

Cynulliad Cenedlaethol Cymru | National Assembly for Wales

Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and Education Committee

Bil Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru)| Additional Learning Needs and Education Tribunal (Wales) Bill

ALN 23

Ymateb gan: Cyngor Bwrdeistref Sirol Wrexham

Response from: Wrexham County Borough Council

Wrexham LA welcomes the opportunity to respond to the consultation. Discussions from attendance at ADEW and a range of local forums and meetings have enabled the following observations:

General

1. Wrexham LA support in principle the aims and objectives of the Bill. Whilst being very ambitious, it has the potential to improve education outcomes for all learners with ALN and improve transitional arrangements throughout their lives. The links to the wider Transformation Programme is also positive.
2. The Bill supports the involvement of education professionals, from local authorities and across the voluntary sector, in developing the legislation and guidance (new Code of Practice); also in considering detail of arrangements for implementation through the ALN Strategic Implementation Group and expert sub-groups.
3. The 4 year transition plan. There needs to be further detail of the transition plan, in particular how and at what point C&YP transfer from current to new system. Concern has been raised on adequate funding, training and time needed for all professionals, from school staff to LA staff, health and third sector employees to prepare and adapt for change.
4. Detail of how the legislation will operate to need to be set out clearly in the new statutory Code of Practice and in future regulations. Full implications for local authorities and schools remain unclear at the moment.

5. With the introduction of an IDP for all learners 0–25 with ALN, Wrexham LA has considerable concerns about the potential for additional responsibility on local authorities/schools without an increase in capacity. This may have been seriously underestimated particularly when considering current financial climate has seen substantial pressure on LA budget. The following needs to be considered:

- A substantial increase in IDPs in comparison to Statements of which it is likely that LAs will take over responsibility of an IDP from school/FEI
- Training requirements for all parties (funding implications)
- SEN delegation to schools
- Increased Parent Partnership responsibility up to 25. Knowledge of staff to be questioned.
- Potential for increase in SENTW appeals

The changes in curriculum and the Social Care reform Bill may also have an impact on the delivery of the proposals.

6. The replacement of Statements with IDPs is welcome in principle; however, there is concern that unless there is standardisation across Wales, it will lead to the same issues currently experienced when a child moves LA.
7. The lack of a graduated response lends itself open to an increase in IDPs and a lack of clarity of responsibility between schools and LAs, therefore, raising unrealistic expectations.
8. Unclear role of Educational Psychologists and other specialist services.
9. All families should have equal access to quality provision, however, an increase in private assessments may increase pressure on schools and LAs to create an IDP.

Post-16

Specialist provision

10. Wrexham LA has concerns about transfer of the duty on Welsh Ministers (WM) to LAs. Information shows that there has been an upward trend in learners in ISC. This needs to be factored in. The needs of learners rather than population distribution need to be considered. It should be dependent on needs to formulate financial costings.
11. The loss of knowledge and expertise of Careers Wales staff is a concern. The proposal is that LAs pick up this cost after 2 years. Needs careful consideration on impact both financially and from a skills perspective. Clarification will be needed on whether post 16 remains with LAs in contrast to the suggestion that pre 16 is moved to regional as indicated in the White Paper.
12. Decisions by LAs on post-16 learners will be appealable to the Tribunal which will have an impact on LAs and SENTW.

Other post 16 queries

13. Need more clarity on respective responsibilities/accountability of LAs and FEIs. LAs receive no funding for and have no responsibility for governance of FEIs.
14. It is predicted that IDPs will be transferred to LAs from FEIs. Plans to transfer funding therefore, need to be factored.
15. Potential increase in SENTW appeals
16. Unclear on LAs responsibilities on the 19-25 age range
17. No proposal in Bill for an LA to direct a FEI to prepare or maintain an IDP as there is for schools.

LA's responsibilities for IDPs in early years.

18. Wrexham LA currently has an effective system for early identification through robust processes and good working relationships with health. Children entitled to access EE and nursery provision are discussed at multi agency panels. Consideration on the following is needed:

- Definition of early years needs clarifying
- Health services will be the main contact with parents. Provision will be health led. Will this cause appeals on health provision? Health professionals will need to evidence appropriate identified provision.
- How can the LA know of and be responsible for children aged 0–2? Reliant on health.

Disagreement avoidance/resolution and appeals

19. Bill hugely expands number of C&YP and parents who are eligible to appeal to the Education Tribunal. This may widen LAs' involvement beyond the IDPs for which they may be directly responsible to all C&YP of compulsory school age. This has workload and cost implications for LAs that don't currently exist and which are not considered. Even if many of these could be expected to be resolved at local level, LAs will still have to provide support services for disagreement resolution. It is highly likely that requests could be made to a local authority to take on responsibility for a proportion of school based IDPs; or to reconsider a school's decision about the content or provision.

20. Wrexham agree with WLGA that the risk of additional disagreements/ appeals in the extended age ranges 0–2 and young people enrolled in FE should be low but it is a potential increase to SENTW and therefore, there will be additional costings.

21. Those circumstances include (but not restricted to) an LA's decision not to revise a school-based IDP if so requested; an LA's decision not to take over responsibility for an IDP following a request; and a governing body's decision to cease to maintain an IDP.

22. Additional burden on LAs in reviewing a school-based IDP and deciding if it should be revised. LA will have to make disagreement resolution services available as part of this process. If LA decides not to revise the plan, decision is appealable. Same would apply if – as equally possible – C&YP challenge a governing body's decision to cease an IDP. LA has to review that decision and if it upholds it, the decision is appealable. Huge impact not just on LAs but also on Tribunal workload and costs too.

ALNCo Role

23. Wrexham LA agrees that the proposed statutory ALNCo role should be seen as part of the senior management team of a school. However, we recognise that in small schools this may be an issue.

24. Small schools in particular would also struggle with the proposal that all ALNCOs acquire a Masters qualification; however, agree with the principle of training and qualification. Perhaps it does not need to be a Masters but could be a module at this level. Impact on leaving. It is unclear how this will be funded and the operational transitional plans need to be clarified. Projected costs are more than four times the stated amount of Implementation Grant to all 22 local authorities. Will schools be expected to meet the costs and will they recoup the benefits. This will depend on completion of course by ALNCo and whether they remain in post.

Collaboration with health

25. Whilst the LA welcomes the DECLO role in the Bill and also that an NHS body now has a statutory duty to consider if a relevant treatment or service likely to be of benefit in addressing a C or YP's ALN, it absolves the school governing body and the local authority of securing the provision if health do not agree to provide it. This could be appealable however, and Education Tribunal still has no role in where they relate to the provision (or not) of relevant health treatments or services.

26. However, concerns remain that provision can be changed or removed at NHS request.

Unintended consequences

27. Tensions between schools/LAs and FEIs/LAs that do not currently exist

28. Impact on admissions if parents seek out schools they know are better at meeting ALN needs than others; also then pressure for siblings to attend same school