

## Additional Learning Needs Reform in Wales: Questions and answers

This factsheet was last updated on: **28 March 2017**.

### Introduction

This factsheet is for anyone looking for more information about the proposed changes to education law in Wales for children with additional learning needs (previously referred to as special educational needs (SEN)).

It's a broad summary of our understanding of the proposed changes.

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

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

### Summary

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

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

You can visit the Welsh Government website for more details at [www.gov.wales/ALN](http://www.gov.wales/ALN). To find out more about how we're campaigning about these proposals go to: [www.ndcs.org.uk/IDPWales](http://www.ndcs.org.uk/IDPWales).

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

## **What happens next?**

The draft Bill has to go through a political process before it's approved. An approved version of the Bill is likely to come into effect from September 2018.

## **What will change?**

Once the Bill is approved, it will change the way learning support needs are assessed. Existing support plans: statements, Individual Education Plans (IEPs) and Learning Support Plans will all be replaced by a new plan called an Individual Development Plan (IDP).

An IDP will outline a learner's support needs and will be a legal document. It will be available to learners aged 0–16 and, for those in college, up to the age of 25.

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

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

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

## **What is an IDP?**

An IDP or Individual Development Plan is a legal document that will replace statements, IEPs and Learning Support Plans.

An IDP will focus on what the learner needs in order to reach their educational potential. The type of support outlined and the detail within the plan will depend on the extent of the learner's needs. For example, it might specify sessions with a Teacher of the Deaf.

## **What will happen to the SEN Code of Practice?**

The SEN Code of Practice sets out the current framework for how children with SEN are supported. The Welsh Government is drafting a new version of the Code of Practice and will publicly consult on this in the near future.

**Important: it's unlikely that any changes to the SEN Code of Practice will take effect until September 2018. Until then, the existing SEN Code of Practice will remain in force.**

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

The Welsh Government has stated that it will abolish these categories. Learners with any level of Additional Learning Need (ALN) will be entitled to an Individual Development Plan (IDP) outlining their support needs.

### **Who will be entitled to an IDP?**

Any child or young person aged 0–16 who fits the description of ALN (see ‘Will the definition of special educational needs change and what is additional learning needs?’). In addition, any young person aged 16–25 who fits the above definition of ALN and attends or wishes to attend college.

### **How will a learner get an IDP?**

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

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

The ALNCo (additional learning needs coordinator) will probably be your main point of contact.

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

### **What will an IDP look like?**

It’s not yet clear what an IDP will look like. The Welsh Government is still deciding whether or not to have a standard template for the plan. This is something we are calling for to make sure that the plan will cover key points.

### **How will a learner be assessed?**

The draft guidelines state that low incidence disabilities should be assessed by the local authority. We believe that this must include deaf learners.

The Welsh Government is creating guidance on what type of assessments may be required for specific disabilities. Following calls from us, they are creating deaf-specific guidance.

A professional (likely to be a school/college ALNCo or local authority officer) will coordinate the development of the plan.

### **Who will be responsible for the IDP?**

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

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

The present draft Bill states that wherever an IDP includes support provided by the NHS, the local authority, school or college will not have responsibility for that provision.

### **Will the IDP cover health and social care needs?**

The IDP is different from the Education, Health and Care (EHC) plan in England. It will only look at support to help a child or young person's learning.

The IDP may include health and social care support, but only where these services affect learning.

The draft Bill allows for IDP assessments and reviews to be completed at the same time as health and social care plans.

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

### **How often will an IDP be reviewed?**

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

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

### **What is PCP?**

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

### **What is an ALNCo?**

ALNCo stands for additional learning needs coordinator. It is similar to the existing special educational needs coordinator (SENCO) role.

This professional is the lead coordinator for learners with an additional need. The draft Bill would require all schools and colleges to appoint an ALNCo.

The Welsh Government is also looking at developing a specialist qualification for ALNCos.

### **What is a DECLO?**

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

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

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

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

### **How will an IDP be enforced?**

Ultimately, learners and parents can challenge decisions about the IDP at the Education Tribunal Wales (currently known as SENTW).

The Tribunal will make decisions on various cases, including:

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

In addition, the Tribunal will hear cases relating to disability discrimination in education.

Under the current proposals, the Tribunal will not be able to hear cases about provision within the IDP provided by a health authority. Such concerns would go through the NHS Putting Things Right complaints system. We are concerned about this and it is one of the issues we're discussing with politicians and policymakers.

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

In the first instance, ask for the issue to be reconsidered. If a school is dealing with a request and you are unhappy with a decision, you can appeal to the local authority.

If you're unhappy with a local authority or college decision in relation to an IDP, you can appeal to the Education Tribunal for Wales.

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

### **What help can young people get?**

Children and young people will have the right to use advocacy services to help in the process of requesting an IDP/being involved in discussions and decisions around an IDP. Local authorities must publicise these services.

For those learners unable to make their own decisions, case friends (a person who is suitable to exercise the child's rights to make an appeal or claim) can be appointed by the Tribunal.

## **Moving over to the new system**

### **When will the changes take place?**

At the moment, the new Bill is still in draft. It will need to be debated within the National Assembly for Wales and receive royal assent before the change in law actually happens. It's likely that the law will be in place by 2018.

### **How will the changes be introduced?**

The Welsh Government has been clear that the changes will not come in overnight. It is currently seeking views from the public on how best to introduce the changes.

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

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

### **What if an IDP is offered instead of a statement?**

At the moment, the law on supporting learners hasn't changed. It's important to be aware that **IDPs are not a legal document at this stage.**

Despite this, we are aware that some local authorities have begun to use their own versions of an IDP in place of a statement. You should make an informed choice about whether you'd like to proceed with an IDP or whether you'd prefer to request a statement, which you're legally entitled to do. You can contact our Freephone Helpline for support about this.

## **Finding out more and getting involved**

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

This is a question where there is uncertainty and a range of views. We welcome many aspects of the draft Bill, but also have a number of concerns – see below.

### **What are National Deaf Children's Society's concerns about the proposed changes?**

We have been working hard to influence the reforms and have seen some changes to the latest draft Bill which we think will benefit deaf learners. However, we still have significant concerns, including the need for:

- a clear and statutory template for an IDP
- advocacy services to be available to parents as well as children and young people. These services should follow national guidelines to make sure minimum standards are met and there is a consistent approach
- more detail on how the Bill will work within pre-school and post-16 contexts
- clarity on the need for deaf learners to access specialist assessments
- stronger duties on the NHS to be involved and accountable within the IDP process.

These concerns are outlined in more detail within our response to the Children, Young People and Education Committee inquiry on the draft Bill:

[www.ndcs.org.uk/document.rm?id=12423](http://www.ndcs.org.uk/document.rm?id=12423).

### **How can I help National Deaf Children's Society influence the reforms?**

As the draft Bill progresses through the Welsh Assembly, this is a crucial time to make sure that vital changes are made before the Bill is approved.

We will need the help of our supporters in campaigning for these changes. Check our webpage, [www.ndcs.org.uk/IDPWales](http://www.ndcs.org.uk/IDPWales), for information on how you can help. We will keep our webpage updated on any campaign actions.

### **What is the Transformation Programme?**

The Welsh Government says that the Bill is part of a wider Transformation Programme to help learners with additional needs. This programme also includes workforce development and funding to assist authorities in changing over to the new system. The Welsh Government outlines details of this programme at [www.gov.wales/ALN](http://www.gov.wales/ALN).

### **Where can I find out more?**

We have more information on the reforms at [www.ndcs.org.uk/IDPWales](http://www.ndcs.org.uk/IDPWales).

The Welsh Government has published its own webpage on the reforms at [www.gov.wales/ALN](http://www.gov.wales/ALN).

### **Any other questions?**

Email us at [campaigns.wales@ndcs.org.uk](mailto:campaigns.wales@ndcs.org.uk).