



Llywodraeth Cymru
Welsh Government

The Draft Additional Learning Needs Code Consultation Document

A CONSULTATION FOR CHILDREN AND YOUNG PEOPLE



We want
your views
Let us know
what you think by
22 March 2019

This report has been written by the Welsh Government. The Welsh Government is here to make Wales a great place to live, work and learn.

The Welsh Government wants all children and young people in Wales to have the best opportunities to do well in life.

Some children and young people find learning much more difficult than most others their age.

They may need extra help with things like:

- nursery, school or college work
- understanding information
- telling people what they think.

Some children with a disability may find it hard in nursery, school or college to do things like:

- hear what is said in class
- use equipment in classes like science or art.

We call this having an additional learning need.

Some children and young people who need extra help in nursery, school or college do not have an additional learning need. This may be children or young people who just need some help catching up. It could also be children and young people who are taught in Welsh or English but speak a different language at home.

We need your help

We are changing the way we will help children and young people who have additional learning needs.

To make this happen we have made a new law.

We have explained the new law in a document called the Additional Learning Needs Code.

The Code tells schools, colleges, local authorities or health services how they must help children and young people with additional learning needs. It talks about things like how children and young people can have their say and about making sure help is put in place when it is needed.

We want to know what you think about the changes we are making. Please answer any of the questions that you want to tell us your views about.

We have some ideas about how the new law will work. We call these principles.

We want to make sure that:

- children and young people's views, wishes and feelings are listened to when decisions are being made about how to help them

- the right support is put in place quickly to help children and young people with additional learning needs
- everyone works together to help children and young people with additional learning needs
- children and young people with additional learning needs are able to go to their local school or college
- children and young people with additional learning needs get help in Welsh if they need it.

Question 1:

Do you think these principles are the right ones?

Yes

No

Individual development plans

Children and young people who need help with learning will have a new type of plan.

The plan is called an individual development plan. The new plan will be instead of statements or other types of school or college plans.

The plan will say lots about children and young people so that adults can help them learn.

The plan must include:

- what sort of additional learning need the child or young person has
- how the school, college, local authority or health service will help the child or young person
- if the help will be provided in Welsh
- the name of any special school or special college the child or young person will go to.

We have some other ideas about what the plan must say:

- the name, age, gender and address of the child or young person and how to talk to them - like if they use sign language
- who will look after the plan
- what the child or young person likes and dislikes and what is working well and not so well

- if the child or young person will learn different things at school to other children their age
- all of the information used to make the plan
- important things that have happened - like moving schools, hospital tests or things that have happened at home
- any changes that will happen – like changing school or going to college.

Questions 2 and 3

2. Do you like our other ideas about what the plan must say?

Yes

No

3. Do you have any ideas about what else you think it should say?

Yes

No

How long should a plan take to make?

We want to make sure children and young people with additional learning needs do not have to wait too long until they get their plan.

Most plans will be made by schools and colleges.

Sometimes a plan will be made by a local authority. This may be because a child or young person has an additional learning need which needs a lot of help.

Schools and colleges will have 35 days (7 weeks) to make a plan or say if they think a plan is not needed.

We think schools and colleges will need 35 days because of the things they will need to do:

- let the child, their parents or the young person know they will be deciding if the child or young person has additional learning needs
- find all of the information to help them make the plan – like talking to the child, their parents or the young person
- make the plan and give the plan to the child, their parents or the young person or say if a plan is not needed.

Local authorities will have 12 weeks to make a plan. We think local authorities will need longer than schools and colleges because they will be making plans for children and young people who need a lot of help.

It can take longer to make a plan for children and young people who need a lot of help because there is a lot more information to collect. This could be

from doctors or social workers. More information means there is more to think about to make sure the help is right.

Question 4

4. What do you think about how long schools, colleges and local authorities will have to make plans?

Providing information

We think it is important that local authorities do not have to wait a long time to find things out from people.

When local authorities make a plan they have to find out lots about the child or young person and how to help. They might find out by asking people who work in places like schools, colleges or other local authorities.

If people take a long time to answer the local authority this means it will take a long time for the local authority to make the plan.

We think people should have 6 weeks to answer the local authority.

We think 6 weeks is enough time even if the child or young person needs lots of help and there is a lot to tell the local authority. We also think 6 weeks means local authorities will have the information they need in enough time so they can make a plan or look again at a plan in the right time.

5. What do you think about how long people will have to answer a local authority's question about the child or young person and how to help them?

Involving the health service

We think it is important children, their parents and young people do not have to wait a long time to know if health services can help. People from local authorities and colleges can ask health services if there is a way they can help a child or young person with additional learning needs.

We think health services should let people know quickly if they can help and how they can help.

We think the longest time they should have to do this is 6 weeks. We think health services should be able to do this in 6 weeks because something like this already happens with statements.

Also, it is the same amount of time that people who work in places like schools, colleges and other local authorities will have to answer local

authority's questions about children and young people with additional learning needs.

6. What do you think about how long health services will have to let people know if there is a way they can help?

Reviewing plans

We want to make sure that if children, their parents or young people are not happy with their plan they will not have to wait too long for someone to have another look at their plan. We call this a review.

Children, their parents or young people can ask schools, colleges and local authorities to review a plan because something has changed. Schools and college will have 35 days (7 weeks) to do this.

We think schools and colleges will need the same time to review a plan as they need to make a plan. This is because they will need to do the same sort of things as making a plan:

- find all of the information to help them decide how to change the plan
- change the plan and give the plan to the child, their parents or the young person or say if the plan does not need changing.

Local authorities will also have 7 weeks to do this.

We think local authorities will not need as much time to review a plan as they need to make a plan. Local authorities will need to collect a lot of information when they first make a plan. We do not think they will need to collect as much information to review the plan.

7. What do you think about how long schools, colleges and local authorities will have to review plans?

Getting a second opinion on a plan

We want to make sure that if children, their parents or young people are not happy with the plan made by a school they will not have to wait long for someone to have another look at their plan

Children, their parents or young people can ask the local authority to look again at a plan made by a school if they do not think the school is right. The local authority will have 7 weeks to do this.

We think it will take schools 7 weeks to make a plan. We think it will take local authorities the same time to look again at a plan. This is because they will need to do the same sorts of things as the school:

- find all of the information to help them have another look - like talking to the child, their parents, the young person and the school
- think about whether the plan is right
- make a new plan if the plan is not right.

8. What do you think about how long local authorities will have to look again at plans made by schools?

Solving problems

Arguments can happen when children and young people are not happy with their plans or with the help they get.

We want to try to stop arguments from happening. If arguments do happen we want them to be sorted out quickly.

We have decided local authorities are in charge of making sure arguments do not happen and are sorted out quickly. We have also decided local authorities must tell children and young people about the things they are doing to stop arguments and sort them out.

We think local authorities should do some other things to help stop arguments and to sort them out:

- say what they are doing to help on their website
- make sure children and young people can understand what they are doing
- say how children and young people can speak with someone who can help
- make sure the people helping know about additional learning needs and are fair
- make sure it is easy for children and young people to get help
- make sure children and young people can get help on their own if they do not want to come with their parents.

9. What do you think of our ideas about things local authorities should do to help stop arguments and sort them out?

Advocates

We think it is important there is a person to speak up for children and young people if an argument can not be sorted out.

Sometimes an argument about a plan or the help children and young people get is not sorted out.

There are people whose job it is to speak up for children and young people.

This person is called an advocate.

The advocate can tell people how children and young people feel and what they need to help them in school or college. Local authorities have to make sure there are advocates to speak up for children and young people.

We think it is important local authorities tell people about advocates - through leaflets, posters, websites, and telephone helplines.

We also think local authorities must make sure that all advocates:

- provide help quickly
- understand all about additional learning needs
- know how to talk to children and young people in different ways - like sign language
- are safe to work with children and young people.

10. What do you think of our ideas about the things local authorities must do to make sure advocates are doing a good job?

Asking a judge to decide what is right

When a child, their parent or a young person is not happy about things a local authority or college has done, they can ask a judge to decide what is right. A judge can decide about a lot of things - like if a child or young person has additional learning needs and what help they get.

To help the judge decide they must know why the child, their parent or the young person is not happy with what the local authority or college has said. The child, their parent or the young person will write down the things they are not happy about and why they think the local authority or college is not right. This is called a case.

When the judge tells the local authority or the college a child, their parent or young person has made a case, the local authority or college will send in their own case.

We think it is important the local authority or college sees the child, parent or young person's case. Then the local authority or the college can tell the judge about the things the child or young person is not happy about. They will not write about things that do not matter.

We also think it is important that things are done quickly. This will mean the judge can say who is right quickly and the child, parent or young person does not have to wait too long.

We think it should work like this:

- A local authority or college tells a child, parent or young person about something - like what help they will get.
- The child, their parent or the young person is not happy about what the local authority or college has said.
- The child, their parent or young person can tell a judge they want a judge to decide.
- The child, their parent or young person writes a case to tell the judge why they are not happy and sends it to the judge.
- These can happen at the same time or at different times. But they must be done in 8 weeks.
- When the judge knows a child, parent or young person wants them to make a decision, they will tell the local authority or the college straightaway.
- The judge will also send the case to the local authority or the college as soon as they have it.
- The local authority or college will write a case to tell the judge why they think they are doing the right thing.
- The case must be sent to the judge in 4 weeks.

11. What do you think of how it will work when you ask a judge to decide who is right?

12. What do you think about how long children, parents and young people will have to tell the judge and to send a case to the judge?

13. What do you think about how long local authorities and colleges will have to send a case to the judge?

Additional Learning Needs Co-ordinators

We want to make sure every school and college has a person whose job it is to make sure that children and young people with additional learning needs get the help they need.

This person will be called an additional learning needs co-ordinator – an ALNCo.

It is important this person is the right person to do the job.

We think it is important the ALNCo is a teacher in a school or a college or is someone who is already doing a job like an ALNCo.

We think being a teacher is important because teachers talk to other teachers – like the head teacher. This is important because teachers can tell the head teacher if something needs to change all over the school. Teachers can make change happen in their class but it is the head teacher's job to make change happen all over the school.

We know some people are already doing a job like the ALNCo. We call these people special educational needs co-ordinators - SENCOs. Some SENCOs are not teachers. We think if SENCOs are already doing a good job they could be the right person to be the ALNCo.

14. Do you think it is important the ALNCo is a teacher or someone who is already a SENCO?

Yes

No

The ALNCo will do lots of things to help children and young people with additional learning needs

The ALNCo will do these things:

- finding out which children and young people have additional learning needs and making sure they have a plan
- making sure that plans are up to date
- making sure all children and young people with additional learning needs get the help they need to learn and join in
- checking the help children and young people get is working well for them
- providing information to children, their parents and young people
- learning more about how to help children and young people with additional learning needs
- showing other teachers how to help children and young people by teaching in different ways
- helping people who teach or help children and young people with additional learning needs to know all about their job, so they can do it well
- helping children and young people when change happens – like leaving school or going to college

- working with other people to make sure children and young people get the help they need
- helping children, their parents and young people when things are not going well.

15. Do you think these things are the right things for ALNCOs to do to help children and young people with additional learning needs?

Yes

No

We would like to share these answers with other people.

Please click the button if you want your answers to be kept secret:

Please have a parent or guardian sign here if you're under 18:

See next page for General Data Protection Regulation information.

Looking after information about you.

General Data Protection Regulation (GDPR)

The Welsh Government will be in control of any information you give us while getting involved with the consultation. Welsh Ministers will use their powers to decide how they take your information and use it to do their job.

Welsh Government staff will see how you respond to any of the questions in the consultation. If the Welsh Government looks at the consultation deeper it may ask other organisations to use the information, but if Welsh Government does this, we will make sure that these organisations keep your information safe.

To show that the consultation was run properly, the Welsh Government will write a report showing some of what people said.

Normally, the name and address (or part of the address) of the person who sent the response are shown with the response. If you do not want your name or address shown, please tell us this in writing when you send your response. We will then make sure your details are not included before it is published. You should also know that people can ask for information from us (Freedom of Information legislation).

If your details are published as part of the consultation response, then these published reports will be kept for an unlimited amount of time.

Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection law, you have the right:

- to be told about any personal data we hold about you and to access it
- to make correct any wrong information in that data
- to (in certain situations) say you don't want us to use all or some of your personal data
- for (in certain situations) your data to be deleted
- to (in certain situations) have data moved
- to make a complaint with the Information Commissioner's Office (ICO).

For further details about the information the Welsh Government holds on you and its use, or if you want to exercise your rights under the GDPR, get in touch with:

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

e-mail:
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The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 745 or 0303 123 1113
Website: <https://ico.org.uk/>

Responses to this consultation should be e-mailed/posted to the address below to arrive by 22 March 2019 at the latest.

Contact details
For further information:

ALN Transformation Branch
Support for Learners Division
The Education Directorate
Welsh Government
Cathays Park
Cardiff, CF10 3NQ

e-mail: SENreforms@gov.wales

Further information and related documents
Large print, Braille and alternative language versions of this document are
available on request.

The consultation documents can be accessed from the Welsh Government's
website at
<https://beta.gov.wales/consultations>

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