and there is no recognition of previous training which we feel should be recognised.

Q56. Do you agree with the tasks that ALNCoS must carry out or arrange to carry out as set out in the draft ALNCo regulations?

In so much as the required tasks and the work that will be generated be recognised that ALNCoS will be required to do significantly more. Again, this has implications on time and resources.

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

Question 57. Do you agree that the Looked After Children in Education (LACE) Co-ordinator should be a statutory role?

Yes. Not ALNCo's

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

Question 58. Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with guidance and requirements related to it, appropriate?

Yes. IDP

Part 5 of the consultation: Impact of proposals

Impact of proposed regulations

Question 62. What impacts do you think there will be as a result of the proposed regulations?

Children not slipping through the net.

Financial, time, responsibility, training, retention of staff.

Pay status.

Respondent Details

Information	
Name	Lisa Michelle Thomas
Organisation (if applicable)	The College Merthyr Tydfil

Part 1 of the consultation: The draft ALN Code

Chapter 1 - Introduction

The meaning of 'must', 'must not', 'may', 'should' and 'should not' in the ALN Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Timescales

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Would colleges be at liberty to identify training days as 'not term time' and therefore outside the 35 day timescale? College and school term times are not perfectly synchronised – the implications of this are unknown.

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Structure of the draft ALN Code

Question 4 – Is the structure of the draft ALN Code and the separation of the chapters appropriate, clear and easy to follow?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 5 – Is the draft ALN Code’s focus on describing and explaining the functions and processes appropriate?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Pupil referral units (PRUs) - Proposed regulations to be made under Paragraph 15 of Schedule 1 to the Education Act 1996

Question 6 – Do you agree with the proposal to use regulations to delegate functions from a local authority to a Management Committee of a PRU?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 2 - Principles of the Code

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 3 - Involving and supporting children, their parents and young people

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 4 - Duties on local authorities and NHS bodies to have regard to the UNCRC and the UNCRPD

Question 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 United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 5 - Duty to keep additional learning provision (ALP) under review

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Duties are clearly set out.

Chapter 6 - Advice and information

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Timely sharing of information will be key to enabling support for learners from day one. It is not always easy to identify the appropriate person(s) with responsibility for ALN, IDPs, CLA etc in different settings – how can we ensure this is addressed?

Chapter 7 - The definition of ALN and ALP, identifying ALN and deciding upon the ALP required

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

It may be challenging to measure what a ‘significantly greater difficulty’ in learning would mean, it is open to interpretation.

Clearer guidance is required for learners of compulsory school age attending FEIs.

Re: healthcare needs, there are concerns regarding learners who transit from child to adult services but who fail to meet the thresholds of adult services and subsequently become closed to services at 18 years of age.

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Clear, comprehensive guidance is provided and flowcharts are particularly helpful. There are concerns around the role of FEI staff in making decisions about ALN other than providing evidence as ‘professional judgement’. It is unclear what costs may be associated with involving specialist services, such as Educational Psychologists for example. If colleges are to make decisions, then suitably experienced and qualified staff are required – what experience and/ or qualifications are deemed acceptable?

Chapters 8 to 12 – Duties on schools, FEIs and local authorities

Early Years ALN Lead Officer

Question 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)?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Duties on schools, FEIs and local authorities

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

General structure & layout is straightforward.
If there is no IDP in place, would colleges need to use an EP to assess the learning difficulty – what is acceptable?

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Where learners have identified that they will be attending college and the transition process has been timely, the timescales are appropriate. However where learners confirm intention to attend college following GCSE results or are late enrolments – the volume of learners may have significant impact on timescales. In addition it will be challenging to schedule reviews in September where the reviews may be triggered due to impact of transition to a different setting.
If advice from specialist external agencies is sought, this may impact on timescales – lack of specialists, higher volume of work for specialists may mean slower response times.
It is not possible to gauge the full impact on workload.

Deciding whether it is ‘necessary’ for a local authority to prepare and maintain an IDP for a young person not at a maintained school or FEI - Proposed regulations to be made under Section 46 of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

There are subjective terms used, eg ‘realistic prospect’, ‘reasonable period’. There is potential for the interpretation of these terms to lead to disagreement.

Chapter 13 - Content of an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

A mandatory IDP will ensure consistency between educational settings and when transitioning learners from a number of different LAs.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It is particularly useful that those elements of the IDP which are open to appeal to the Education Tribunal for Wales are underlined, bold and in red – these sections ‘must’ be marked rather than ‘should’?

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Transport

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

LA transport provision, including those for ALN learners is for 16-19; for learners who are aged 19+, transport provision is means tested. Potential impact on college budgets is unknown.

Chapter 15 – Duties on health bodies and other relevant persons

Statutory requests by local authorities to relevant persons for information or other help - Proposed regulations to be made under Section 65(5) of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Where transition has been timely, then the proposed timescale is appropriate. However, for late enrolments and/ or where learners may not have been involved in a transition process, six weeks may not be appropriate (depending on the individual needs of the learner in question, with particular regard to environment modifications etc).

Where timescales are not required (ie 'if it is impractical to do so'), at what point is it reasonable to expect a resolution?

ALP to be secured by NHS bodies - Proposed regulations to be made under Section 21(10) of the 2018 Act

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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The Designated Education Clinical Lead Officer (“DECLO”)

Question 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)?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 16 - Review and revision of IDPs

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>Structure and content are clear, again the flowcharts are particularly helpful. Concerns exist around the impact on human and physical resources when carrying out the necessary duties.</p>

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

<p>A person-centred approach would mean that reviews are carried out promptly in order to be effective and meaningful.</p> <p>It may be helpful to offer examples of what would be acceptable in terms of when it would be ‘impractical or due to circumstances beyond [our] control’ to complete a review within the timescale as again this is open to interpretation which may lead to inconsistency.</p>

Chapter 17 – Local authority reconsiderations and taking over responsibility for an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Para 17.33 – ‘should’ to read ‘must’

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 18 - Meetings about ALN and IDPs

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Would it be appropriate to consider a meeting agenda template to ensure consistency, especially when dealing with a number of different authorities and agencies? For example:

- Agenda
- The purpose of the review meeting – have the needs changed?
- Is the current provision meeting needs?
- Is the plan still applicable and necessary?

Para 18.8 – should there be a minimum notice period for meetings, eg ‘all parties must be notified of the meeting at least 3 weeks in advance’?

Chapter 19 – Planning for and supporting transition

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Guidance is clear, but there is significant impact on the current workforce as a result.
Para 19.71 - would have bigger impact at the beginning of the chapter as the underlying aim of effective transition.

Timing – use of subjective language is not helpful, ie ‘good time’. What does this mean?
 Timing needs to be more clearly defined or timescale specified.
 Para 19.56 – FEI staff ‘must’ be invited to year 11 school reviews and ‘should’ be invited to year 10 or year 9 reviews.
 Para 19.62 – if transition has been done properly, then reviews upon enrolling ‘may’ be conducted within a specified timescale rather than ‘as soon as possible’ given the volume of activity during enrolment periods.

Chapter 20 - Transferring an IDP

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

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Para 20.14 – lacks clarity

Transfers of IDPs - Proposed regulations to be made under Section 36(3) of the 2018 Act and Section 37 of the 2018 Act

Question 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?

Yes	✓	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Para 20.14 – lacks clarity, difficult to interpret.
 Para 20.12 – examples of what circumstances could be deemed reasonable to make a request for transfer of an IDP would be helpful
 Is it appropriate to suggest a range of acceptable exceptions, eg ESTYN inspections etc?
 Is there right of appeal against Welsh Ministers’ decisions that an FEI must maintain the IDP if the FEI feels it cannot reasonably secure the ALP? Is there a timescale for Welsh Ministers to decide whether an FEI should maintain an IDP?

 A flowchart would be helpful in this section.

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Para 20.18 - again, timescales would be useful here. 'Promptly' may be open to interpretation
Impartial advice and guidance critical for learners and parents/ carers.

Chapter 21 - Ceasing to maintain an IDP

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Content & structure clear.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 22 – Children and young people subject to detention orders

Question 36 – Is the content and structure of Chapter 22 of the draft ALN Code clear?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 37 – Are the proposals for the regulations in relation to deciding whether it will be necessary to maintain an IDP for a detained child or young person upon their release appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 38 – Are the proposals for the regulations in relation to children or young people who are subject to a detention order and detained in hospital under Part 3 of the Mental Health Act 1983 (as described in paragraphs 22.45 – 22.74 of the draft ALN Code) appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 39 – Are the timescale requirements to act “promptly” in relation to decisions about ALN and preparing IDPs for children and young people subject to detention orders (as set out in Chapter 22) appropriate, rather than also having a requirement to comply within a fixed period subject to an exception or exceptions?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 23 - Children and young people in specific circumstances

Question 40 – Is the guidance in Chapter 23 of the draft ALN Code on children and young people in specific circumstances appropriate?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Para 23.7 – lacks clarity, open to interpretation to suit circumstances.

More clarity/ guidance required on legislation with regard to the registration of pupils at schools if EOTAS

Chapter 24 - Role of the Additional Learning Needs Co-ordinator (ALNCo)

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Prescribed qualifications and experience are open to interpretation (other than the ALNCo must be EWC registered).
 Para 24.26 – no mention of FEIs, only schools.
 Direct correlation between responsibilities and time to undertake responsibilities needs to be made.
 It would be helpful to set out the skill set which would ensure the ALNCo is able to deliver the functions as described in law. Commissioning, negotiating and influencing skills will be key.
 Right person at the right level is paramount.
 Financial impact of ensuring workforce capacity can meet its duty, particularly given an anticipated increase in volume of learners requiring an IDP.

Chapter 25 - Avoiding and resolving disagreements

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

No specific mention of FEIs role in avoiding and resolving disagreement arrangements
 Is there a conflict of interest whereby a LA is in the position of securing an ALP and may also be in a position to resolve a disagreement? Independent mediation panels needed?
 Paras 25.3 & 25.4 – what are the arrangements?
 Map & gap analysis of local offers may positively impact on number of disputes as there should be a wide understanding of what can be offered early on in the process.

Question 43 – 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Chapter 26 - Appeals and applications to the Tribunal

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Chapter 27 - Case friends for children who lack capacity

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

It is vital that capacity of children has been assessed appropriately.
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Any other comments

Question 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.

To consider:

- Financial implications on colleges to enable appropriate staffing levels to meet obligations; recommendation to seek specialist intervention eg Educational psychologist
- Training/ guidance on legal challenges
- Collaborative working mandatory – MUST rather than ‘should’, ‘may’
- Information sharing – either lack of protocols or misinterpretation of GDPR. A fundamental question is ‘when should a learner be considered a legitimate college applicant’ so that critical information can be shared – colleges cannot wait until a learner has enrolled to receive this information
- Secure storage and transfer of IDPs between agencies requires a consistent approach especially where FEIs can work with a number of different LAs, Health Boards etc
- Learners become young people at 16+ - FEIs have limited experience of process for engaging with parents/ carers
- What are the implications for the maintenance of IDPs for Children Looked After on enrolling at an FEI?
- Welsh language – challenge of securing an ALP for Welsh in some areas

Part 2 of the consultation: Draft Education Tribunal for Wales regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Para 26.5 – are FEIs expected to have an Educational Psychologist/ someone qualified to make this decision in post?

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Is there a clear defined process for receipt and notifications to be sent? Timescale to officially respond (4 weeks) may be challenging at certain times in the academic year (Easter, Christmas, exam periods)

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

35 days to create an IDP is appropriate. However experience of collaborating with LA and health services for more complex cases means that delivery of the IDP has exceeded 35 days. Prompt action is important but is the infrastructure in place to deliver?

Question 53 – Is the approach to extensions to timescales (regulation 66 of the draft Education Tribunal regulations) appropriate?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Part 3 of the consultation: Draft ALNCo regulations

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Supporting comments

Is Welsh Government planning to organise and deliver specific training as first suggested? A consistent approach would be welcomed – no prescribed qualifications and the subjective nature of assessing relevant experience may result in inconsistency.

Question 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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Duties and time to undertake them are in direct correlation – ‘must’ be given sufficient time!

Part 4 of the consultation: Looked after children

(a) Proposed regulations to be made

Question 57 – Do you agree that the Looked after Children in Education (LACE) Co-ordinator should be a statutory role?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Different approaches in different LAs – inconsistency prevalent.

(b) Chapter 14 of the draft ALN Code – Content of an IDP for a looked after child

Question 58 – Do you agree that there should be a separate standard form for looked after children and is the proposed standard form, together with the guidance and requirements related to it, appropriate?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

(c) Proposed revisions to the Part 6 Code

Question 59 – Do the draft revisions to the Part 6 Code provide a clear explanation of the duties on local authorities in relation to their social services functions for looked after children with ALN and what these duties mean in practice?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

Implications of a looked after child on reaching age of 16+ - are there any, it is unclear.

Question 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Question 61 – Do the changes that have been made to the Part 6 code clearly explain the role of the LACE Co-ordinator in overseeing the ALN arrangements for looked after children and what this means in practice?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Supporting comments

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Part 5 of the consultation: Impact of proposals

Question 62 – What impacts do you think there will be as a result of the proposed regulations?

The key principles of the Act are undisputed, however it will take every partner, in every setting – schools, colleges, LAs, Health Boards, Social Services – to perform their duties to the letter of the law, each having access to appropriate levels of human, physical and financial resources in order to deliver a fair and transparent system that supports children and young people with ALN. It is not clear how we could achieve this without additional funding and as such the delivery of obligations under ALNET cannot be considered cost neutral.

There will be an additional workload for the college as we will be required to carry out new activities. These include attending reviews at schools; providing an improved transition experience for applicants and existing learners (that is, transition between departments/courses and out of college); receiving, maintaining, starting and discontinuing Individual Development Plans (IDPs) and organising and running annual (as a minimum) person-centred reviews for all learners who have an IDP.

Additional costs are likely to be incurred as a result of the need to employ staff with specialist skills. The availability of specialist staff in relation to demand is also an unknown. Currently there are no specialist staff currently employed by the college, for example British Sign Language (BSL), Visual Impairment, Hearing Impairment, Speech & Language, ASD or Specific Learning Difficulties Assessment. Expertise to date has centred around conditions such as ASD, dyslexia and behavioural, emotional and social difficulties. There is some experience of working with learners who have general (moderate to severe) learning difficulties, but the college would be less well-equipped to work with profound and multiple learning (PMLD) needs unless additional funding was provided

It is unclear how Local Authorities (LAs) will choose to store and transfer IDPs, so there are implications for information sharing protocols. Further, the lack of a national platform is likely to make storing, sharing and updating IDPs far more labour-intensive. It may also mean that colleges will have to adapt to a number of different systems if LAs choose not to work in a nationally/ regionally consistent way. This may be exacerbated as the college currently works with learners from at least six different LAs.

The college is well placed in terms of its inclusivity and accessibility as it is a new build. There is a high percentage of space with good levels of accessibility (lifts, ramps, lighting), induction loops are in key areas such as reception, Learning Zone etc. The physical environment has also recently been adapted to meet the needs of several learners with specific personal care needs. However, an accessible learning environment will also need to promote learner independence, include accessibility/ productivity tools on **every** PC and provide training opportunities in these tools. The annual review process will also have a significant impact on space – dedicated space will be required for significant time periods throughout the academic year. The college would be required to find additional funding in

order to resource appropriately. This will prove particularly challenging at a time when budgets are already stretched.

The ALNET Act will require a much closer working relationship with the LA, social care, health boards and some elements of the third sector. Successful transition for school leavers requires a timely sharing of information and a careful assessment of how a learner might cope within a very different college environment. Timely information sharing will be imperative should the college decide that it will need make limited adaptations to try to meet individual needs.

Engagement with the local health board has tended to be limited to wellbeing events and services in the main. More clarity is needed relating to responsibilities in the support of healthcare needs in the educational setting – allocation of services will be based on clinical judgement rather than educational needs. There is poor resilience specifically regarding mental health services, and learners who transit from child to adult services but who fail to meet the statutory thresholds of adult services and subsequently become closed to services at 18 years of age.

There is ad hoc contact with social care departments, but good links with local Children Looked After (CLA) and CLA Education Services teams. Again, these relationships need to be developed with teams across six different LAs.

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

- The Act includes specific duties in relation to ALP through the medium of Welsh. Services must consider whether the child or young person needs ALP in Welsh. If they do, this must be documented in the IDP and services must take 'all reasonable steps' to secure the provision in Welsh. Improvements in the availability of Welsh language ALP will require specific focus and investment in order to drive progress towards a truly bilingual ALN system.
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Question 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?

Question 65 – 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.

Considerations and Concerns

The Board welcomes the principles underpinning the ALN Bill, such as greater involvement of learners in process. The Board also commends the overarching objectives, namely creating a unified legislative framework that supports children and young people with ALN in school or further education; ensuring an integrated, collaborative process of assessment, planning and monitoring in order to facilitate early, timely and effective interventions; and facilitating a fair and transparent system.

However, the Board has raised a number of concerns regarding the practical impact on the education system as a whole, including:

- the cost of resourcing the new system and its processes. The indication received at the presentation that implementing the new system would be cost neutral is not an assumption the Board of the College is able realistically to make. Furthermore, subsequent reports do not support the claim that the work would be cost neutral and the financial implications are a serious concern to the Board in the current financial environment;
- the manageability of the new system, with its heavy reliance on multiple/repetitive/potentially nugatory meetings and processes, particularly in the context of FE (working with multiple schools and LAs);
- the potentially counterproductive time demands on ALNCOs (highly qualified, strong teaching practitioners, as specified in the Bill), taking their expertise and input away from the classroom.
- the lack of clarity of some aspects of the new bill, including high-level accountability and overall responsibility for resourcing support for learners with more severe ALNs, particularly those also with more complex needs, at 16+.

It was also noted that work on implementation appeared to be underway in January 2019, long before the official closure date for the consultation period.

Resources, both financial and human, are key concerns for the Board in this respect. We anticipate that the proposed changes will require significant additional expenditure on the part of the College. The Board is concerned that this presents an extremely serious level of challenge for the College considering the present level of resourcing, particularly at a time when it faces other significant pressures.

The Board is given to understand that, in order to deliver the many additional processes and responsibilities implied by the ALN Bill, it is anticipated that the College is likely to need to employ additional members of staff. This will, for the foreseeable future, be a significant, recurring, additional demand on the College's inevitably finite financial resources.

The College will be keen to participate actively in any discussions regarding developing good collaborative practices – bearing in mind, however, that this participation is not cost neutral. Good collaborative practices, when developed, will enhance but neither replace nor reduce the multiple procedures and activities for which the College will remain responsible

With respect, specifically, to post 16 learners with additional Mental Healthcare needs, we would welcome reassurance that these learners will come under the remit of CAHMS, rather than that of adult services, up to and including the end of their studies (which may take them beyond the age of 18). This is unclear in the text of the Bill.

The College would very much welcome the introduction of a whole-Wales, secure, digital, information-processing/ information-sharing system, with a unique protocol and a single process, to maximise the effectiveness of the new code for the greater benefit of learners with ALNs. In the absence of such a single digital platform, the processes required by the new code will inevitably be more labour intensive than needs be for all parties: across all services, work will be duplicated to meet the individual requirements of widely differing systems. This would represent a significant opportunity cost across Wales.

Conclusions

As previously noted, the College and its Board welcome all positive changes that support and assists learners. The principles and the overarching objectives have been welcomed and there are numerous examples of good practice where they are currently implemented across the College. However, as noted above, there are a number of concerns regarding the strategic and operational implementation of the recommendations that, we believe, require further consideration and discussion.

We hope the Board's views and observations are useful and are considered in the constructive spirit in which they are intended.