



Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales

# Cofnod y Trafodion The Record of Proceedings

[Y Pwyllgor Plant, Pobl Ifanc ac Addysg](#)

[The Children, Young People and Education  
Committee](#)

08/03/2017

[Agenda'r Cyfarfod](#)  
[Meeting Agenda](#)

[Trawsgrifiadau'r Pwyllgor](#)  
[Committee Transcripts](#)

## Cynnwys Contents

**Error! Bookmark not defined.** Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau  
Introductions, Apologies, Substitutions and Declarations of Interest

**Error! Bookmark not defined.** Y Bil Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru): Sesiwn Dystiolaeth 7  
Additional Learning Needs and Education Tribunal (Wales) Bill:  
Evidence Session 7

**Error! Bookmark not defined.** Y Bil Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru): Sesiwn Dystiolaeth 8  
Additional Learning Needs and Education Tribunal (Wales) Bill:  
Evidence Session 8

**Error! Bookmark not defined.** Y Bil Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru): Sesiwn Dystiolaeth 9  
Additional Learning Needs and Education Tribunal (Wales) Bill:  
Evidence Session 9

**Error! Bookmark not defined.** Papurau i'w Nodi  
Papers to Note

**Error! Bookmark not defined.** Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o Weddill y Cyfarfod  
Motion under Standing Order 17.42 to Resolve to Exclude the Public from the Remainder of the Meeting

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. Lle y mae cyfranwyr wedi darparu cywiriadau i'w tystiolaeth, nodir y rheini yn y trawsgrifiad.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included. Where contributors have supplied corrections to their evidence, these are noted in the transcript.

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Michelle Brown <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	UKIP Cymru UKIP Wales
Angela Burns <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Ceidwadwyr Cymreig (yn dirprwyo ar ran Mohammad Asghar) Welsh Conservatives (substitute for Mohammad Asghar)
Hefin David <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Llafur Labour
John Griffiths <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Llafur Labour
Llyr Gruffydd <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Plaid Cymru The Party of Wales
Darren Millar <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Ceidwadwyr Cymreig Welsh Conservatives
Lynne Neagle <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)

**Eraill yn bresennol**  
**Others in attendance**

Huw Davies	Arolygydd Ei Mawrhydi, Estyn Her Majesty's Inspector, Estyn
Lisa Edwards	Swyddog Polisi a Chyfathrebu, Undeb Prifysgolion a Cholegau Cymru Policy and Communications Officer, University and College Union Wales
Phil Higginson	Undeb Cenedlaethol Athrawon Cymru UCAC
Gareth Parry	Llywydd Adran Gwynedd, Undeb Cenedlaethol yr Athrawon President of the Gwynedd Division, National Union of Teachers
Rex Phillips	Swyddog Cenedlaethol Cymru, Cymdeithas Genedlaethol yr Ysgolfeistri ac Undeb yr Athrawesau National Official Wales, National Association of Schoolmasters/Union of Women Teachers
Tim Pratt	Cyfarwyddwr, Cymdeithas Arweinwyr Ysgolion a Cholegau Cymru

	Director, Association of School and College Leaders Cymru
Jassa Scott	Cyfarwyddwr Cynorthwyol, Estyn Assistant Director, Estyn
Mary van den Heuvel	Swyddog Polisi, ATL Cymru Policy Officer, ATL Cymru
Rob Williams	Cyfarwyddwr Polisi, Cymdeithas Genedlaethol y Prifathrawon Policy Director Cymru, National Association of Headteachers

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol  
National Assembly for Wales officials in attendance**

Sarah Bartlett	Dirprwy Glerc Deputy Clerk
Michael Dauncey	Y Gwasanaeth Ymchwil Research Service
Gareth Rogers	Clerc Clerc
Lisa Salkeld	Cynghorydd Cyfreithiol Legal Adviser

*Dechreuodd y cyfarfod am 09:30.  
The meeting began at 09:30.*

**Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau  
Introductions, Apologies, Substitutions and Declarations of Interest**

[1] **Lynne Neagle:** Good morning, everyone. Can I welcome you all to the Children, Young People and Education Committee this morning? We've received apologies from Julie Morgan and Mohammad Asghar and I'm delighted to welcome Angela Burns, who is substituting for Mohammad Asghar. Can I ask if there are any declarations of interest, please? No. Okay, thank you.

**Y Bil Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru):  
Sesiwn Dystiolaeth 7  
Additional Learning Needs and Education Tribunal (Wales) Bill:  
Evidence Session 7**

[2] **Lynne Neagle:** We'll move on, then, to item 2, which is our next evidence session on the additional learning needs Bill. I'm really pleased to welcome Gareth Parry from the NUT, Rex Phillips from NASUWT, Phil Higginson from UCAC, Lisa Edwards from UCU and Mary van den Heuvel from ATL. Welcome to all of you and thank you for the evidence that you provided in advance. If you're happy, we'll go straight into questions. If I can just start, then, with a very broad question, what do you think the main implications of this Bill will be for the teachers? Who'd like to start?

[3] **Ms Edwards:** I'll start from a further education perspective. I think the implications of this for FE, for the staff, are very much around their professional development—the skills that they already have, what they're being expected to undertake—and our main concern around that is how the staff are going to be given this extra training, where the funding is coming from for that to be able to deliver what's expected of them in this Bill.

[4] **Lynne Neagle:** Thank you. Rex.

[5] **Mr Phillips:** We echo that. I think it is really training, funding and workload impact assessment for teachers. I think the reference to the core skills for all teaching practitioners needs to be looked at very, very carefully because that will have to be provided if the Bill is going to be implemented successfully.

[6] **Lynne Neagle:** Okay, thank you. Who's next? Anybody? Phil.

[7] **Mr Higginson:** A gaf i ateb yn y Gymraeg? **Mr Higginson:** If I may answer in Welsh.

[8] **Lynne Neagle:** Yes, of course.

[9] **Mr Higginson:** Un o'r goblygiadau ynglŷn â'r Bil, rwy'n credu, yw ei fod e'n symud y lefel o ddogni adnoddau, o ran darpariaeth, **Mr Higginson:** One of the implications of this Bill is that it moves the level in terms of the division of resources, in terms of

o lefel yr awdurdod lleol i lefel yr provision, from the local authority ysgol, ac rwy'n meddwl efallai bod level to the school level, and I think yna botensial i lefel yr anghydfod there is potential for it to shift from symud o fod yn anghydfod rhwng being a dispute between parents and rhieni a'r awdurdod i fod yn un the authority to being a dispute rhwng rhieni a'r ysgol, ac mewn between parents and schools, and in ysgolion bach, yn bendant, rwy'n small schools I think that could credu fe allai hyn greu problemau i certainly create problems for athrawon. teachers.

[10] **Lynne Neagle:** Okay, thank you. Gareth.

[11] **Mr Parry:** My major concerns are the workload for staff and the funding implications for schools. The workload is going to be a big change from the current system—school action, school action plus and statement, where we meet parents for statemented children and the paperwork only refers to pupils on statement—to individual development plans where you've got a one-page profile for every pupil on the register and a pupil-centred approach; you've got paperwork with that, and then the IDP parental meetings with every single parent on the register. The funding implication for schools, if the recommendation is that the special educational needs co-ordinator is on the senior management team—there's obviously going to be an additional cost there for schools.

[12] **Lynne Neagle:** Thank you. Mary.

[13] **Ms van den Heuvel:** There's obviously a range of concerns expressed by my colleagues. However, funding is clearly key. The additional learning needs co-ordinator role, as mentioned, and the duties on governing bodies, which Phil mentioned, are obviously critical, but also what does an assessment look like, what does a decision look like and how does a governing body come to that decision and how do they justify what that decision looks like? So, that's going to rely, particularly, on there being a range of specialist services available right across the piece and that schools can access those specialist services without having to procure those back. So, people like speech and language therapists, educational psychologists—all those kinds of specialist services are going to be really key if the duty falls more heavily on the governing body than perhaps it does at the moment.

[14] **Lynne Neagle:** Okay, thank you very much. Angela.

[15] **Angela Burns:** Thank you very much for your answers to that. Could I ask you how you think this will chime with the implementation of the changes suggested by Professor Donaldson and how teachers are going to be able to cope with both of these changes? Because this will be significant, if you look at the numbers of schoolchildren who have some form of additional learning need, ranging from the most severe to perhaps psychological and behavioural issues. We're hoping to start trying to sweep some of those up as well, because we all know the story that unless we can improve our childhood experiences we're going to have less able adults. So, I'd like to know how you feel that that chimes with the review that's being undertaken and the changes that are going to be coming through education with Donaldson. The second question I'd like to just ask you is: do you think that the expectations of Welsh Government and local authorities—LEAs—for training are adequately balanced?

[16] **Mr Higginson:** Rwyf yn credu bod y cwestiwn cyntaf yn gwestiwn ardderchog a dweud y gwir. Rydym i gyd yn edmygu uchelgais Llywodraeth Cymru i ddod mewn â'r newidiadau hyn. Mae Donaldson wedi cael ei ganmol gan yr OECD. Ond, mae cynifer o bethau newydd yn dod mewn i ysgolion nawr, rwyf yn credu bod yn rhaid troedio'n ofalus iawn rhag gorlwytho newidiadau yn rhy gyflym ar ben ei gilydd. Gyda Donaldson efallai, rwy'n credu ei fod e'n fwy pwysig i'w gael e'n iawn, a'i wneud e gam wrth gam, yn hytrach na'i ruthro fe. Gyda'r Ddeddf hon, yn sicr mae yna oblygiadau ynglŷn â Donaldson hefyd.

**Mr Higginson:** I think the first question is an excellent question to be honest. We all admire the ambition of the Welsh Government to bring these changes forward. Donaldson has been praised by the OECD. But, there are so many new things coming in to schools now, I think we have to tread very carefully so that we do not overburden schools with changes too quickly and on top of each other. With Donaldson, perhaps, I think it's more important to get it right, and to do it step by step, rather than rushing it. With this Bill, certainly there are implications in terms of Donaldson as well.

[17] **Lynne Neagle:** Thank you. Rex.

[18] **Mr Phillips:** I think the first thing, Angela, is the teachers are going to need to know what's expected of them. At the moment, they don't know what's expected of them in terms of Donaldson. We've not actually seen the Donaldson curriculum. It's still under development. Until we see that and until we know what they're being asked to do, then you can't really answer

that question. There's no doubt that if both initiatives are going to be delivered successfully, we come back to the funding issue and we come back to the sufficiency of teachers within the system. That's where the real problem lies. There is a massive shortfall in funding in our schools in Wales to the tune of £283 million. With that money we could have 7,000 additional teachers in the system. If you put those teachers in, we can reduce pupil-teacher ratios, we can give the child-centred learning approach that the Welsh Government aspires to, but without the staffing complement to deliver that then this is going to flounder at the first hurdle.

[19] **Lynne Neagle:** Thank you.

[20] **Ms Edwards:** I was just going to say, from a FE perspective again, I'm going to be very careful what I wish for here. Obviously, the FE sector is not involved with Donaldson's new curriculum in the same way, which I think is a discussion for another issue that you're probably looking at in this committee. But something that I think—. Obviously, it's not going to impact on our staff in the same way because they're not dealing with that too, but it is something that, for another time, needs to be thought about: how the FE sector is going to be brought in to the new curriculum.

[21] **Lynne Neagle:** Anybody else on this? Mary.

[22] **Ms van den Heuvel:** In terms of Donaldson and this as well, if you're developing these side by side there's an opportunity there, isn't there, for some real interlocking and some joined-up thinking in terms of both Donaldson and this? However, although we're not looking specifically at the draft code today, there are some issues within the draft code that I would say are concerning—so, things like high-quality education and a focus on data that perhaps aren't so integral to the Donaldson curriculum. So, we need to decide which way we're going. Within this draft code, the expectation is that the governing body in a school or FEI has to prove exactly what they've done through data and through high-quality teaching, and that perhaps that won't necessarily be delivered through a teaching assistant. So, that's more following, perhaps, the England model and yet, side by side with that, you've got Donaldson where the expectation is much more around some of the softer skills. We need to work out exactly what we want.

[23] **Lynne Neagle:** Thanks. Gareth, have you got anything to add?

[24] **Mr Parry:** I don't think the new Bill will make that much difference to

Donaldson compared to the current practice of additional learning needs. I know that Donaldson is in the early stages at the moment because my other hat is as a deputy head in a pioneer school. I've got a hat in the primary sector as well. To implement Donaldson is going to be much easier for the primary schools than secondary schools. The workload for the secondary schools, the restructuring of faculties, is going to create a lot of additional work and additional work as well with the ALN Bill. I can't see how the ALN Bill will make a difference to what we do with Donaldson.

[25] **Angela Burns:** I accept some of that, Gareth, I do. However, I would hope that when you look at the broad spectrum of additional learning needs, from the most severe to those who have social and emotional and behavioural issues that actually impact on their ability to access the national curriculum, I would hope that the way that Donaldson is going to work—with those six streams and the emphasis on building a more robust and resilient individual who can then go to FE college, so you're not having to repeat work that should already have been done by the time they get to you at 16—will actually take some of those children out of the additional learning needs process, because the school environment will change in such a way that they'll be able to move forward without having to go through the traditional ALN support.

[26] That's what I'm really hoping to see—that the two will really dovetail so that the additional learning needs Bill will be able to concentrate far more on those with medium-to-severe needs.

[27] **Mr Parry:** Can I ask a question then?

[28] **Angela Burns:** That's probably—*[Laughter.]*

[29] **Mr Parry:** How will that work?

[30] **Angela Burns:** Because one would hope that, when the two are implemented, and this is what we'll be pressing the Government on, when the two are implemented and the curriculums are put together, there will be funding and resources put in place to actually follow through on the Donaldson elements, because some of those streams are very much about building the individuality and robustness of the individual.

[31] Some of the children who currently fall under ALN provision requirements, what gets in the way of their development isn't actually an

issue with learning, say, for example, mathematics, but is more an issue with how they can react to the authoritarianism, to schooling, to being in a structured environment.

[32] Hopefully, Donaldson is going to be able to flex the system for that. Surely, isn't that what we're all aiming for—a more child-centric approach where each child has its own key that enables it to move forward? That's the utopia. We may not be getting there, but if those two don't tie together—ALN and Donaldson—then we've got a real problem.

[33] **Lynne Neagle:** Thank you for that enthusiastic explanation of Donaldson. Lisa.

[34] **Ms Edwards:** I was just going to say, adding on to that, and I think that's really interesting that it's coming back to this idea that the FE sector is not involved in the Donaldson curriculum in the same way. As you say, hopefully, with the ALN Bill going through, it will pick up more people at an earlier point, and perhaps by the time they get to FE they won't need the support. However, that's great because the ALN Bill is proposing that support right through to 25, but Donaldson doesn't.

[35] **Angela Burns:** No.

[36] **Ms Edwards:** So, there's going to be a gap there. So, the provision that young people and children get in school is then not going to be in the same vein when they go to the FE sector. So, it's just flagging up that point.

[37] **Angela Burns:** Yes. And I can see that as a problem.

[38] **Lynne Neagle:** Rex.

[39] **Mr Phillips:** Just very briefly, I think that the key point that you made there was that funding resources will be put into the system. We may not get to the utopia that we want, but you certainly need to make sure that the funding resources are put in the system, because without them, there is going to be a real problem. It's key. It's got to be key to this process.

[40] **Lynne Neagle:** In terms of the funding, the Minister's announced £20 million to implement this Bill, but we don't yet know exactly how that's going to be divvied up and to what extent some of it's going to go into staff training, et cetera. Have you got any view on the sufficiency of that £20

million to take this agenda forward? I'll ask you first, Rex, because you're rearing to go.

[41] **Mr Phillips:** It's small change, really, when you compare it to how much is not going into school budgets. Plus, we've got to look at what's happening out there in our schools, at the moment, as we speak. We are facing redundancies across schools in local authorities. I heard yesterday that there are massive cuts being faced in schools in Newport. Putting that £20 million in is not going to really help if we can't address the issue of teacher redundancy across Wales. You can't possibly run a system where you have pupil numbers now almost to the level that they were in 2010 and where we've lost 1,051 teachers over that same period, since 2010. We're losing teachers and yet pupil numbers are increasing. How much is £20 million going to provide? It's not going to be enough. I mean, any money, any additional resources, has got to be welcome, but there has to be a degree of realism about where we're going with this.

09:45

[42] Let's come back to your point: funding and resources are key. Without the funding and resources, all that you will see is that the workload of teachers will be increased. The expectation on delivery will be there from teachers, but the money won't be there to provide for them to be able to deliver in a safe and secure environment. I think we've got to look at the responsibilities that are being placed on teachers in this Bill, and that's a very serious issue for us because they can only be expected to deliver up to the level of their training and expertise.

[43] **Lynne Neagle:** Okay, thank you. Phil.

[44] **Mr Higginson:** O ran yr £20 miliwn, os gallaf drïo ei roi e mewn persbectif, i raddau rŷm ni'n dilyn beth sydd wedi digwydd yn Lloegr yn fan hyn. Un o'r pethau sydd yn ein poeni ni ynglŷn â'r Bil yw'r ffin rhwng cyfrifoldeb yr awdurdod lleol a chyfrifoldeb y corff llywodraethu, a phwy sydd yn gyfrifol am y cynllun unigol. Mae'n debyg, yn Lloegr, beth sy'n 'trigger-o' cyfrifoldeb yr

**Mr Higginson:** In terms of the £20 million, if I can try to put it in perspective, to a certain extent, we are following what's happened in England here. One of the things that concerns us about the Bill is the boundary between the responsibility of the local authority and the responsibility of the governing body, and who is responsible for the IDP. It appears that in England, what

awdurdod yw pan fydd ysgol wedi triggors the authority's responsibility  
hala £6,000 ar un disgybl. Wedyn, is when a school has spent £6,000 on  
mae'r awdurdod lleol yn cymryd a single pupil. Then, the local  
cyfrifoldeb dros y plentyn yna. Os authority steps in and takes  
edrychwch chi ar £6,000 ar gyfer un responsibility for that pupil. If you  
plentyn a'i lluosu gyda'r nifer o look at £6,000 for a single child and  
ysgolion yng Nghymru, rŷch chi'n multiply it by the number of schools  
dechrau gweld persbectif yr £20 in Wales, then you do start to see  
miliwn yna. that £20 million in perspective.

[45] **Lynne Neagle:** Thank you. Mary.

[46] **Ms van den Heuvel:** I obviously echo what others have said. We haven't heard from Welsh Government that there will be anything like the £6,000 figure before a local authority takes over the plan from a governing body, but, at the same time, we haven't got that clarity about when a school or when a local authority is responsible for a plan. So, that's really critical, but also in terms of the explanatory memorandum, I believe that some of the extra costs are focused in FEIs. So, further education institutions are already the poor relation, if you like; if schools are badly off, then FEIs certainly are and have been consistently in the last few years. We've seen a little bit of change in that, but I don't think it's redressed some of the issues, so, if it's going to have an impact on schools, it's certainly going to have an impact on FEIs.

[47] **Lynne Neagle:** Okay. Rex, briefly.

[48] **Mr Phillips:** Just on the issue of local authorities, I think that one of the things that we've got to welcome is the fact that we still have local authority control of our schools in Wales. We're not in the same situation as they are in England, where they've got their academies and free schools programmes. So, I think that the role of the local authority should be celebrated and should be enhanced in this, to make sure that they are at the heart of providing for children with additional learning needs.

[49] **Lynne Neagle:** Thank you. Gareth.

[50] **Mr Parry:** I welcome the £20 million additional funds, hoping that it's an annual thing and not a one-off, but I think that the money should be spent on additional staffing, training for staff and raising awareness with parents as well, but also resources in school. It all hinges on who is

responsible for the IDP. If the local authority is responsible, but the school has to maintain it, who covers the cost?

[51] **Lynne Neagle:** Okay, thank you. We move on now to look in more detail at that issue of responsibility for the IDP. I've got John first on this.

[52] **John Griffiths:** Diolch, Chair. Yes, in terms of that responsibility—governing body or local authority—I'd be interested in your views as to the adequacy of sections 10 and 12 in the Bill. Are they clear enough about when responsibility for assessing a learner's additional learning needs and drawing up the IDP is the local authority's responsibility rather than the school's or college's? Who would like to tell us whether there's sufficient clarity, in your view, on that?

[53] **Lynne Neagle:** Mary, do you want to start?

[54] **Ms van den Heuvel:** So, it's one of the issues that we've already spoken about a bit, isn't it? Although the law states that the local authority has the overall responsibility for children in its area, it's quite clear in this legislation that the local authority can direct the school. So, even if a local authority prepared an IDP, they can direct a school to maintain it, is my understanding. I think it's good to welcome some of the changes that we've seen since the draft in 2015, where there wasn't separation between making a decision and the additional learning provision. So, it's good that those things have been separated out. However, as I said before, without a clear expectation from everybody about what an assessment looks like, I believe there's extra opportunity for parents to challenge schools, which some of my colleagues have already mentioned. So, potentially, we are moving away from the parents challenging the local authority to get a statement, whereas we're seeing everybody on a statutory plan; the challenge then is about funding and who can maintain the plan.

[55] I know that there are certain examples across Wales where it can work quite well, where there's quite a low expectation in terms of cost for the school, but perhaps if we move away from looking at it in monetary terms, we could perhaps look at some aspects of the England model where a school is expected to assess somebody, plan—well, it would be the IDP in this case—do the intervention and then review whether it works. We could put in place something along those lines where a school, for example, or an FEI tried some things out a couple of times, and if they were unable to do that because they didn't have the expertise and they needed expertise that the

local authority held, then there's opportunity there, isn't there, I think? As I said at the beginning, where it becomes a problem is if we devolve money to schools and they have to buy back services from specialists, it becomes more expensive than if the local authority is buying into those services. So, I think there are some opportunities, but there are also some risks.

[56] **Lynne Neagle:** Okay, thank you. Anybody else on this?

[57] **Mr Phillips:** The fact that we're discussing this I think means that there's perhaps not the clarity that there should be. I'm a great believer in something that's very simple—a very simple step-by-step guide for this. I think that would help. When we had the last round of consultation, we had the easy-read guide and the guide that goes out to children. I found those far easier to get my head around this than wading through the number of papers that were produced for this. But that's really what's needed. You might have a massive tome of legislation here, but what you want is something that is very transparent so people know where those responsibilities lie, and know how those responsibilities can be challenged.

[58] The key to all this is supposed to be about collaboration between the services, rather than one service challenging another service about what should and should not be provided. So, whatever happens, I think that that—. The code will be—. You know, we'll look at the code, and we haven't looked at the code in any detail yet, and that really should provide the implementation model, but running alongside that, it is something that needs to be far clearer and far more transparent for everybody to understand.

[59] **Lynne Neagle:** Anybody else on this? Phil.

[60] **Mr Higginson:** Rydym ni yn **Mr Higginson:** We do welcome the croesawu ysbryd ac egwyddorion y spirit and the principles of the Bill. I ddeddfwriaeth. Rwy'n gwybod bod know that a number of you are nifer ohonoch chi yn llywodraethwyr school governors yourselves. It's ysgol eich hunain. Mae'n eithaf quite an idea to think about cases syniad i feddwl am achosion rydych that you're familiar with, in schools chi'n gyfarwydd â nhw, yn yr ysgolion that you're responsible for, of yr ydych chi'n gyfrifol amdanyn nhw, individual children. Certainly, the am blant unigol. Yn sicr, nid yw'r system doesn't work 100 per cent system yn gweithio 100 y cant nawr. now. Think of an example on a Meddyliwch am enghraifft mewn school that you're familiar with, and

ysgol rydych chi'n gyfarwydd â hi, ac wedyn trïwch feddwl sut fyddai pethau yn wahanol o dan y drefn arfaethedig hon. Mae eisiau mwy o fanylder. Er enghraifft, nawr, os bydd plentyn gydag awtistiaeth yn dod mewn i ysgol gynradd, mewn nifer o awdurdodau mae'n rhaid aros am bump neu chwe blynedd i gael barn arbenigol feddygol ar y cyflwr. Hefyd, nid yw arian yn dilyn awtistiaeth. Mewn ysgol fach, mae hynny'n achosi problemau mawr ar hyn o bryd. A fyddai'n well o dan y drefn hon? Nid yw'n bosibl eto i ddweud y bydd.

then try to think how things would be different under the proposed arrangements. There is a need for more detail. For example, now, if a child with autism comes into a primary school, in a number of local authorities you have to wait for five or six years for an expert medical opinion on the condition. Also, funding doesn't follow autism. In a small school, this causes great problems at present. Would it be better under this system? It's not possible to say that it will be better.

[61] **Lynne Neagle:** Thank you. Gareth.

[62] **Mr Parry:** My concerns are that if it's not clear who has responsibility, it's going to prolong the delay in support for pupils. It's going to take a lot of resources, if it is the governing body that's responsible, away from the school to deal with tribunal cases, because it's going to be a lot easier for parents to take cases to tribunal. One school might deal with something different from another school, whereas if the local authority are responsible, at least you've got the continuity within local authorities rather than individual schools.

[63] **John Griffiths:** So, would you see potential tension, then, between the schools and colleges and the local education authority as to where responsibility lies? Is that a danger?

[64] **Mr Phillips:** It's a possible danger if the transparency and clarity are not provided. I think there is a danger of that happening. That's if people fight about where the money is coming from, and who's going to provide for this. The issue with the governing body I think is quite an important one, because the reality I believe is that it won't actually be the governing body that will be doing the work on this; it will be the additional learning needs co-ordinator and the school's management that will do it. They will be the ones providing information for governors, so it does need to be clarified, John, yes.

[65] **Lynne Neagle:** Anybody else on this? Mary.

[66] **Ms van den Heuvel:** I was going to reiterate, really, that clarity is the thing that is missing, although you could say it is quite clear a local authority can direct a school, whereas in FEI perhaps there's a little more ambiguity, because they don't have the same kind of relationship. So, a lot of this is going to be quite new for FEIs, so there are some differences there, and, again, clear expectations on everybody would be helpful.

[67] I think at this point as well clarity would help us and the workforce prepare, so even if we don't particularly agree with everything, it's good to know what we're dealing with and what exactly it looks like. So, that's where, like I said before, the assessment process, and what it is expected that a school will provide—what are the best endeavours that a school is expected to provide? How are they evidencing that? What are the expectations there? There are some really clear things, and, of course, for children and young people and their parents, what does the journey look like? What does the pathway look like to then getting the provision that they need in order to meet the expectations and meet their potential?

[68] **Lynne Neagle:** Thanks. Llyr.

<p>[69] <b>Llyr Gruffydd:</b> Liciwn i bigo lan ar y pwynt ynglŷn â sefydliadau addysg bellach, ac efallai clywed gan Lisa os ydyw hi'n teimlo bod yr hyn sydd yn y Bil ar hyn o bryd yn mynd i weithio o safbwynt y berthynas arfaethedig rhwng awdurdodau lleol a sefydliadau addysg bellach. Os nad ydy hi, beth sydd angen ei newid?</p>	<p><b>Llyr Gruffydd:</b> I'd like to pick up on the point regarding further education institutions, and perhaps hear from Lisa whether she feels that what's in the Bill at the moment is going to work in terms of the proposed relationship between local authorities and FEIs. If not, what needs to change?</p>
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[70] **Ms Edwards:** I think one of the issues that we have would be about who takes over the individual development plan, and if the colleges decided that they didn't have the expertise, and it goes to the local authority and the local authority says, 'No, we don't either'—who wins that argument? I think, from the position that we're looking at it at the moment, the LEA would trump the FEI, and then where does that leave the young person while they're waiting for a decision to be made? I noted as well I think it's 10 weeks before the local authority can come back with a decision, and if you've got the two weeks added onto that at the beginning, where the FEI are passing their

concerns over to the local authority, that's an entire term for a young person, and if that person's only on a one-year course, that's a third of their course. So, I think that that does need to be clarified. I'm not sure what the answer is there, but I think that that is something does need to be addressed about the clarity as to what happens when there's some sort of disagreement between who owns that IDP.

[71] **Llyr Gruffydd:** But in terms of local authorities directing further education institutions, you don't see that as—or potentially directing, because there's a stand-off there, potentially, isn't there?

[72] **Ms Edwards:** Yes, it's a different scenario, isn't it, to the school, because the local authorities control the schools, but with the FEIs they don't? So, I think there is an issue. You would like to think that there would be co-operation there because it's in the interests of children and young people, but I think there is perhaps the potential for there to be a stand-off because the local authorities don't have that direct control over the FEIs.

[73] **Llyr Gruffydd:** Especially when money's involved, I would imagine.

[74] **Ms Edwards:** Yes, exactly.

[75] **Lynne Neagle:** Rex, briefly.

[76] **Mr Phillips:** The power to direct I think has got to be about the reasonable use of that power. When you start looking at that then, you then start to open up the minefield of the legal challenges that can present. The last thing you want to do is put forward a Bill that is just going to tie everybody up in legal challenge after legal challenge, because the only winners in that are the legal profession, because they're the only ones that benefit.

[77] **Lynne Neagle:** Okay. Mary, briefly.

10:00

[78] **Ms van den Heuvel:** I was going to say really quickly that what we're talking about as well is, of course, mainstream, and the expectation that more children with additional learning needs will be taught in a mainstream setting. So, some of the issues there about—. When we say it's not clear who decides—who decides what severe and complex needs look like or who

decides what is a low-instance condition—. Those things are the things that could change and that, at the moment in the Bill, are in the local authorities' gift to decide.

[79] **Lynne Neagle:** Okay, thank you. Angela, on this, and can I appeal for brief questions and brief answers, as far as possible, because we've got loads to cover?

[80] **Angela Burns:** I think you'll be cheered up, Chair, because I think my questions have been answered, listening to that.

[81] **Lynne Neagle:** Can I just ask then—last week the children's commissioner suggested that we should look for an amendment to the Bill that said that local authorities should be responsible for all IDPs as a way of reducing the risk of there being a two-tier approach? Can I just ask briefly what your view is on that suggestion?

[82] **Mr Phillips:** I think it has merit.

[83] **Mr Parry:** I would welcome that as well.

[84] **Lynne Neagle:** Mary.

[85] **Ms van den Heuvel:** I think I'd need to think it through, but it does have some merit in terms of expectations and, you know, really, it's about drawing on expertise, so where you haven't got that, necessarily, within a governing body or within a school.

[86] **Lynne Neagle:** Thank you. Okay, we're going to move on, then. Llyr.

[87] **Llyr Gruffydd:** Diolch. Rydw i eisiau jest holi ychydig ynglŷn â'r diffiniad o anghenion dysgu ychwanegol, oherwydd mae'r Bil yn defnyddio, neu mae Estyn wedi dweud wrthym ni, i bob pwrpas, fod y term 'anghenion dysgu ychwanegol' yn cael ei ddefnyddio'n barod o fewn y gyfundrefn, ond bod ei ystyr e'n ehangach, efallai, na'r hyn sydd yn cael ei gynnig yn y Bil,

**Llyr Gruffydd:** Thank you. I just want to ask a few questions on the definition of additional learning needs, because the Bill uses, or Estyn have told us that the term 'ALN' is used already within the system, but that its definition is wider than what is provided in the Bill, because what the Bill offers is that the legal definition is going to correspond to the definition of special educational

oherwydd beth mae'r Bil yn ei gynnig yw bod y diffiniad cyfreithiol yn mynd i gyfateb i'r diffiniad o anghenion addysgu arbennig. A oes yna berig bod hynny'n mynd i arwain at ryw fath o ddryswch neu ddisgwyliadau camarweiniol?

needs. Is there a danger that that is going to lead to some sort of confusion or misleading expectations?

[88] **Lynne Neagle:** Who'd like to go first? Phil.

[89] **Mr Higginson:** Os ydych chi'n delio â *semantics*, mae yna berygl o hyd, onid oes e? Er enghraifft, roedd yr hen anghenion arbennig yn cynnwys pobl abl a thalentog hefyd. Rwy'n credu eich bod chi wedi doddi eich bys ar broblem gydag iaith fan hyn, a sut mae'r ddarpariaeth yn cael ei chanfod gan rieni. Hynny yw, byddem ni i gyd yn dymuno y byddai rhieni yn croesawu help ychwanegol i'w plant. Mae'n bwysig iawn nad yw e'n cael ei weld fel bathodyn o warth gan gymdeithas neu gan blant eraill. Mae'n rhaid gochel yn ofalus rhag hynny. Nid wyf i'n siŵr os yw hwnnw'n ateb cyflawn, ond mae'n dipyn o broblem, onid yw e?

**Mr Higginson:** If you're dealing with semantics, there's always a risk, isn't there? For example, the old SEN included the most able and talented, too. I do think that you've put your finger on a question of language here, and how provision is perceived by parents. We would all want and hope that parents would welcome additional assistance for their children. It's very important that it isn't seen as a badge of shame of any sort by society or by other pupils. We must guard against that. I don't know if that is a full answer to your question, but it is quite a problem, isn't it?

[90] **Llyr Gruffydd:** Roeddwn i jest yn holi achos bod Estyn wedi ei godi e fel consŷrn efallai y bydd e'n creu dryswch oherwydd bod yna un ddealltwriaeth o beth yw anghenion dysgu ychwanegol yn bodoli'n ymarferol, er efallai ddim yn llygaid y gyfraith, tra bod y Bil yma'n rhoi ystyr cyfreithiol ychydig yn wahanol iddo fe.

**Llyr Gruffydd:** I was just asking because Estyn had raised it as a concern that it could perhaps cause confusion because there was one understanding of what 'ALN' means, and it exists on a practical level, but not perhaps in the eyes of the law, while this Bill provides a slightly different legal definition.

[91] **Mr Higginson:** Nid wyf i'n siŵr

**Mr Higginson:** I'm not sure how you

sut mae dod rownd y broblem yna, a get around that problem, if truth be  
dweud y gwir. told.

[92] **Llyr Gruffydd:** A gaf i estyn neu ehangu'r cwestiwn, oni bai bod rhywun arall eisiau dod i mewn yn benodol ar hynny, i'r dystiolaeth rydym ni'n ei dderbyn neu'r alwad sydd yna i'r Bil gynnwys anghenion meddygol, er enghraifft? Nid wyf i'n gwybod a oes gyda chi farn ynglŷn â'r modd y mae ysgolion yn delio ag anghenion meddygol ar hyn o bryd ymhlith eu disgyblion. A ydych chi'n credu y dylai sgôp y Bil gael ei ehangu i gynnwys hynny yn ffurfiol?

**Llyr Gruffydd:** Could I expand the question then, unless somebody wants to come in specifically on that, to the evidence or the call that there is for the Bill to include medical needs, for example? I don't know whether you have a view on the way that schools deal with medical needs currently. Do you feel that the scope of the Bill should be expanded to include that on a formal level?

[93] **Lynne Neagle:** Mary.

[94] **Ms van den Heuvel:** I think they're very interesting questions and that, partly, because if it's not clear to all of us exactly what the definitions are, those are the kind of things that'll end up being decided in tribunal. So, in terms of medical needs, I think you could read it—the definition of the Equality Act, which is the definition of disability that's used by the Bill, says that you need substantial and long-term health conditions. Now, actually, those look very much like medical needs to me, so I'm not quite sure—we're waiting, aren't we, imminently, for the guidance from Welsh Government around medical needs? But, for me, I flipped through yesterday our response to the consultation last May, I think it was, and we were very much raising some similar concerns around emphasis on governing bodies being responsible for children with medical needs. So, I think there's a possibility that this Bill covers some of those, but I'm really keen to see that we avoid any confusion. In terms of the Estyn question, ALN is used a lot in our schools already. I think it depends what we really are looking for and perhaps—. Are we talking about children who just need a little bit of extra help with their reading? Is that in addition, you know, so they might have to go and sit specifically with somebody—a learning support teacher—for one morning a week, or are we talking about people with more complex and definable needs? There, I think, is the key thing about health not necessarily being involved, because a teacher can know that there's a problem and might perhaps know some of the things you can do to fix it, but they might not

necessarily be able to diagnose a child's specific condition and, therefore, know the right intervention without some help from health.

[95] **Lynne Neagle:** Okay, thank you. Rex. Sorry—Llyr.

[96] **Llyr Gruffydd:** No, it's okay. I'll pick up after—.

[97] **Mr Phillips:** I think the definition—. I've taken the definition from the Bill in Chapter 1, which talks about:

[98] 'A person has additional learning needs if he or she has a learning difficulty or disability which calls for additional learning provision.'

[99] I think that that reference to learning difficulty or disability actually covers, as well, the health needs of pupils—I think it's covered there in the Bill. I think it's how that provision is put into schools and how it's dealt with in schools that is really the issue. What we're clear about as a trade union is that it is not the role of teachers to cater for the health needs of pupils—it's the role of health professionals to deal with the health needs of pupils. I remember a time, when I was teaching, when schools had school nurses. It might be that this committee needs to look at whether you need to re-establish the role of the school nurse within our schools in Wales, because that would provide the link between health and the health professionals and the school—something that we think is probably long overdue, because it was an important role in schools. So, it's something for consideration.

[100] **Lynne Neagle:** Thanks. Gareth.

[101] **Mr Parry:** I've been an additional learning needs co-ordinator for four years previously, so I've always dealt with pupils who have the traditional learning needs—dyslexia, dyspraxia, autism spectrum disorder—looked-after children, more able and talented children, children who are performers, and children who have medical needs. I believe this still should remain in the new Bill—children with medical needs—because it is a barrier to their learning, and if it is a barrier then something should be put in place to try and reduce that barrier.

[102] I agree with what Rex was saying about multi-agency working. If I remember correctly, the Bill states that there should be close working with health and social services, but you need the key people to be in the meeting at the same time. Ideally, you need somebody who can authorise spending,

because the last thing that you want is to have a meeting, to decide nothing, to go away to see if they can spend the money and then to come back—it's a waste of everybody's time. So, you're going to need key people to attend meetings. To be honest, are you going to be able to get either somebody from the authority or somebody from the school and somebody from health and somebody from social services to every single school in the authority when it's needed?

[103] **Llyr Gruffydd:** Well, that's the litmus test, I suppose, isn't it? I concur with what you've said, although we have had evidence suggesting that the medical needs aren't sufficiently covered from certain groups, which clearly is a discussion that we need to have, really. Can I just ask, again bringing it out a bit more broadly: is there sufficient clarity in this Bill as to whether it is actually about learning needs in the classroom or more widely? We've heard reference previously to transport to school potentially needing to come within the scope of this Bill, because, in order to access learning, some pupils will have particular needs in terms of being able to get to school. We could look at, maybe, children with ASD who wouldn't want to have their lunch in the cafeteria, for example, because of the experience or the issue with that for them, clearly. Is this Bill—do you perceive this Bill to be about the classroom or do you perceive it to be about the wider learning experience of pupils?

[104] **Lynne Neagle:** Mary.

[105] **Ms van den Heuvel:** I think there's a lack of clarity around that, if you look at the draft code. I think if we follow the England route then perhaps some children with behaviour problems, for example, haven't been covered under the most recent legislation, and I think that is a problem. As you say, somebody with ASD who doesn't want to go and sit in the lunch room with the other children is, therefore, prevented from going to school or to college if they can't access everything that that has to offer. So, you have the problem that if you don't provide that kind of support for them outside of the classroom then they can't go into the classroom. That's not where anyone wants to be, is it?

[106] Again, with transport, I think we're really clear that you could include transport under this Bill, but it would have to be at a local authority level, because schools cannot afford to be buying back transport on a pupil-by-pupil basis, whereas a local authority—. We understand that local authorities have issues with funding as well, but they've got a bigger area, and,

therefore, can usually access things more easily than an individual school or college.

[107] **Lynne Neagle:** Okay. Gareth.

[108] **Mr Parry:** I agree with Mary—it has to be on a case-by-case basis, and need by need. At the moment, if you've got a child who's autistic and can't handle bus timetables and money, the local authority will provide a taxi. Currently, I think in section 4 or section 5 on the statement, you get to ask for a specific school where the correct provision is for the pupil. Again, taxis should be provided in that case if it's a specialist school for whatever the medical needs are. Again, it's tricky because you've got disability discrimination—not every child can go to every school because of access rights. So, if they have to go to another school then it's only right that transport should be provided. So, it's tricky, and it should be on a case-by-case basis.

[109] **Lynne Neagle:** Okay. Everybody okay with that? We're going to move on now, then, to talk about this issue of multi-agency collaboration, particularly with health. Angela.

[110] **Angela Burns:** Yes, I just wanted to ask you: what difficulties have you experienced with current multi-agency collaboration—maybe I ought to pick that one out first—and do you think the Bill's provisions address these problems? Then I'll go on to the second part, actually, which is whether you have any examples of best practice that we can weave into this Bill going forward, because we all know how difficult it is to get multi-agency collaboration working successfully.

[111] **Mr Parry:** I'm happy to start off. I do a lot of work in my day-to-day work with multiple agencies. Police, social services, health, child and adolescent mental health services—you name it, we have regular meetings. Going back to the issue I said earlier, it's about getting the key members of staff available to attend. I know this is education, but we know the stretch social services have on their resources, and to get one of the managers to come to a meeting is nigh on impossible. Again, with education, it's hard to get somebody who has the purse strings to be able to go to the meeting to spend. I don't know if that answers your question.

[112] **Angela Burns:** It does in part, because it is a concern that we all have. I think what I'm really interested in trying to understand is what we can do to

break that cycle, because we can't suddenly magic up a gazillion more social service workers and loads more health professionals. We've got the role of the designated clinical lead education officer, which I think there's a great deal of confusion over, but I think that what I'm really trying to understand is whether or not you would feel comfortable in having an out-of-department individual taking the lead for a number of departments and actually perhaps making decisions on their behalf within a remit that they've been given. So, you might have an educationist making a decision that somebody should access something within health, but they've been given that remit by the health board to, within that school, operate in that way and to have their own gateway in that is open—just different ways of trying to tackle this multi-agency problem. And, anyway, any meeting with about seven or eight people in it struggles to be effective.

[113] **Lynne Neagle:** Okay, who'd like to come in next? I think your comments on the role of the DECLO would be really useful. Mary.

10:15

[114] **Ms van den Heuvel:** From reading the code, I think the DECLO role is a very high-level role. I think what we need—perhaps the expectation is that the ALNCO has this role—is somebody who's working with health on a case-by-case basis, that children with specific needs through health have access to those. There are lots of issues—the Bill doesn't place, in our view, sufficient duties on health to provide. If you straightforwardly give medical needs to schools or local authorities, there's always a risk, isn't there, that actually they're, effectively, paying for something that health should be doing. So, where we see the five or six-year wait for somebody with ASD to have support, you also see really long waits for things like if you've got hearing loss, for example—other conditions have to wait a long time for the right intervention. In this Bill, there's, therefore, no challenge in terms of health. Health is the usual challenge. Redress through health is a complaints system—it's not the tribunal. So, at the end of the day, nobody's going to direct health to do anything, and I think that's really critical in terms of this.

[115] If we're serious about things like the Well-being of Future Generations (Wales) Act 2015, if children and young people are critical to that—. Because, actually, there are measures under that Act that say that we want to reduce the number of young people not in education, employment or training—the sort of 16-year-old NEETs—and a lot of those will be children with disabilities. If we're serious about ensuring that those children are able to

access education and training then we need to get this right in this Bill and we need to take a joined-up approach.

[116] **Lynne Neagle:** Very briefly on this and then I'll bring Rex in.

[117] **Angela Burns:** Yes, can I just come back on that, because I think you make a really valid point? I'd like your opinion on whether or not the way around it would be—rather than directing health, because no-one likes their department to be directed—if we could open up clear pathways so that certain health-related issues, or that could be deemed as health, could be accessed without having to go through any particular gatekeeper, but are accessible by education in order to facilitate this.

[118] **Lynne Neagle:** Before you answer that, Hefin has also got a query on this and I'll take that as well.

[119] **Hefin David:** Yes, the same kind of question—the link between the ALNCO and the DECLO. I think, Mary, you just said something about that, and I'd like you to elaborate a bit more on it. So, that's in connection to Angela's question.

[120] **Ms van den Heuvel:** Okay, so I guess to Angela's question, it's worth trialling, isn't it? I think we really do need some practical solutions. Of course, the most vulnerable children with additional learning needs won't necessarily be accessing or trying to access health anyway, so we need a way of bringing those people in.

[121] I think the DECLO role, as in the draft code, seems to be a very high-level role. I believe it's one day per 40,000 children—I can't remember exactly—but that sort of really very high level and strategic. Yet, also within the code, there's some very specific things that they can do about coming into a school and directing classroom behaviours so that well-being is taught throughout the school, which to me jars with the kind of strategic role that they have within health. So, I think we need some clarity about that DECLO role.

[122] For me, the ALNCO role, perhaps, is that strategic person within a school, a group of schools, or a further education institution. I think I would, perhaps, like them to be more involved in individual cases. We see as well in the code that there are these individual development plan co-ordinators. Of course, in larger schools, in FEIs, in some big special schools, you'll need

that kind of person because the ALNCO can't get around every single child if there's at least 25 per cent of the population. But I think I'd just like some clarity.

[123] One of our members is part of the group, with Welsh Government, looking at the ALNCO role. I think at the moment it's quite a big role and quite a big expectation. We spoke at the beginning of this about how, therefore, it will cost more money for them to be managerial. So, I think there are lots of complex issues to unpick.

[124] **Hefin David:** I think Gareth said something very similar earlier on as well about the ALNCO role taking on that responsibility.

[125] **Lynne Neagle:** Rex and then Lisa.

[126] **Mr Phillips:** We were critical in our response about the failure to place any duty on the health boards to provide for children, but I take the point you make, Angela—no-one likes a duty being placed on them. Yet the Bill does give local authorities the power to direct. Again, I come back to the fact that, if this is going to be a collaborative approach, it should be on the basis of an equal partnership as well. I think that the ALNCO role and DECLO role should be on the basis of equal status and equal partnership—even taking on board the point that you make about one being perhaps a higher-status role, or seen as a higher-status role, than the other, it can't operate like that, because I think that the ALNCO within a school or within a group of schools has to have the autonomy to make decisions. You talked about someone being able to make the decisions—they've got to be able to do that in an unfettered way so that they are looking at the needs of the individual children.

[127] **Lynne Neagle:** Lisa.

[128] **Ms Edwards:** Bringing this back to, from our point of view, multi-agency working and the responsibilities placed on the ALNCO, we're wondering how that's going to work for an FEI, because it talks in the Bill about the ALNCO having this strategic senior manager's role, so you would expect that that would be somebody who could liaise with outside agencies and the DECLO role, but then it also talks about this person perhaps being somebody with teaching duties and I think there's a real conflict there in the roles. Either you're somebody with some teaching duties and then you're not

in the senior leadership team, so you don't have responsibility for strategic direction or for the implementation of policies, or you're in a strategic position to be able to do that and to have all this multi-agency contact, but then you're not actually in a teaching role. So, there's a real conflict there for us about what the ALNCO would be in the FE setting.

[129] **Lynne Neagle:** Hefin.

[130] **Hefin David:** It says either a member of the senior leadership team or in a line of communication to—which seem to be two different things.

[131] **Ms Edwards:** Yes, they're two different things. And it also talks about the ALNCO being seen as somebody like a headteacher or deputy teacher as well, which is a very different role in our experience from the LDD co-ordinators that there are in FE. They're very often learning support staff and they don't have the responsibility that this Bill is going to be placing on an ALNCO.

[132] **Hefin David:** So, you could have different schools doing very different things, with ALNCOs with different roles in different places.

[133] **Ms Edwards:** Well, I'm thinking about within the FE sector—

[134] **Hefin David:** Sorry, FE, of course.

[135] **Ms Edwards:** —about how, actually, this role is going to translate, because, in talking about finances, they're allowed 13 ALNCOs—one for each FEI, but then, underneath that, it talks about that ALNCO leading a team of other ALNCOs. It's just: how actually is this going to work? What are the roles and responsibilities? Where are they going to sit? Are they a member of the teaching staff? Are they a member of the senior management staff? Thinking about the different contracts that there are in FEIs, where does this person sit? But, obviously, if they're going to have this multi-agency role, they need to be somebody who does have that responsibility, which I think is implied in the Bill, but actually how that plays out could be quite different.

[136] **Lynne Neagle:** Okay. Thank you. John.

[137] **John Griffiths:** On the other aspects of the Bill, Chair?

[138] **Lynne Neagle:** Yes.

[139] **John Griffiths:** In terms of designation, and the fact that each school or group of small schools or college will have to designate an ALN co-ordinator, how does that differ from the current position with regard to special educational needs co-ordinators, would you say?

[140] **Ms Edwards:** For FE, I think it's that there's the responsibility in the contract that they're on, definitely, and I think what it's suggesting in here is that the ALNCO will be a senior person with strategic leadership responsibilities who can co-ordinate with outside agencies, will look at transitions between schools and the FEIs, but what's actually in practice at the moment is that they're likely to be a member of learning support staff, who will be on a completely different contract. In terms of levels of salary, they're very, very different as well and it wouldn't be appropriate, in our opinion, for somebody on a learning support contract to be put in a position where they're given so much responsibility.

[141] **Lynne Neagle:** Phil.

[142] **Mr Higginson:** Beth sy'n digwydd yn barod mewn nifer o ysgolion uwchradd yw bod cyfrifoldeb a theitl ALNCO yn cael ei rhoi i rywun sydd ar y tîm uwchrheoli yn barod, lle mae rhywun yn nes i lawr un aelod o'r staff dysgu yn gwneud y gwaith, oherwydd rhesymau cyllidebol.

**Mr Higginson:** What's already happening in many secondary schools is that the responsibilities and title of ALNCO is given to someone who's on the senior management team already, where a member of the teaching staff lower down in the pecking order actually does the work, for budgetary reasons mainly.

[143] **Lynne Neagle:** Thank you. Rex.

[144] **Mr Philips:** I think, John, it's different across schools. In some schools, the SENCO role is undertaken by members of the senior management team; in others, it's a designated role. I think the idea in the Bill of having one person to undertake that role, even if that is across a federation of schools, is a good idea, provided that that person is appropriately remunerated for the post. This cannot be a role that is done on the cheap.

[145] **Lynne Neagle:** John.

[146] **John Griffiths:** I don't know whether Mary wanted to—

[147] **Ms van den Heuvel:** I was just going to say quickly that what we wouldn't want—particularly in FEIs, where they wouldn't be qualified teachers or lecturers—is to lose the expertise. Perhaps some of those people might have been doing that role for at least the last 10 years to 15 years, and they will have expertise that is invaluable to the role, so what we need, really, is some clarity—and I'm sure there'll be working groups on it—around the qualifications and expectations, because, actually, it says that the Minister can direct what qualifications. We need maybe some differences there between FEIs and what the school sector has to reflect fully the expertise that's there in the system already.

[148] **Lynne Neagle:** Okay. Gareth, then Lisa.

[149] **Mr Parry:** The role of the SENCOs disappeared a few years ago, and has been replaced by ALNCO—additional learning needs, incorporating the list that I gave earlier, medical and everything like that. The changes with the new Bill—the ALNCO, or SENCO, whichever you call it, will have to be, or will be, the additional learning needs expert, whether it's for the school or whether it's for the cluster of schools. Whoever's in the post will have to be a non-contact teaching member of staff—doesn't necessarily have to be senior management team. Ideally, it would be to have the responsibility for their funding, but it would have to be non-contact, because they're going to be called out of lessons to meet parents, tribunal cases—there's going to be a lot more paperwork coming with those. And the funding for the member of staff has to be in line with the role and responsibility.

[150] **Lynne Neagle:** Okay. Lisa, then Llyr.

[151] **Ms Edwards:** I was just going to say that I'd like to echo both those points really about it being a non-teaching role, and the remuneration echoing the responsibilities that they have. But, picking up on Mary's point as well, let's not forget that it's a very different situation in the FE sector, where lecturers at the moment don't have qualified teacher status, so, when we're talking about the ALNCO being a qualified teacher, what exactly do we mean by that? Because surely somebody working with students with additional learning needs in the FE sector would need an understanding of that sector and working in it. And, as Mary said, at the moment, a lot of the staff working, particularly out in mainstream classrooms in the FEI sector, are learning support staff, who don't necessarily have qualifications that would

mean that they were teachers in any sense of the word. So, there's a real sort of—well, it's a mix-up that needs to be sorted, really, about the definitions of who is what. I'm thinking about, if this going to be a Master's level qualification as well, how does that include people with the expertise at the moment, and equating them with qualified teaching staff in schools that have got degrees, QTS, all the rest of it.

[152] **Lynne Neagle:** Thank you. Llyr on this.

[153] **Llyr Gruffydd:** Well, yes. Just picking up on Gareth's point about non-teaching time, if you're in a small school with two full-time members of staff, then that's not going to happen, is it?

[154] **Mr Parry:** That's where your cluster of schools would come in, hopefully.

[155] **Lynne Neagle:** Darren, then—

[156] **Darren Millar:** Can I just ask you: if there was a cluster of schools, which are all jointly having one ALNCO that's working on their behalf, who employs that person? Because isn't there a risk that, if that person is employed by the local education authority, for example, and you all make a contribution as individual schools, there's a conflict of interest, potentially, that could arise if that ALNCO draws a different conclusion than the LEA in terms of the support that might need to be provided to a young person? There's no information that I can read in either the draft code, or the explanatory memorandum, which talks about perhaps a lead school being responsible for the employment of such a person. That would be difficult, wouldn't it?

[157] **Mr Phillips:** I think it's a very good question, Darren, and not one that I'd really considered until you asked it, but I think that our view would be that we would want that person to be employed by a school, rather than by the local authority. The idea of the lead school may be okay, but it comes back to the point I made earlier, that they have to have the autonomy to do the job and not be under the control of that school, the lead school. They have to have that degree of independence, but, for their conditions of service, I'd rather them be employed by a school, rather than being employed centrally. So, that's a fairly simple answer to that.

[158] **Mr Higginson:** Mae'r clystyrau **Mr Higginson:** Clusters tend to be

yn dueddol o fod yn ysgolion bach iawn. Felly, o ran bod yn ymarferol, sut byddai clwstwr yn gallu fforddio i gyflogi ALNCO llawn amser, yn ddi-gyswllt? Mae hwnnw'n gwestiwn mawr.

10:30

[159] **Lynne Neagle:** John, did you want to come back in on anything on the tribunal?

[160] **John Griffiths:** On disagreements with families, really, Chair, yes. It's a similar sort of question, really. In terms of differences of opinion with the families of pupils with additional learning needs, and in terms of what happens now and what will happen under the new arrangements, what are the differences that you see?

[161] **Mr Phillips:** One of the things I think we highlighted, John, was the idea of—I can't remember the name of the person, but the advocate for the child, and the fact that the child can bring their own case to an ET. We are concerned about the fact that you may find a child disagreeing with wanting to take a case forward with an advocate where the parents have very legitimate reasons for not appealing a decision. That, we believe, could cause tensions within a family. So, I think that that needs a lot more careful thought about the way that that approach is going to operate.

[162] **John Griffiths:** Yes, and just one further question on a separate matter—the operation of the tribunal. We've heard evidence as to whether the tribunal should be able to direct health bodies. What's your opinion on that matter?

[163] **Mr Phillips:** Yes. [*Laughter.*]

[164] **Mr Parry:** If it's in the best interests of the child, then they should be able to direct.

[165] **Ms van den Heuvel:** I think, as I said before, if we're serious about this being about the child or young person's ability to access their learning, then we need to look at parity between the education sector and the health sector. So, we've said that we would welcome that the tribunal were able to direct

health. Now, I know that that causes a whole load of issues, and I know that there is the complaints procedure in health, but if we're going to put this strong opportunity for redress onto the education sector, which we're not disagreeing with, then it needs to be there for health too.

[166] **Lynne Neagle:** On this, Darren?

[167] **Darren Millar:** No, it's a slightly different issue.

[168] **Lynne Neagle:** Okay. Anybody else on the tribunal? Everybody in agreement on that? Yes. Darren.

[169] **Darren Millar:** When you've got learner who spends part of their time in an FE college and part of their time in a secondary school, which is often the case these days, with some of the collaborative work that's going on, who takes responsibility for assessing that individual learner's needs and then providing for them? The Bill's silent on it, isn't it?

[170] **Mr Parry:** Usually, it's the school that has the registration of the child.

[171] **Darren Millar:** Okay. So, it's where the child is primarily registered, even though that individual might be a learner on a different campus down the road.

[172] **Mr Parry:** Yes. So, who the parent school is.

[173] **Darren Millar:** Okay. Is that what the Bill says here, then? It doesn't seem to say anything about it.

[174] **Ms van den Heuvel:** It might be some of the same issues that you would potentially raise around work-based learning provision. I can't remember reading about it in the Bill, so it might not be there. But I would imagine it would be the same—I would hope that it would be the same as it is now, so that there is clarity there.

[175] **Lynne Neagle:** Okay. Thank you. Just one—

[176] **Darren Millar:** Sorry. The Bill doesn't say anything about that at present, does it, in terms of who takes the lead, who is ultimately responsible.

[177] **Mr Phillips:** No, I don't think it does, but I think that there is separate legislation that determines who has the responsibility for the child in such circumstances, where they're educated in places other than at their host school.

[178] **Darren Millar:** Okay.

[179] **Ms van den Heuvel:** They might have something about the registration of children otherwise than at school in the code.

[180] **Lynne Neagle:** Okay. We can clarify that, Darren. Just one very quick final question. Do you think there should be a standard template across Wales for the individual development plans? Yes?

[181] **Mr Phillips:** Yes.

[182] **Lynne Neagle:** Okay. Lovely. Thank you. [*Laughter.*] Excellent brief answers. Can I thank you all for your attendance and for answering all the questions this morning? You will receive a transcript to check for accuracy in due course. But thank you very much, all, for coming. The committee will now break until 10:40. Thank you.

*Gohiriwyd y cyfarfod rhwng 10:34 a 10:42.  
The meeting adjourned between 10:34 and 10:42.*

**Y Bil Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru):  
Sesiwn Dystiolaeth 8  
Additional Learning Needs and Education Tribunal (Wales) Bill:  
Evidence Session 8**

[183] **Lynne Neagle:** Welcome back, everybody, for our further evidence session on the ALN Bill. I'm very pleased to welcome Rob Williams, policy director of the NAHT, and Tim Pratt, director of the Association of School and College Leaders Cymru. Thank you very much for coming this morning. If you're happy, we'll go straight into questions. I've got Angela Burns first.

[184] **Angela Burns:** Good morning, and thank you for your evidence. I've just got a couple of questions for you. Given the Welsh Government has announced £20 million to support these ALN learners over the next four years, do you believe that this is sufficient for schools and colleges to be able

to implement the aims of the Bill? Do you believe that that funding will in the end go towards mitigating the funding shortfall that many in the profession feel that there currently is in education? Perhaps I can just start with that.

[185] **Mr Williams:** Do you want to start?

[186] **Mr Pratt:** Fine. We are concerned about the funding, really because the effect of the Bill is going to be, from our perspective, that people who've currently been in the co-ordinator's post, and probably also been a teacher, unable to do both parts of the job, are almost certainly not going to be able to maintain that. Twenty million pounds is a lovely sounding figure, but when you split that down amongst all the schools in Wales, and all the other calls that there will be on that money, we're a little bit worried that the process of ensuring that there is sufficient staffing in place may throw up a need for more money than actually is there. What we don't know until we're into the process is: is one person in a school, particularly a big secondary school, going to be enough to do this role?

10:45

[187] Is there going to be a need for more clerical support behind that person, or an assistant with that person, in order to fulfil all the criteria, all the things that they have to do, week on week, year on year? So, there is a big question there. We won't really know until we get into all of the jobs that were happening in different places actually coming down into the schools.

[188] **Mr Williams:** The other thing that's sort of implicit within the Bill is about the capacity at school level to pick up what would be termed the high-incidence, low-complexity additional learning needs. Certain schools will be in a better place than others to pick those up and, again, in terms of the total amount of money, it's not huge when you look across the whole of the education workforce, because often, for example, a lot of the interventions that are done at school level are done by support staff, for example, not just teachers. I think if you're looking at that capacity building to deliver what we're talking about within the Bill, that's going to be quite resource rich.

[189] It has to be something that's on top of any intentions behind what was previously called the new deal, ITE and all those other things we've been talking about. This is something that's got to be seen as a completely separate pot of money, if you like. I think there are challenges now, we're finding, at school level, in terms of just basic funding and school funding,

and one of the questions we put against a lot of the grant use is that, actually, it's diluted slightly, we think, because the schools are having to really be careful how they're using their basic school budgets. So, I think there is a risk—the hint in your question is there is a risk in that, I think, at the moment.

[190] **Angela Burns:** Just expanding on that slightly, I wonder if you could comment on a concern that I have, which is that some schools have a greater percentage of pupils with additional learning needs than others, if the funding is then skewed towards them—rightly, because they have that greater need—of course, the downside is that there's always a critical mass element, and that it could leave a lot of schools out in the cold, because they don't have quite enough to be able to have the critical mass to get the right kind of support in place. How do you think we might be able to address that, or do you think that's not really a concern?

[191] **Mr Williams:** I think it is an issue, because, certainly, the model of funding for additional learning needs when I was a head, within the last two years, was on a local authority panel basis. In some ways, the pot was kept within the local authority, or at least paid back in from the schools for that to take place. Heads sat on the panel and decided how those funds and resources were allocated. It meant that, depending on the level of SEN at your school, you sometimes were a winner or loser, in some respects, but you were accepting that you were going to be 'a loser', for want of a better phrase, because, on certain other occasions, you were likely to gain greatly.

[192] My school, for example, was a small primary. We had 29 per cent SEN in the school. We had a child in the school with a statement, which had a high degree of resource that was required to support them. Those three or four years, we undoubtedly benefited from that original model that I described. If it's pushed back to schools to find from that resource, we would have been at huge risk in that period, because my entire budget was about £0.5 million, and over 90 per cent of that was in and out on staff. So, my provision, if you like, to be able to decide on how I allocated that for support would have been under huge risk if we found ourselves with that high level of SEN within the school.

[193] **Angela Burns:** And rolling budgets, the impact of not having rolling budgets and not being sure of your funding every year, would that have a greater than normal impact on this kind of provision?

[194] **Mr Pratt:** There is a real issue that we're facing at the moment, and we are doing a little bit of research with our members up and down Wales, and from what we can ascertain, it is looking likely that more than 60 per cent of secondary schools in Wales will be in deficit in the coming financial year.

[195] **Mr Williams:** We're hearing similar. We're hearing that, in certain local authorities, some of our members are telling us that 80 per cent of the schools in that single local authority are saying they're going to be into deficit in this next year.

[196] **Angela Burns:** I hear what you said. We've all heard what you've said very clearly on the funding element. Are there any other gaps within the Bill's provisions that really leap out at you as needing to be addressed?

[197] **Mr Williams:** I think that what members are saying to us is that there are certain specific areas of additional learning need that seem to be growing. Speech and language is one that we've found at the school end of—. Certainly, in intake in my school, that seemed to be a growing challenge for schools; the level of speech and language need coming in to the school was growing. And the other area—there are others, but the other area that seems to be particularly significant—is in autism and autistic spectrum disorder. That seems to be a growing challenge in schools, and not just in terms of number, but in terms of the fact that the complexity of the child and young person that we're seeing in schools seems to be growing.

[198] **Angela Burns:** Just a quick question on autistic spectrum disorder. Our rates in the United Kingdom as a whole, as well as in Wales, for diagnosing individuals with ASD are significantly higher than those of other European countries and the United States, and I wondered if you had a view on that.

[199] **Mr Williams:** No. It would have to be a conversation with, obviously, health, I would say. Because, clearly, we would have a view on just the numbers of children we are receiving, both in mainstream and special schools, and there seems to be this increasing number. Whether it's partly due to improved intelligence at the school end in terms of their ability to note and refer, I don't know, is the honest answer to that.

[200] **Lynne Neagle:** Okay, thanks. Do you want to go on to the individual development plans?

[201] **Angela Burns:** Yes, I'm very happy to do that. Do you foresee any

difficulties with transferring from the current system to individual development plans? What would those be and how would you like to see them tackled within the purview of the Bill?

[202] **Mr Pratt:** I think many schools, certainly at secondary level, have already started moving across for the majority of the children who have additional needs. The ones who won't have done are the more complex areas, and there will be some reworking there. I think, actually, the pressure may not come so much from schools, it's from parents, and I think that parents are the ones who may find the new aspects of the Bill harder to get to grips with. I think schools have had good warning of what's coming down the line, and many of them are already moving in that direction.

[203] **Mr Williams:** I think that's a correct point. I think, for parents, sometimes statements have been seen as a bit of a golden ticket in some respects, in that once you've got that, you're guaranteed and there's a security, if you like, around that. The statutory element within the IDP means that, actually, that should be the same for all children who have an IDP at that point.

[204] I think the key bit for us is in terms of things like transition arrangements, those pupils who we'd deem as the most vulnerable—looked-after children and so forth—and having an all-Wales consistency, there are some good opportunities in rolling over to an IDP. I think what we would say within that is that a template of some sort would be of use. Because, certainly from my experience of receiving children into my school from another local authority, or outside the local authority, historically, sometimes, there's been a suggestion of almost going back to the beginning of a process. For those children, that's a bit of a vulnerability. Certainly, for those children who, for whatever reason, are in vulnerable families, who tend to school hop a little bit more than others, a consistent approach with an IDP, I think, would be some form of protection for those sorts of individual children. The key bit for us is training from the very, very beginning on how to properly utilise the IDP in its form, and to make sure there is a consistency of approach in that. So, when schools are receiving children, for example, who go from one school to another, there is an expectation—if you like, a baseline expectation—of what's included in it and the kinds of ways that the IDP should be being used.

[205] **Angela Burns:** Could I just have a view on the IDP, in terms of we accept that those who are now statemented would definitely have one, but

how far back down the line do you think an IDP should be? Especially if you take on board the real estimates that an additional learning need is something that stops a pupil from accessing the national curriculum in a good way, and that could, of course, be social and psychological issues. So, I just wondered where you think the IDP stops on the way back down.

[206] **Mr Williams:** I think that's a really good question, because I think the threshold point is going to be the key conversations that many schools will have, governing bodies will have and local authorities will have. Because I think they'll be talking about at what point does that, if you like, kick in. I think there are also some circumstances where short-term interventions are sometimes needed—some of the catch-up programmes that pupils have been on in the past. There's a serious question about whether they need to be on an IDP in that circumstance. You could potentially argue that if it's based upon a short-term intervention, there's no need to put the child onto an individual development plan at that point. If, as you work forward, they remain needing additional learning needs support, then maybe that's where you'd consider putting them onto an IDP. I think it mustn't just be that every single child who has any sort of support need has to go onto an IDP, because there's administration involved in that. The key bit for me is, from a head's point of view: when I was a headteacher, the key part was about, if there's a recognition that a child needed some level of support for whatever it happened to be, the speed at which we could get that into place for that child. Being delayed through a long administrative process of putting together a plan—for me, it's about the action rather than just putting that in place quickly, if you like. But the threshold is a key one; it's something that's flagged up. And there is a fear, I think it's fair to say, given some of the big cuts that we're seeing in additional learning needs budgets at a local authority level—there's a genuine fear from schools that this feels like a push-back a little bit, to them and their capacity then to meet needs at school level. Will that threshold be influenced by the resource available for them to meet the need?

[207] **Mr Pratt:** There's a question here around training, and a lot of your £20 million may go on training people in schools to be able to meet the requirements of the Bill.

[208] **Angela Burns:** Just a quick—

[209] **Lynne Neagle:** Very quickly, because then I'm going to bring John in on relationship with local authorities.

[210] **Angela Burns:** Just a really quick follow-up on the threshold, because one of the concerns I have is if you push the threshold down, down, down, at one point you're going to hit the foundation phase, and the whole essence of the foundation phase is that we enable young people to develop at their own speed. So, what's the criteria that you measure this individual against to say he or she hasn't got to where his peers are, but we're in a system that allows them to develop at their own speed, and actually in two years' time they will have caught up? Or do you say, 'Ah, that child needs intervention now' because that goes against the grain of a much more holistic learning environment? That's my concern.

[211] **Mr Williams:** I think it's use of intelligent information, and I think from my experience as a head, actually, there are some children who quite clearly from the very, very beginning need some degree of intervention. Early intervention, I think, is key. Evidence and research, I think, that we can find will show that, actually, for certain individuals with certain needs, early intervention is absolutely key to their success. But I think it's got to be used intelligently, and I think one of the pressures that may not have been fully explored is the way in which schools are held to account, if you like, by the end of foundation phase. On your point about the children's—the way in which they learn, we talk about a readiness to learn, and I look at my own two children and the way in which they've learnt. I like the fact that they're different and I think that's what the normal world is. I think accountability maybe puts pressure on that, because if you're talking about thinking that certain children within your foundation phase, for example, are not going to get to an expected level, is there then going to be a pressure for that school to say, 'Let's put an IDP in to show that we've recognised they're maybe not getting there'. That's a misuse of that, I would argue. So, we've got to be honest about how that might pressure schools.

[212] **Lynne Neagle:** Thank you. John.

[213] **John Griffiths:** Yes, thanks, Chair. In terms of responsibility for IDPs, making an assessment of learning needs and drawing up the IDP, do you think the Bill is sufficiently clear as to where responsibility lies between the local education authorities and schools and colleges?

[214] **Mr Pratt:** I'm quite happy that there is, written into the legislation, the ability for schools and governors to say, 'This one is beyond our capability, we need somebody from the local authority, actually, to come in and assess

this.’ I think that’s really important, because there are children with very complex needs who, even in a school that is very experienced with these things, are going to be outside of those means. On the flip side, there will also be smaller schools where children with maybe not quite so complex needs are something that they haven’t come across before. Just to expect every school to say ‘Well, they’ve got a need so we’re going to have to cope with it’ is unreasonable. I think to have that ability for governors and leadership of schools to be able to say ‘No’—. You know, it’s not a case of just passing the buck, it is saying, ‘We need further support with this; this is something—’. There may be very good reasons for that in terms of physical disability and the school not being able to provide for historical reasons—and that may need further expenditure if the child is going to be in the school. So there are all of those complexities to that question.

[215] **Mr Williams:** I think the clarity around the primary duty sitting with the local authority is key, and the reason I say that is because schools are in very different places at very different times.

11:00

[216] There are also risks at certain points for a school—for example, a large change in the governing body, where you might have had expertise at some point and then that, for whatever reason, has changed. So, the primary duty sitting with the local authority is key. The difficulty around this, and from your question particularly, is around this ‘What is reasonable?’ I think that’s where there are going to be some hard conversations maybe, and it will be to do with—coming back to the point about the training that we’re talking about in schools—their ability to pick up on the low complexity, high incidence additional learning needs. Some schools will be better placed than others to do that at different times, maybe. So, the duty sitting with the local authority, I think, is very, very important because, for whatever reason, at school level there will be occasions when that might be at risk. So, there has to be somebody who is the gatekeeper on behalf of the child and young person.

[217] **John Griffiths:** So, do you think there’s sufficient clarity? And if, perhaps, the Bill itself doesn’t provide sufficient clarity, does the code provide that?

[218] **Mr Williams:** I don’t think so at present. I don’t think so at present. Because I think, often, these cases will be very specific to the specific case;

so, it will be very difficult to articulate that, I think, in a code. But I do think there needs to be—. I suppose our members' fear would be: when you have those sorts of conversations about what is or what isn't reasonable, at what point and who makes that ultimate decision? What it can't be is a push-back to schools. It can't be that because, from my point of view, irrespective, in a way, of what the school or local authority is saying, it's the needs of the child at the centre that is the key part. Actually, somebody has to take responsibility for the additional learning needs provision for that child.

[219] **John Griffiths:** Would you then see potential conflict between the LEA and the schools and colleges in terms of where responsibility lies? Would there be a tension there that's likely to occur?

[220] **Mr Pratt:** Yes, there can be a tension, and traditionally there always has been a tension. It is this balance, isn't it, between what a school feels they can handle—. In the past, we've had situations where schools have been told by the local authority, 'Right; you'll have to deal with that one', and have struggled. That has had an impact, sometimes in the classroom, sometimes in the budget, but those impacts always haven't been fully appreciated.

[221] **John Griffiths:** Okay. Just one further question, if I might, Chair.

[222] **Lynne Neagle:** Is it on this? Because Michelle had a query on this.

[223] **John Griffiths:** It's about power to direct.

[224] **Lynne Neagle:** Okay. Go on, then, and then I'll bring Michelle in.

[225] **John Griffiths:** You were saying, Tim, that it's important, really, that schools are able to say, 'Well, actually, for this particular pupil we don't feel that we've got the necessary capacity, knowledge or expertise'—or whatever it is, really—'to deal with the assessment and the drawing up of the IDP', but of course, there's a power to direct, which the local authority can use to direct a school to do so. Do you have a worry there that an LEA might use that power to direct because of pressures it faces as an LEA rather than who is best placed to carry out that work?

[226] **Mr Pratt:** It's a theoretical possibility. One would hope, as a school leader, that your relationship with the local authority will be such that you could have those frank discussions. Quite often, it could be that a local authority would say, 'Well, we will do this for you, which will allow you to do

that', and that's fine. The problem—what you don't want—is a sort of ping-pong: 'We can't deal with it, you do it', 'No, you deal with it', and that isn't good for the child.

[227] **Mr Williams:** I think the model I spoke about before—the special educational needs panels, as such, which had school leaders sat on it—those were forums, if you like, for that kind of debate to take place. Involving school leadership at that point means, hopefully, that it would mitigate getting to that ultimate, 'you must, we must' bit, because I think it's got to be a professional conversation. We understand the limitations with resource, but the reality is that a decision about supporting a child shouldn't really be based upon whether there's enough of a resource to do it. If that child needs that support, I'm sorry, if it was my child, I'd want them to be having that support. So, I think, with that kind of level of conversation, maybe there needs to be some explanation about the best models that would try to develop a situation where what you're describing would be very unlikely.

[228] **Lynne Neagle:** Okay. Thank you. Michelle on this.

[229] **Michelle Brown:** Thank you. I just wanted to come to the possible implications of the governing bodies of schools being responsible for the IDP. You've highlighted that schools are facing increasing pressures on resources. The teachers have got a big workload. We've already discussed in committee how the lack of clarity over who's responsible for the IDP might lead to prolonged discussions, shall we say, between the LEA and the governing body. Given all of that, do you think the potential for being responsible for the IDP might be a disincentive for a school taking students with additional learning needs, particularly if they've already got an IDP in place?

[230] **Mr Williams:** Certainly, for my school, the admissions process, shall we say, was handled by the local authority. Schools actually saying, 'I'm not accepting a child because they have an IDP'—you'd end up in a tribunal, I would argue, if that was the case. And quite rightly so, because unless you can prove that there is a really strong case that it'll have an impact upon the existing students and you're not able to meet the needs of that student coming into the school, you'd be on very, very difficult ground to refuse admissions. I think your point is a legitimate one, though, in terms of taking on an IDP that is very resource rich, for a school that's already in that difficult situation. And part of the important part of all of this roll-out, for me, is upskilling governing bodies to understand that level of responsibility,

because I don't necessarily think that that is the case at the moment. Many schools and many governors I don't think appreciate the level of responsibility that's attached to that.

[231] **Lynne Neagle:** Okay, thank you. Llyr.

[232] **Llyr Gruffydd:** Thank you. I'd just like to ask whether you have any views about the definition of additional learning needs that's used in the Bill.

[233] **Mr Williams:** The definitions of additional learning needs within the Bill: I think the fact they talk about the learning part of it, or they concentrate on the learning aspect of it, I think, is a good feature. I think there are some concerns, maybe, around the health element, for us, and from conversations we've had with various stakeholders. Within the definition, anything that inhibits a child from accessing the curriculum fully should be part of that definition. So, if health, for whatever reason—a health issue—does that, that should be part of it, and I'm not sure that's as clear as it could be at the moment.

[234] **Llyr Gruffydd:** Okay. So, in terms of catering for medical needs, how do you assess the current provision in relation to dealing with those kinds of situations? And you've suggested it's not clear enough: should the Bill be quite unequivocal in including provisions for medical needs?

[235] **Mr Williams:** I think so. We've had conversations with health boards and others and one of the things that there is, I think, agreement about is that within schools, if you're talking about educational specialists—if you like, teachers and others—they can make really good, strong decisions about educational issues. I think the same is about health. Health make decisions around health issues, and the one shouldn't really be making decisions about the other. How that aligns and how you articulate that within a definition—good luck to some extent, because it is a really complicated issue. We have the involvement of health; I know you've already heard about that challenge, about involving health around that kind of ALN IDP approach. But our colleagues across the border who we spoke to when the Bill came out, in terms of the special education needs and disabilities setup, if you like, in England—and the key bit that they stressed about was that for them, many of them were saying, 'We could remove the 'H' out of the healthcare plans, because actually getting that involvement is such a challenge'. For us, we have an opportunity to try and make that work properly in Wales, and without it, I think we're in danger of drifting along that same route.

[236] **Mr Pratt:** One of the things that we really need clarity on and that we haven't got at the moment is the DECLO role. Exactly what is it? What's it going to look like? Is it a strategic role? Is it a practical role? Because at the moment, all we have is a statement that it is required, but not much detail as to what it's going to look like. And from the perspective of a headteacher, you really need to know: is this going to be one person within a health board who's going to have to cope with every single school, or is it going to be one person within the health board who's directing resources at schools? In which case, fine, but that level of clarity is needed.

[237] **Llyr Gruffydd:** Well, I hope it's the latter, as you say, otherwise we are in trouble. Okay, so just for clarity, then, in terms of the medical need, would you like to see it on the face of the Bill?

[238] **Mr Williams:** I think it should be. I know there are complications within that, and certainly the conversation we had from the very outset was that the thing that struck us when we read the first draft Bill was the kind of absence, if you like, in that. Because we know that it's a critical element in supporting children with additional learning needs in schools, and where it works well—there are some models where it has worked well, or better than others, and that's when health has been able to be involved. But I just think it's too hit and miss at the moment, and I think that can't be the case. It should be irrespective of where that child geographically sits in Wales—they should have that same entitlement, and at the moment there is a risk that that's not going to take place.

[239] **Lynne Neagle:** Thanks. Hefin on this.

[240] **Hefin David:** You mentioned the DECLO role, and, in passing, the ALNCO role—how do they link up, do you think?

[241] **Mr Williams:** That's a very good one—

[242] **Mr Pratt:** It's an interesting one, isn't it, because the ALNCO is school based, and very much will be focused on, 'How can we ensure that this child is able to access the curriculum within our setting', whereas the DECLO is going to be, if you like, a significant step removed from that, and will be focused on just the medical needs? This is where actually having access to a medical person who understands the educational setting is so important, because it is very easy for medical people to take decisions about the specific

needs of an individual without actually considering the practicalities of delivering the curriculum within a school setting.

[243] **Hefin David:** So, that relationship is very important.

[244] **Mr Pratt:** Yes, and I think it has to—. You almost need specialists in every—somebody with that medical knowledge who can be, if you like, attached to the school so that you're not dealing with a different person every time. One of the issues that we have faced in the past is that, when we deal with people from health, you don't know who you're going to get when you contact them. It could be lots of different people for lots of different cases. And actually being able to build a relationship with one person, from a school perspective, means that you can have much more meaningful conversations.

[245] **Hefin David:** So, there'll be a lot more ALNCOs than there are DECLOs.

[246] **Mr Pratt:** Indeed, which comes back to the point I was making earlier.

[247] **Hefin David:** Just one question about the role of the ALNCO: I'm not clear on whether it should be a role that's directly part of the school-management team, or whether it's responsible to the school-management team, or whether it's a person with a teaching role, or whether it's a person—what's your view?

[248] **Mr Williams:** It's a really good question because in an ideal world, you probably want within schools, certainly, somebody who has some oversight at a strategic level, as well as a management level, overseeing that. You wouldn't want them, I don't think, too removed from the classroom, because I think there needs to be current, real understanding about, certainly, the learning process and all those sorts of aspects. But the reality is—certainly, we know, within very small schools—that the current SENCO role, if you like, sometimes sits with the headteacher. Now, from our point of view, we would be saying, 'We cannot see how you could do those two roles'—a single person. Hence why one of the suggestions that was made about looking at an ALNCO that's supporting more than one setting is worth exploring. There are risks involved in that, clearly, and you'd have to be realistic about the geographical set-out of the schools they'd be covering, so they're not spending their time travelling too much, and also about who employs, and how that's set up. But the key part for me is the ALNCO is a significant step up from the current SENCO role.

[249] Some schools will already be in a position where the person who is likely to take that on is kind of doing part of that role already. In my school, I had a SENCO who I was able to afford to be part-time teaching, so was out of the classroom enough. But if you look at the level of co-ordination required on an IDP—some of our settings have piloted it and they're saying a minimum of two hours in terms of administration for each IDP—well, you're talking about large, special schools saying they're going to be employing two administrators, purely to run the IDP process. For an ALNCO role it's a significant role, and how that role will look in schools will be different according to the settings themselves.

11:15

[250] **Hefin David:** So, there'll be a lot of different approaches to that—

[251] **Mr Williams:** There will, but there needs to be a real clarity about what that role entails and there needs to be consistency, to some extent, about the level of responsibilities involved in that, irrespective of the setting.

[252] **Mr Pratt:** But I do think your question about whether that person should be part of the school leadership team is a very interesting one because the Bill's a little hazy on it. I think it says 'ought to be' or 'could be', maybe even 'should be', but it doesn't say 'has to be'. My own view is, in a secondary setting, it would be preferable to have somebody because you are talking about quite a significant percentage of the budget. You're talking about the strategic overview of how that is dealt with, and I think, as a leader, you would want that person to be on your leadership team and available to advise you. I think it's too easy, if you haven't got that person in the room, to take decisions that you then look back on and go, 'Oh, perhaps we shouldn't have done that.'

[253] **Lynne Neagle:** Okay. Before I bring Angela in on the link with health again, can I just ask—I mean, you were very clear, Rob, about the need to tie in health—how far do you think this Bill should go in relation to that? Because we've taken early evidence that, obviously, health is a matter of clinical judgment et cetera, and you can see some disciplines where there's a very direct link with a child's learning, such as, say, speech and language therapy—but what about things like the child and adolescent mental health services, where you might have a child who has got really bad anxiety attachment issues, and we know that they are having trouble getting the

support that they need? Is that something, you know, you would want to see health tied in on?

[254] **Mr Williams:** I think that it comes back to the point I made, which sounds quite a simple point but I think it's quite fundamental—it's about anything that's in relation to health that inhibits the child's access to the curriculum and their ability to learn. There are some health issues that don't necessarily directly affect that, and if that's the case then there would not necessarily be a need for a duty of health in that scenario because it should be picked up elsewhere, but anything that inhibits their ability to learn and their ability to access the curriculum—if it's a health need—I think should be part of it, because we're talking about an additional learning needs Bill, and I think anything that affects that—with my headteacher's hat on—makes sense to me.

[255] **Lynne Neagle:** Okay. And is that your view as well, Tim?

[256] **Mr Pratt:** Yes, and mental health is becoming an increasingly big area of concern and we're not tackling it properly yet. Getting access to specialist help on mental health is still a bit of a lottery and it shouldn't be.

[257] **Mr Williams:** I think that, yes, clarity around that—how you access, where you access—that's where the relationship could be maybe improved.

[258] **Lynne Neagle:** Okay. Darren on this.

[259] **Darren Millar:** Just one brief follow-up question there: we heard earlier on from the NUT, and they were talking about how, perhaps, there's a role for the school nursing profession here—a more traditional sort of school nurse, if you like—in helping to address some of these potential medical needs, in helping to manage some of those medical needs, and it could be CAMHS issues as well. Would you agree with that?

[260] **Mr Williams:** I'm not so worried about the individual who's got the responsibility for that. For me, it's about, from a schools' point of view, where do you go and how do you access—? I think schools are, and the ALNCO, for example, within training or whoever's got responsibility for that—it's about where you go to be able to access those. Who is the person who oversees that and undertakes that is less important for me necessarily. In an ideal world, it would be great to have somebody on site and a full team on your school site, but we know the realities of that. But I think, at the

moment, it's very, very hit and miss, depending on where you are, which local authority you're in, the kind of relationships that are already established between health and education as to how easily you access those kinds of support, and CAMHS is a real case in point.

[261] **Mr Pratt:** It goes back to the point I was making about having one person that you deal with who has access to all the specialist knowledge of health, which as school leaders, we don't have, and we need somebody who we can get on the phone to—or our ALNCO can get on the phone to—and say, 'This has cropped up, what do I do?'

[262] **Lynne Neagle:** Angela, do you want to come in on the link with health?

[263] **Angela Burns:** Yes, and multi-agency collaboration. I was just thinking back to the area that I represent, and Hywel Dda health board, and there are three distinct county councils there. Pembrokeshire, Carmarthenshire and Ceredigion all have completely different templates, using health, as to how one might diagnose someone on the autistic spectrum, and all three councils have very distinct waiting lists—totally different—Ceredigion has hardly any at all compared to, say, Pembrokeshire, because they've taken different views. That says to me that it's less about involving a particular professional—you must have a paediatric consultant, perhaps—and more about enabling pathways.

[264] I just wanted to explore with you just a little bit about the multi-agency collaboration. Somebody, earlier on today, made a very good point about how pressed health is and how pressed social workers are, and getting everybody together in one team to discuss an individual is very, very unlikely. But how do you think we could perhaps open up the role of an ALNCO so that they might be able to make referrals to open up a pathway? I take your point—an ALNCO is not going to be the specialist, but if they can obviously see, for example, a child in front of them who looks like they have anorexia, because they are constantly throwing up and refusing to eat, then could they not just make a recommendation that somebody in the mental health team should make an assessment, rather than having to go through these convoluted routes that, in some places, exist? The same for speech and language—if you have a five-year-old who's really struggling then and ALNCO could say, 'Yes, that child probably needs to see someone in speech and language who might be able to help them'. Or do you think that's a pressure too far to be placed on an ALNCO? And also, given that it's going to be a Master's, and we would hope to train—

[265] **Mr Pratt:** I think a lot of those things are already happening. Schools are very good at seeing warning signs and thinking, 'We need to do something about that.' The issue is not that schools aren't referring people on, but it's the speed of response that we get—it can sometimes be agonisingly slow. You're watching a child deteriorate and not enough is happening.

[266] **Mr Williams:** The assessment of the child in that scenario as to what their need is is critical. The scenarios we had in our school around speech and language, for example, is we could tell quite clearly there was a speech and language need, but what we needed at a school level was assistance in terms of what exactly we needed to develop and some kind of relationship with speech and language support through health. We had a model set up that meant that they were coming out to school but it was a periodic, if you like, pick-up. So, they would come out on a monthly basis or so and almost assess where the child was, suggest the next steps to be taken, and then our interventions team would deliver it at school level. The model worked quite well. The issue around that, by coming out to school rather than taking the child to a clinic, is that health sees slightly fewer children, because they're at the school end of it. But my argument against that is the schools' capacity to deal with that is then increased at the school end. So, the pathway model, I think, is definitely worth exploring. As Tim says, that's already kind of happening in some scenarios, but we need to make it the same across. And, certainly, your point about the different models that are used is a key one. I would receive children into my school from a neighbouring local authority, and, certainly in terms of the autism spectrum disorder assessments, it was a different model in that local authority and, on occasions, we received pupils who we thought should have been picked up earlier, in all honesty.

[267] **Angela Burns:** So, in your school, if you decided that somebody did need some kind of help and you referred them to health—. Of course, that's not what's going to be able to happen in the new ALN Bill, is it, because you've got to then go through the local authority, which is another timely hurdle, and they're going to be swamped? What's your view on that?

[268] **Mr Williams:** Well, it comes back to my point about early intervention I spoke about before. You talk about early intervention—actually, at the school end of it, the commitment you have at the school end is to get whatever provision is required in as quickly as possible. The challenge is when it's something for which the expertise doesn't sit within the school and how

quickly that can be brought in.

[269] **Angela Burns:** So, in short, do you think that the Bill should say that schools should be able to directly refer to health? Because, at the moment, the Bill says schools have to go back to the local authority, which refers to health.

[270] **Mr Williams:** I think there needs to be some exploration of that because there's potential for that to happen. Sometimes—and even health people who we've spoken to would say the same—there's a convoluted process before even they get involved sometimes, and there doesn't necessarily need to be that, I think, in certain cases.

[271] There are certain cases where we've had children arrive in school and it's absolutely clear as a bell the moment that they arrive that there is some significant issue that needs to be addressed, and it's a health issue that's beyond the expertise, if you like, sitting in the school. To go along a convoluted route before that child gets help is unacceptable. I think there needs to be some kind of expression of what the best model for that is. I'm not in a position, I don't think, to say what that model is at the moment, but it definitely needs to be explored, because delay doesn't do anything for the child.

[272] **Angela Burns:** And of course it does affect further education as well, because there are some conditions that manifest later or have particular changes that happen much later. And, again, that's surely going to complicate the delivery of help.

[273] **Lynne Neagle:** Okay, thank you. John.

[274] **John Griffiths:** Yes. In terms of some other aspects of the Bill, you've touched already on the role of the co-ordinators—SENCOs and additional learning needs co-ordinators. Is there anything you'd like to add in terms of what is currently the position and what will be the position and any concerns that you might have?

[275] **Mr Pratt:** This may seem a slightly tenuous link, but I think it's a really important point to make: currently, the code, as it has been received, is an unworkable document—it's too long. Our view is that what we need is a much shorter document that is the code—in other words, that lays out, 'This is what you need to do'. Then, attached to that, you have guidance

documents and appendices that go into the detail that actually lies behind it. The trouble with the document is that, because it's all in one, it is an amazingly complex document for any person to get their head around in every facet of it. I think that will make it less usable at a school level. I understand the need for the detail, but I think the way it's presented could actually prevent people getting on with the job.

[276] **John Griffiths:** Okay. In terms of disagreements with families of pupils with additional learning needs, what differences do you foresee in terms of what this Bill will introduce, compared to the current position? Do you have any concerns there?

[277] **Mr Williams:** The tribunal process is an interesting one in the Bill. I think there are some challenges in it, particularly if the dispute is about the health provision within an IDP, for example. Currently, the way that the new Bill sets it out means that the tribunal process can look to only address a learning issue, if you like. When we spoke at technical sessions with officials about what you would do if it was a health issue you were challenging, there was some suggestion that existing processes in health would apply. My question would be: is that clear to parents and families? Do they understand what that line of process is? Are we talking about a proper appeals process within health or is it just a complaints process? If it's a complaints process, you can have that upheld, but, actually, there's no direction to necessarily change the health provision.

[278] I think that it's interesting that—we referred earlier to the clinical judgment being trusted, if you like, from the health professionals—. There is an essence within the Bill, I think, that doesn't seem to place that same trust within the education profession, that, actually, their judgment can be questioned an awful lot more. I think there has to be an appeals process; I think there has to be clarity around that. But, for us, certainly, I have concerns around the tribunal process and its clarity, particularly, again, for the most vulnerable pupils, because often they come from families that have lots of issues that they need support with. So, advocacy and all those other things need to be so well-aligned that there's a clarity for anyone going through it and you don't have certain groups of families and children who are disadvantaged in that.

[279] **John Griffiths:** Okay. Would you then like to see the tribunal having the power to direct health bodies?

[280] **Mr Williams:** In an ideal world, probably, yes. I think the difficulty you have within an educational tribunal is the expertise on health to be able to do that. I think that's where you have that kind of challenge. But it's interesting, because if the issue is around health—that you're talking about within an IDP or health provision—I think the wording is that the health board or trust can change it, 'if they agree to do so'. That, for me, is a bit of an interesting scenario, if I'm honest.

[281] **John Griffiths:** Okay.

[282] **Lynne Neagle:** Okay. Are there any other questions from Members? No. Okay, well, can I thank you both for attending this morning? We very much appreciate you coming and talking to us. You will receive a transcript to check for accuracy in due course, but thank you again.

[283] **Mr Williams:** Thank you very much.

[284] **Mr Pratt:** Thank you.

[285] **Lynne Neagle:** The committee will take a very short break for five minutes.

*Gohiriwyd y cyfarfod rhwng 11:29 ac 11:41.  
The meeting adjourned between 11:29 and 11:41.*

**Y Bil Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru):  
Sesiwn Dystiolaeth 9  
Additional Learning Needs and Education Tribunal (Wales) Bill:  
Evidence Session 9**

[286] **Lynne Neagle:** Okay. Welcome back everyone for our next evidence session with Estyn, and I'm very pleased to welcome Jassa Scott, who's assistant director of Estyn, and Huw Davies, who is Her Majesty's inspector. Thank you very much for the evidence you've provided in advance. If you're happy, we'll go straight into questions, and the first question is from Darren Millar.

[287] **Darren Millar:** Thank you. Can you tell me what the current level of provision is like in Wales for learners with special educational needs, and how you think this Bill might help to transform that?

[288] **Ms Scott:** Do you want to take that one?

[289] **Mr Davies:** Yes, sure. Well, most pupils with special educational needs are actually educated in mainstream schools. Around 4 per cent of pupils are in special schools, and then an additional 5.5 per cent of pupils with special educational needs are in local authority specialist classes that are placed in mainstream schools. Overall, I think that the Bill is a Bill that is right and appropriate. The timing of it is appropriate in relation to reform of our statutory provision for pupils with special educational needs across the piece. It's particularly welcome, I think, the fact that the provision extends to pupils from 0 all through to 25 also.

[290] **Darren Millar:** And, in terms of Estyn's assessment of special schools, pupil referral units, it seems to be that special schools seem to be doing reasonably well in terms of the standard of provision. Pupil referral units have been somewhat wanting, if we can put it that way, certainly in the most recent report. So, I assume also that the picture's pretty variable from one local authority to the next in terms of the quality of support that's available, yes?

[291] **Mr Davies:** It can be variable, yes. In the last year, so from 2015-16, out of the schools that we've inspected, where we've determined that the care, support and guidance, under which ALN is inspected, is adequate or less, all pupil referral units were judged to be adequate or less in terms of care, support and guidance. Around 20 per cent of the special schools that we've inspected in the last year, around half of secondary schools, but, interestingly, very few primary schools, were determined to be adequate or less.

[292] **Darren Millar:** Right. And what are the problems that you identified in those places where it was adequate or less?

[293] **Mr Davies:** Generally, the identification of pupils with additional learning needs is poor. Individual education plans are not specific. They don't identify pupils' needs, and, where they do identify the needs, the plans or the targets that schools identify to improve those pupils are not specific enough. They tend to be quite vague, in the sense that they're not measurable. They're not realistic, and, very often, they attach quite loose timescales to them, in terms of moving pupils on. Another key consideration, bearing in mind that the vast majority of pupils are in mainstream schools, is

the extent to which teachers adapt the curriculum, whether it be through resources, whether it be through delivery methods, to actually accommodate the needs of pupils. And, in some of those schools, what you find is that almost there's a bridge between perhaps the paperwork side and actually what goes on in practice as well. And, interestingly, in those schools, we tend to find that the leadership is lacking, particularly the leadership of SENCOs or ALNCOs, and there's a lack of clarity and purpose of working with wider partners to support pupils with ALN.

[294] **Darren Millar:** So, it could be symptom of wider leadership issues across the sector.

[295] **Mr Davies:** Yes.

11:45

[296] **Darren Millar:** So, just getting back to this identification issue—because it seems to me that this is really the biggest barrier to getting some support, or access to support, for most learners and their families—what is it specifically that is acting as that barrier? Is it lack of engagement from different partners, like the health service? Is it lack of interest from the schools themselves, or is it resistance from local authorities to assess? I hope that that's something—

[297] **Mr Davies:** I think sometimes it's actually—. To understand the context of lots of schools, SENCOs very often are appointed internally within the school, so they may actually be learning on the job rather than having any kind of professional qualification in terms of being a SENCO before they take on that role. That's a consideration. Therefore, sometimes, there's a difficulty in perhaps knowing what to do and who to turn to for support, for advice and guidance. We do find in some cases, and particularly from inspections of schools, when we look at pupil statements of special educational needs, that—and I know the committee's heard this quite a lot—where there tend to be high incidence needs that require more of a multidisciplinary or multi-agency approach to meeting the educational needs of pupils, sometimes that isn't always in place. So, from an inspection point of view, it's quite difficult for schools, because, whilst we look at what they're obliged to do from a statutory point of view, we'll make recommendations to the school. So, if there are gaps in terms of provision around maybe occupational health, or speech, communication and language, then we'll make a recommendation to the school that they need to work with

other agencies to improve that provision, to ensure that the needs of pupils are met, as per statements of special educational needs.

[298] **Darren Millar:** But is there too much onus, perhaps, on the individual schools to identify a need? There's a risk associated with that, isn't there, that, if you've got someone who's less experienced, perhaps, in post, as you've just identified, then a child may go without the support that they need for what can be a very long and protracted period?

[299] **Mr Davies:** It can be. I think there are opportunities within that. I think there's the potential to look at the ALNCO role more creatively. So, for example, by extending the remit to 0 to 25 it's highly unlikely that early years and non-maintained settings will be in a position to appoint an ALNCO, so there are opportunities there for local authorities and schools looking creatively around that role, maybe on more of a cluster basis. By having better information that comes in at the early years stage through to primary, and at the key transition points between primary and secondary, that also supports that progress, and the progression that you'd hope for learners with an identified additional learning need in schools.

[300] **Darren Millar:** So, in terms of the level of statementing from one local authority to the next, obviously it can vary widely, particularly in those parts of the country where perhaps they've been more familiar with an individual learning plan sort of approach as a result of participation in previous pilots and work with the Welsh Government. Is there any evidence that children might be being disadvantaged or more advantaged in those places? What's your assessment, if you like, between the statemented areas versus the less statemented areas?

[301] **Mr Davies:** You are right. There is a variation in statements. That's not necessarily to be interpreted negatively. There are many examples where local authorities have worked with schools quite creatively to put in place provision for pupils with an additional learning need without the need to progress through to a statement. So, we welcome the opportunity for that. We would hope as well that, through the fleshing out of the IDP, the ALN code of practice would not be too prescriptive, so it won't actually tie people in, but it'll actually open up those opportunities for better partnership and more creative solutions. But, yes, the rate of statementing does vary per authority, from something like 18 per 1,000 in Ceredigion to around 37 per 1,000 in Newport, so it's quite a significant variation.

[302] **Darren Millar:** Just one final question: you mentioned mainstream schooling versus special schools, or specialist provision within a mainstream school. Obviously, the Bill emphasises that there ought to be a presumption that a child or a learner with a special need or an additional learning need should be in a mainstream school. Do you think that's the right approach to take?

[303] **Mr Davies:** I think, based on our evidence, special schools tend to cater for pupils with more complex special educational needs. But then there are examples where, as I've already said, pupils who might ordinarily be placed in a special school in one authority, in another authority you might find that that pupil would be educated in a local authority specialist class that is part of a mainstream school.

[304] **Darren Millar:** Which perform worse, per your assessments and your inspection regime—yes?

[305] **Mr Davies:** Yes.

[306] **Darren Millar:** Okay. So, is it the right approach to suggest that there should be a presumption that every child, every learner, should be in a mainstream school?

[307] **Ms Scott:** I think it's right for a starting point. I think it's a fair presumption to make as a starting point, and from that starting point then, if that need becomes beyond what that school can meet, then you can look elsewhere. But, as a starting point, that's absolutely right, and it's in line with the inclusive approach that the Welsh Government has promoted over a number of years and that the education system in Wales has prided itself on over a number of years.

[308] I think what the Bill does is that there are things within it that enable, as you suggest, some of those shortcomings, perhaps about initial identification, to be strengthened, so that teachers are empowered at an earlier stage in the process to have a better understanding and a better knowledge. There are lots of elements to the Bill that support that—the person-centred planning and that single IDP system. So, I think it's a right presumption to start from, but recognising that, in some cases, there will be a need for more specialist provision. If you take the cases of some of the children who result in having education in special schools, quite often they've started and been able to follow a number of years of education within

a mainstream school first, which has worked very well, but, as they've got older, perhaps their needs have meant that the gap between them and their peers is wider and then, perhaps, more specialist provision has been needed. So, I think it's the right initial starting point.

[309] **Lynne Neagle:** Quickly, now.

[310] **Darren Millar:** I just wanted to have a quick follow-up. So, what that's likely to lead to, I suppose, is an increase in specialist provision within mainstream schools—yes? Isn't that a bad thing, given that your inspections have found more shortcomings in that sort of provision within mainstream schools than within the specialist schools that exist at the moment, which seem to have higher standards, according to your own inspections?

[311] **Ms Scott:** I don't think we said that. That's not explicitly what Huw said.

[312] **Darren Millar:** Okay.

[313] **Ms Scott:** We said overall—

[314] **Darren Millar:** He was nodding as I was saying that, though. This is the confusion.

[315] **Ms Scott:** Well, I will let Huw speak for himself.

[316] **Mr Davies:** No, I don't think there's a confusion at all.

[317] **Ms Scott:** If you look, for example, at special schools compared to secondary school outcomes overall, in the aspect of our framework that looks at care, support and guidance, then, special schools have, overall, better outcomes inspections for that area.

[318] **Darren Millar:** Yes.

[319] **Ms Scott:** But what that doesn't take account of is, within those secondary schools, those secondary schools that have large specialist provision in them, and those that, perhaps, have no specialist teaching facilities at all. Because, we look at those as part of our overall inspection, and, at the moment what we haven't presented to you and haven't disentangled, is necessarily whether those schools with that large provision

may have been within those schools that have actually better care, support and guidance rather than those that didn't. I think that's fair to say—

[320] **Darren Millar:** And it's quality of leadership more than, you know—. That is another factor that isn't necessarily taken into account when just looking at the bare figures and outcomes.

[321] **Ms Scott:** Yes.

[322] **Darren Millar:** Okay, thanks.

[323] **Lynne Neagle:** Thank you. If we can move on to talk about the scope and the definition of additional learning needs. Estyn has raised some concerns in your evidence that, because the definition in the Bill is the same as the definition of special educational needs, that might lead to some learners who are currently having services, losing out. Can you just expand on that for the committee?

[324] **Mr Davies:** Yes. The term 'additional learning needs' was first introduced through the inclusion of pupil support some years ago. Currently, pupils who have an additional learning need—. There are around 15 different groups of learners who have an additional learning need, of which pupils with special educational needs are just one distinct group. So, I think, in terms of moving forward, there is the potential for confusion where, in effect, the term 'SEN' is being replaced by the term 'ALN', and I think there is a great need for guidance for schools and for local authorities to be quite clear what that term actually means.

[325] I think another consideration has to be the other groups of pupils who currently have an additional learning need, generally, often vulnerable groups also. What is the status of those pupils in our schools?

[326] **Lynne Neagle:** So, for example, which groups of learners would you be concerned about?

[327] **Mr Davies:** Looked-after children, children from ethnic minority backgrounds, lesbian, gay, bisexual and transgender children, and there is a whole host of different children who are included within the inclusion and pupil support guidance.

[328] **Lynne Neagle:** Okay. As you probably are aware, there's been a

campaign to have the need to meet medical needs placed on the face of the Bill, and I'm aware that some of those pupils currently have statements. Would you support something on the face of the Bill to make a legal duty to meet the medical needs of children in schools?

[329] **Mr Davies:** Based on inspection evidence, which is obviously what Estyn does predominantly, there are very good examples in schools—special schools and mainstream schools—where the medical needs of pupils are generally well met. Where that happens, it's generally because schools and local authorities have worked with the health board to ensure that there is access to provision. Examples would be community paediatricians running clinics from schools, and speech and language therapists working alongside speech and language teachers and local authorities to support schools in their identification of children with speech, communication and language difficulties. So, there are many examples where that already happens.

[330] **Lynne Neagle:** But would you accept that that is patchy?

[331] **Mr Davies:** Yes, I think that's a fair comment.

[332] **Ms Scott:** But I'm not sure that would lead us to suggest that that should be on the face of the Bill. I think we feel that the definition is largely appropriate. I think we made the point in our response that we'd welcome, perhaps, consideration being given to changing to 'aspects of learning', and I think the draft code that's been published unpicks what we mean by that and almost spells out the fact that some people may actually be very talented in one aspect of their learning and yet still struggle with other aspects of their learning, which would mean that they should be defined as having ALN going forward. But, apart from that, I think we think that it's the appropriate definition, and I think the point that we wanted to make was the fact that, perhaps, what we feel ALN has enabled over the recent years is that schools are much more aware of those groups of pupils who may be vulnerable, who may be more likely to have additional learning needs—in the sense that we're using it going forward—and therefore they are tracking, they are aware of those pupils, and therefore that is helping them to identify earlier where those pupils do actually have SEN as it is now, or ALN going forward. So, I think our concern was more about not losing, perhaps, some of that good work that has started to happen, and that perhaps if that could be recognised, potentially in the code. I think that would be the appropriate place to actually explore that change of terminology and try and reinforce some of the good work that goes on pre, in a sense, that identification of

SEN/ALN.

[333] **Lynne Neagle:** Okay, thank you. And, in terms of learners up to 25 being covered, you've said that it's slightly misleading to say that when it only covers those in further education. Is it Estyn's view, then, that 16 to 25-year-olds in vocational settings and higher education should be brought within the scope of this?

[334] **Mr Davies:** If you look at the principle behind the Bill, then I think it would be difficult to see why that group of learners wouldn't be included. So, yes, it only includes pupils in higher [correction: further] education institutions, not the wider 18 plus to 25. So, it doesn't cover HE, it doesn't cover young learners in modern apprenticeship schemes or other vocational learning opportunities.

[335] **Lynne Neagle:** Okay, thank you. Moving on then to identification and assessment of ALN, what is your view on the balance between the level of detail that's on the face of the Bill and what is being left to the code, which, as we know, is currently just for illustrative purposes?

[336] **Mr Davies:** As an inspectorate, Estyn supports the principles, aims and objectives of the Bill, but I think what's of vital importance is actually the level of detail that comes into the draft, or to the final code of practice. We've made some comments in relation to code of practice—there's a draft one that was published quite recently. From a practitioner's point of view, what practitioners are interested in is being able to go to a definitive document that gives them quite specific advice, guidance—almost a step-by-step approach of what they need to do. I think we're encouraged that an awful lot of work has taken place in relation to strengthening the code of practice, but I think, ultimately, that code of practice needs to be a usable document. It's not something that should sit on a shelf in a school; it needs to be something that the ALNCO is able to refer to and use on a day-to-day basis. If there are flow charts, if there are case studies, if there are templates, then all of those things are just going to help that ALNCO in discharging their duties, effectively.

12:00

[337] **Lynne Neagle:** So, is there anything that currently has been left off the face of the Bill and put in the code that you think should be on the face of the Bill?

[338] **Mr Davies:** In terms of identification, there are, I think, some interesting questions around timescales. We note that those timescales are currently not fixed; that they're subject to ongoing discussions. Particularly, we recognise a significant potential challenge for local authorities in undertaking an assessment for pupils in effectively what's half the time that they're currently given under special educational needs legislation. That, I think, is going to present significant challenges, particularly where IDPs are going to be within the responsibility of the local authority—so, particularly for children with more complex additional learning needs, and those children, I suppose, that today have a statement. What we might expect is that, in the future, for those pupils who would have more complex needs, their needs will be identified and met through IDPs that are the responsibility of the local authority. So, I think there are some challenges potentially for local authorities in managing that whole assessment process.

[339] **Lynne Neagle:** Okay, thank you. In terms of pre-school children aged nought to 2, you've raised some concerns in your written evidence that that is an area where you think things could be strengthened. Can you give us some more detail on that?

[340] **Mr Davies:** I think one of the things that we've referred to earlier is very often that pupils of that age, unless there are very clear and significant additional learning needs that present in very young children, sometimes it's just through general maturation and children meeting developmental milestones that you actually determine that perhaps a child isn't meeting the milestones that you'd expect. The whole notion of having a cluster or more of a shared kind of ALNCO approach is particularly useful. One of the other things that we think is useful is where a young child has involvement of other agencies, and that whole concept around the sharing of that information. Where agencies work well, they're better placed to plan and to commission services for children and young people. So, that's an aspect that we think could be improved upon.

[341] **Lynne Neagle:** So, would you like to see a requirement, then, in section 57 rather than it being a discretionary power on health professionals to bring concerns to the local authority?

[342] **Mr Davies:** I think that would certainly strengthen—potentially strengthen—provision, and potentially strengthen the planning for provision, and I think as well that it would make the whole process sort of slightly less

anxiety-driven for parents as well, knowing that there is that seamless transition for children as they progress from non-maintained settings in statutory education and then beyond.

[343] **Lynne Neagle:** Okay. Thank you very much. Michelle.

[344] **Michelle Brown:** I'd like to ask questions around the IDPs. In your opinion, who should be responsible for formulating and maintaining the IDP?

[345] **Ms Scott:** I think the Bill makes a good start in setting out who should be responsible in the fact that I think, in the first instance, in many cases it should be the school that is responsible for developing and maintaining that. But, as we've already recognised, on some occasions, where needs are more complex usually, then it is right and proper that a local authority should take on the responsibility for potentially developing or maintaining that IDP. I think the area that we've raised some concerns about is at what point that shift in responsibility happens. I don't think that that is clear enough in the Bill. And I'm not sure that the code, which does set out some times or some occasions that may lead that shift responsibility to happen, actually really ties it down.

[346] I think it's an area that it would be helpful to have very clear guidance on to enable consistency, which is one of the things that certainly the Bill is trying to achieve, and to also avoid misunderstanding, potential delays in development and delivery of additional learning provision. So, I think that is an area that we feel could be strengthened, whether it's that some of what is in the code at the moment, which gives an indication of what might happen, could become part of the face of the Bill, but, certainly, I think it's right and proper that there is a responsibility for a school and, at times, a local authority. But I just think the point of shifting that way and potentially back needs to be explored a little bit more.

[347] **Michelle Brown:** Thank you for the answer. You appear to have been critical that there's no emphasis on reviewing the IDP within a 12-month period. Can you give us some additional detail on where you're coming from with that?

[348] **Mr Davies:** Yes.

[349] **Ms Scott:** The 12-month, I guess, limit for review, we think, is helpful, and I think it's helpful that that's placed on the face of the Bill. I think the

area that we felt that was perhaps not clear enough was, in the best practice, and sometimes for very good reasons, which have started to be explored in the draft code, there's a need to review that earlier than that 12-month point. I think it's not clear at the moment, within the provisions of the Bill, what the subsequent 12-month period means for review. So, should someone review after, say, six months, perhaps for good reasons, does that mean that the subsequent 12-month period starts from six months? Or my reading was that it's from that initial development of the IDP that, at each 12-month period, there should be a review. So, I think that just needs to be clarified. But I think we'd agree that there needs to be flexibility, so we wouldn't suggest reducing 12 months as a period for review. But what we think could be strengthened is the need for regular monitoring within that, and that is not really given any recognition within the Bill—that, actually, that may be the formal review point, but, in the best practice, we certainly see that there is regular monitoring leading up to that, and it's not an event on its own, of itself; it's the end-point in a journey that leads up to that. So, I think that was what we were trying to make some points about, really.

[350] **Michelle Brown:** Okay, thank you. Just one more: what do you think that schools—? What would you recommend be put in place for schools so that they can make this IDP system work and be as effective as possible?

[351] **Ms Scott:** I mean, I think Huw stated, based on Darren's questions about the need to train and support teachers in this—. I think there are some interesting early pilots working around the person-centred planning approach, and I think, should that be rolled out with appropriate support, guidance and training, then that will help teachers within schools to work more in that way, and that those initial assessments, along with ALNCOs, will build on those principles of person-centred planning. I think the work, generally, around professional learning that is happening will be supportive, as long as it gives an appropriate focus to ALN, going forward. So, I think it's right and proper that there's been some thinking about how, at each point in the system, from initial teacher training through to those early years of a teacher's life, and through to specialist support, that there will be a strategy around workforce development in place, because that's, as Huw pointed out, where we find shortcomings, and it's usually because there are SENCOs or ALNCOs who perhaps don't have the expertise that they need at the moment, or perhaps teachers don't have that expertise. So, I think that workforce development is a key part. We think that a common IDP template would be helpful. It will help ensure consistency. It will be supportive, so people know that whichever school they're working in, and whichever local authority, that

it's the same template as they used before. So, I think some of those factors that have been thought through at this point, I think we would think will be supportive.

[352] **Michelle Brown:** Okay, thank you.

[353] **Lynne Neagle:** Thanks. Hefin.

[354] **Hefin David:** How do you reconcile all of what you just said with the statement that you made that there is a risk that if IDPs are too prescriptive about the additional learning provision required, flexibility will be lost?

[355] **Ms Scott:** Well, I think you can reconcile that. There's a difference between having a consistent template that is consistently used, and actually using that in a very prescriptive way, about actually what provision you name on it. And I think the point we were trying to make there was that you can be very detailed about the type of provision that is needed, without actually saying that provision must be in this school or in this college. I don't know if that answers your question.

[356] **Hefin David:** Well, yes, I take that point. It's just that Huw said, when he was giving evidence to Darren Millar earlier, 'IDPs are not specific enough'—I think, was the language.

[357] **Ms Scott:** At the moment, we find that, in schools where we find shortcomings, quite often the IEPs—the individual education plans—don't provide targets that are specific enough, so it's very hard to measure whether that plan has actually achieved what it hoped to achieve.

[358] **Hefin David:** Yes. I may be being a bit dim with this. I'm just trying to work out the difference between 'specific' and 'prescriptive'.

[359] **Ms Scott:** I think you can be specific about what you hope to achieve and almost quite prescriptive, if that's what 'specific' means, about what you want to achieve. But I think the point that we were making about 'prescriptive' is that we don't think you can be specific, as in, 'This is what I expect will be achieved. This is what this young person needs', without actually being prescriptive about, 'That must be delivered by this person or by this service'.

[360] **Hefin David:** Okay. I think it would be helpful for the committee to

have a very clear understanding of the difference between those two things in order to inform our deliberations. I think I can say that to you, Chair—it would be helpful to pursue that clarity.

[361] **Lynne Neagle:** Okay. We can talk about that in the wash-up.

[362] **Hefin David:** Thank you.

[363] **Lynne Neagle:** Okay, thank you. Next is John.

[364] **John Griffiths:** Yes, moving to the role of the health sector, is there anything that you'd like to add in terms of how effective collaboration between education and health has been in the current system, and what improvements you might reasonably expect under the new regime?

[365] **Ms Scott:** I think Huw identified that there are elements of good practice in the current system, but I think our view overall is that those aren't consistent enough. We think that the provisions in the Bill, particularly the role of the DECLO, has the potential to improve that situation. I think it's helpful that the requirement for that role has been strengthened, and I think, although it's only a change of name, that the emphasis on that as a co-ordinating role is helpful. Our view is that, where it works well, it tends to be because there is a go-to person in health for local authorities, personalities are working well together and they've made those links and they've made those connections. I think the DECLO takes that best practice and makes it possible for that to happen across the board. I think it has the potential, where there are shortcomings in provision—and we mentioned a couple; things like speech and language therapy—for there to be a go-to person to perhaps start redressing some of those shortcomings in provision.

[366] So, I think there are good examples currently, but they're not consistent enough, and I think some of the provisions will help start to improve that consistency, perhaps.

[367] **John Griffiths:** Okay. And do you think section 18 is strong enough in terms of making sure that health provision that's necessary is provided?

[368] **Ms Scott:** I think it's been strengthened from the previous version. I think there will always be, on occasion, a mismatch between a clinical decision about a health need and a health service that need to be provided, and perhaps a parent's or a child's or an education professional's views

about what might help to meet the needs of that child. I think the more we can do to explore and expose those differences in expectations will help to bring greater coherence in the system. I think the DECLO role is a starting point to help, perhaps, improve communication to explore and try and achieve a greater shared understanding and consistency of expectation so that there is less frustration, perhaps, where there's a mismatch of expectations about what could or should be provided.

[369] **John Griffiths:** Okay. In terms of the issue of whether or not the education tribunal should be able to direct health bodies, what's your view on that?

[370] **Ms Scott:** I think it's complex, isn't it? I think that was clear from the deliberations you've been having over the last few weeks. There needs to be a process for redress in health. Health is much bigger than the bit of health that will be touching upon the needs of the young people and children and families that we're talking about.

12:15

[371] But I think it's right and proper that there can be consideration within SENTW. But I think a better approach, in a way, would be trying to find a way to make the two processes more aligned in some way. I'm not sure that SENTW should be able to direct health. I think it would need to be composed in a very different way, with different expertise, if it was going to reach that point. I think there is more work to be done to try to align the two processes, to try and make it less frustrating for the families involved, because when they've got to that point, they tend to have been frustrated by the system already. So, anything that can be done to try and make it a simpler process from their point of view is to be welcomed. But I think it's hard to get away from the fact that, actually, health provision is health provision, and education is education, and they are both part of a bigger system, as well.

[372] **John Griffiths:** Okay. Perhaps I might move on to capacity issues, Chair.

[373] **Lynne Neagle:** Michelle wanted to come in on health, didn't you?

[374] **Michelle Brown:** I think John's already covered this.

[375] **Lynne Neagle:** So, that's fine. Lovely. We'll go on to capacity, then.

[376] **John Griffiths:** In terms of organisations that would be subject to duties under the legislation, what concerns does Estyn have in terms of the capacity of those organisations to deliver on those duties and requirements?

[377] **Ms Scott:** I think we do have some concerns. It's not necessarily based on track record; it's purely based on change within a system that is currently, I guess, to a certain extent, under pressure and in a process of change itself. I think local authorities will need to adapt to the changes in their responsibilities. They're going to have a greater role post 16 than they will have had previously. They're going to, as you picked up, be responding to advice in shorter timescales than they will have done previously, and I think it's hard to get away from the likelihood that there probably will be an increased set of requests for assessments, just because of the inclusion now of FE within this. So, I think there are going to be pressures on local authorities.

[378] We welcome the fact that, for ourselves and for the bodies within the Bill itself, Welsh Government has given some consideration and is starting early to think about implementation and how that can be supported. There are pilots and there is work that's already happening that can be built on that can share and help build that capacity, but I think it is a concern. I think there are a couple of areas, such as the role of educational psychologists, that haven't been, perhaps, unpacked enough yet. There will just need to be time—each local authority is set up in a different way at the moment, they've got a different service model configuration, so it's going to take time, I think, to work out how each of them needs to respond, to be in the best place to move forward.

[379] We're going to be undertaking a series of thematic reviews over the coming years to support the implementation of the Bill, and the first one, which we'll be starting shortly, is looking at, really, preparedness for the reform. So, hopefully, we'll have a lot more information when we start that work.

[380] Around schools, we've talked about some of the areas already, I think. We've talked about some of the ways that schools can be supported. FE colleges—we've done a number of recent inspections where we've looked specifically at the independent living skills departments within FE colleges and, to be honest, we've found shortcomings. Huw's been on some of those inspections and so can probably speak with better knowledge than I can, but

there are shortcomings and, I think, at the moment, in a lot of FE colleges, there's a disconnect between that specialist provision and, perhaps, the support in general for learners with SEN in the rest of the colleges' provision. So, I think colleges have got a little bit of work to do to strengthen their capacity to respond and, particularly, to kind of ensure that that ALNCO type of role, at a strategic level within the colleges, is addressed. So, I think there is a lot to do, but I do think that there have been some good steps taken to involve the providers who will be affected to try and start planning implementation early as well.

[381] **John Griffiths:** Could you perhaps—

[382] **Mr Davies:** I was going to mention also that, as the role of the local authority changes, particularly as a commissioner of services post 16, I think we need to be mindful that there is a risk that perhaps some learners with the most complex needs—. We need to be mindful that those pupils—or those learners, rather—may currently be in quite specialist provisions, and, as the local authorities become commissioners of services, and with quite tight budgets, there is a risk that perhaps the least-cost solutions will be found rather than the best provision.

[383] **John Griffiths:** Okay.

[384] **Mr Davies:** And I think—

[385] **Ms Scott:** That may add additional pressures for FE colleges, for example, in actually upskilling their staff, reshaping their provision to actually meet those needs as well.

[386] **Mr Davies:** So, we consider that, plus our initial inspection evidence of independent living skills departments in colleges that we have inspected. I think there are additional pressures there, and challenges for the FE sector.

[387] **John Griffiths:** Okay. In terms of training, do you have concerns there as well? There's the wider transformation programme around ALN that Welsh Government is taking forward in terms of training. Are you reasonably content with the approach that's being taken, or do you have real concerns about the level of training?

[388] **Ms Scott:** I think there's been a real push to try and reach every part of the system with that programme. I think the programme will obviously have

to continue to evolve as the provisions in the Bill are firmed up and we know, in a more certain way, exactly what will be the picture going forward. I think the other—I guess—concerns, in very general terms, that we have are: where does this fit with any potential local government reorganisation going forward? What about the response to Hazelkorn and the potential for a tertiary education board or equivalent—what does that mean for this crossover, post 16, of who is responsible for funding, who's responsible for planning provision? But we recognise that we are where we are with the Bill, and we're keen that this moves forward. But there are other things happening that may impact on, John, the transformation programme going forward and mean that that needs to adapt to respond to those changing circumstances around.

[389] **Mr Davies:** An interesting observation would also be that the role of the regional education consortia does not feature in the draft Bill, or indeed in the draft code of practice, but, interestingly, the developments that are currently taking place to develop pilot work—the funding for that pilot work goes into regional consortia. So, I think it's right and proper that local authorities are working together. Really, those funding streams are a vehicle to bring that closer working. But, still, the role of the regional consortia, for us, is quite unclear in relation to additional learning needs.

[390] **John Griffiths:** Okay. And perhaps finally, Chair, I could just ask about qualifications for the ALN co-ordinator role. What's your view as to the requirements that should apply?

[391] **Ms Scott:** I think a higher status for the role is welcomed, and I think, to support that role, it's appropriate to work towards qualifications within that role. I think we need to tread carefully. There are some very experienced and some very effective SENCOs currently, and we need to ensure that we don't lose their expertise and their will going forward, and ensure that we take them, I guess, with us towards any kind of qualification-based future for ALNCOs. But I think, in principle, it raises the status, it ensures better consistency. As we said, where we find shortcomings, quite often it is an inexperienced SENCO currently who perhaps hasn't had enough access to training and support. So, I think, in principle, we'd support that direction of travel.

[392] **John Griffiths:** Okay. Okay, Chair. Thank you very much.

[393] **Lynne Neagle:** Thank you. Currently, Estyn are asked to provide advice

when a pupil is going to be placed in an independent school, and this Bill will remove that requirement. Have you got any concerns about the impact of that in terms of safeguards for children?

[394] **Ms Scott:** I don't think we have. We talked about this at length last time the Bill was in committee. Interestingly, since that point, we've had a couple of what you'd call mainstream independent schools for which the level of local-authority-funded provision has increased to such an extent that they've actually tipped their registration to become approved SEN schools. So, I think, from our point of view, that means that we've got the experience of actually undertaking focused monitoring within those schools and we've had a chance, I suppose, to think through what that might look like so that we're not looking at the provision per se, but we're perhaps focusing on those local-authority-funded learners and the provision that they're receiving within the wider school.

[395] Our concerns were largely about whether local authorities themselves follow up well enough on the placements that they make in independent schools. I think that continues to be variable, but I think it would be variable whether there is an SEN consent system or another system. So, I think that's a separate issue. Also, I think that the strengthening of the register for independent schools will help provide better information.

[396] Since we were last in committee, I believe, we now publish the reports from our annual monitoring visits for independent special schools, so that means that there's better information for local authorities to make decisions on. We have seen in a couple of cases already the impact of that, in the sense that, where there is a poor provision, local authorities have stopped placing, numbers have reduced, and it is having an impact on the quality, I think. So, I think we're not concerned in a sense from a safeguarding point of view on that provision itself.

[397] **Lynne Neagle:** Thank you. Just going back to the IDPs, and who's responsible for them, the section in the code is quite brief on that. You've said that there needs to be unambiguous guidance on it. There are also some scenarios given—again, fairly limited. How do you think the code can best provide that clarity that you want on that?

[398] **Ms Scott:** I think that by taking some of what is in the code, potentially, onto the face of the Bill in order to preface the sections that talk about the school's responsibility, FE's responsibility and the LEA's

responsibility—I think that would be helpful. I think we talk, in a number of cases, about exemplars and real-life examples, and I think it could be helpful to provide more of those in some of the areas such as this, where—I guess, until you actually work it out in practice, I suppose it's very hard to actually put those examples. I suppose it's an anxiety that perhaps will become less of an anxiety as the system starts working and we actually get that experience of where that threshold is, in a sense.

[399] I think the bit that's lacking at the moment is at the other side—when might it go back to—. The responsibility may go back to a school, and I don't think that's explored enough in the draft code. Whether it should be in the Bill, I don't know, but that's certainly an area that—you know, if it's handed to the local authority, is that it? Does it just stay there?

[400] **Lynne Neagle:** Okay, thank you. Are there any other questions from Members? No. Okay, well, can I thank you both for attending and answering our questions? You will be sent a transcript to check for accuracy in due course, but thank you very much, both, for coming. Thank you.

12:29

### **Papurau i'w Nodi Papers to Note**

[401] **Lynne Neagle:** Item 5, then, is papers to note. Paper to note 1 is the written statement from the Llywydd on work to establish a youth parliament, which all seems to be proceeding well, which is good.

[402] Paper to note 2 is a letter from the Cabinet Secretary on the MyTravelPass scheme, which is an improvement, obviously, but I'd suggest something that we need to keep an eye on.

[403] Paper to note 3 is a letter from the Commission on continuous professional development, which I hope we'll have an opportunity to discuss shortly.

[404] Are Members happy to note those? Okay, excellent.

12:30

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o  
Weddill y Cyfarfod  
Motion under Standing Order 17.42 to Resolve to Exclude the Public  
from the Remainder of the Meeting**

*Cynnig:*

*Motion:*

*bod y pwyllgor yn penderfynu that the committee resolves to  
gwahardd y cyhoedd o weddill y exclude the public from the  
cyfarfod yn unol â Rheol Sefydlog remainder of the meeting in  
17.42(ix).*

*accordance with Standing Order  
17.42(ix).*

*Cynigiwyd y cynnig.*

*Motion moved.*

[405] **Lynne Neagle:** Well, can I then, under Standing Order 17.42, resolve to exclude the public for the remainder of the meeting? Are Members content? Excellent. Thank you very much.

*Derbyniwyd y cynnig.*

*Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 12:30.*

*The public part of the meeting ended at 12:30.*