



Additional Learning Needs and Educational Tribunal Policy [ALNET]

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Introduction

The Additional Learning Needs and Educational Tribunal [Wales] Act 2018 makes provision for a new statutory framework for supporting children and young people with additional learning needs. This replaces existing legislation surrounding special educational needs [SEN] and the assessment of children and young people with learning difficulties and disabilities.

Ysgol Hen Felin has produced the ALNET policy [Summer 2021] in an easy read format that helps explain this **new law** that has been proposed by the Welsh Government around helping children and young people who need extra support to learn.

What is this policy/document about?

In 2015 the Welsh Government sent out ideas for a new law. They met with many people, including children and young people, to ask them their views.

The Welsh Government used what people told them to make the law better. Changes were made and the new law was updated.

The information contained in the policy shows where the new law has been updated.

A committee in the National Assembly for Wales is looking at the new law. They may make more changes before they agree with the new law. In early 2017, people were asked for their views on a timetable. The Welsh Government will use their views to prepare a timetable that shows when the new law will take effect.

Why the law needs to be changed

The law for education of children and young people with special educational needs is 30 years old. It is out of date.

It does not give children and young people the support they need today.

Sometimes:

- the child or young person's needs are found too late
- support is given too late
- the child or young person is not included enough
- it is complicated
- it costs a lot.

The Welsh Government looked at some of the problems with how the law was working. They wrote these ideas for a new law.

What are additional learning needs?

Some children and young people need extra support to learn. They are known as having special educational needs (SEN). Sometimes they are also known as having a learning disability or learning difficulty.

This can include problems with:

- reading, writing and understanding
- seeing, hearing or speaking
- moving around
- emotions or behaviour.

Special educational needs is not a good label. And the law for special educational needs is not clear. The law only covers children and young people up to the age of 19. The Welsh Government want to say additional learning needs (ALN) instead. This will include children and young people up to the age of 25. Children and young people with additional learning needs:

- have a difficulty or disability that means they need extra support
- find it harder to learn than other children and young people the same age, or
- have a disability that means they cannot use the local school or college.

The Welsh Government will say additional learning needs for young people up to the age of 25. So, a person with additional learning needs can be any age from 0 to 25. Staff like teachers at Ysgol Hen Felin and social workers will probably call this by the letters A L N. So, from now on in this document, Ysgol Hen Felin will write ALN.

The new law will cover children and young people with ALN up to the age of 25. So, they will find it easier to move to college after school. They will carry on getting the same sort of support at college as at school.

Local authorities must write information about ALN that people can get. This information will be given to:

- children and their parents
- young people
- schools
- people who support children and young people with ALN. For example, health services. The local authority is the County Council. They provide a lot of services such as social services, education, roads and rubbish collection.

A plan for each child and young person with ALN.

Children and young people with ALN at Ysgol Hen Felin will have a plan. This will be called an individual development plan.

Individual development plan is the name for the new plan all children and young people with ALN will have. When the local authority prepares the individual development plan, they will decide whether services to help the child or young person's ALN should be provided in Welsh. Ysgol Hen Felin will use this plan instead of the different plans for children and young people with special educational needs and learning difficulties/disabilities.

What happens now?

Children and young people with special educational needs or learning difficulties/disabilities might have:

- a statement
- an individual education plan
- a learning and skills plan.

What will happen with this new law?

All children and young people with ALN will get an individual development plan. The individual development plan will say what the child or young person needs to be able to learn. And what will be done so they are properly supported in school or college. What the child or young person thinks, feels and wants must be part of this plan. The child's parents or family carers must be part of all the decisions that are made for this plan. Children, their parents and young people must be given information about this plan before any meeting. The information must be given in a way they can understand. The local authority, school or college will write the plan. But everyone will be part of writing it, including the child or young person and:

- their family
- staff from health who support the child or young person
- staff from social services who support the child or young person
- anyone else who supports the child or young person.

If a young child goes to a nursery that is not run by a school, the local authority must write the plan and support the child. Children, their parents or young people will be given a copy of the plan. Sometimes a school or college may think they cannot support the child or young person's ALN. Then they can ask the local authority to write the plan.

The Welsh Government want the plan to be used by everyone. They want all parts of the child or young person's life to be thought about in the plan. The individual development plan will be checked:

- every 12 months
- when someone asks for it to be checked
- when anything changes for the child or young person

Local authorities can write and check the individual development plan with other plans being written at the same time. Other plans like health plans can be checked and included in the individual development plan. Local authorities, schools and colleges must keep checking the plan is working for those who have one.

If a child or young person moves to a different school, college or local authority, their plan will move with them. The new school, college or local authority will look after their plan and support the child or young person. Schools and colleges must try to support children and young people while their individual development plan is being written.

Stopping plans

When a plan is no longer needed a local authority, school or college can stop keeping the individual development plan. They must tell the young person or child and their parents:

- that they are thinking about stopping the plan
- why they are thinking of doing this.

If you want them to carry on with the plan you have a certain amount of time to tell them. The local authority will tell you how much time you have to do this.

The local authority will listen to you. Then tell you whether or not the plan will be stopped. If it's needed, a plan can keep going until a young person is 25 years old. The plan will stop when the young person is 25 years old if they are still in education. The plan must end before their 26th birthday.

Aiming high for children and young people with ALN.

Ysgol Hen Felin want children and young people with ALN to get the most they can from school or college. It is not enough just to have a plan. Every school or college will have someone whose job is to make sure that:

- every child and young person with ALN has a plan
- what is in the plan is done
- the plan helps the child or young person get better at things.

Local schools must make sure that children with ALN are included in activities with other children in the school. But sometimes it would be better for the child to go a different school. A child would only go to a different school if:

- another school fits more with what the child needs
- the child's ALN may make it difficult for others in the classroom to learn.

Local authorities must think about what would be best for the child. Some schools and colleges are not run by local authorities. Local authorities have to pay for children and young people to go to them. This only happens when the local school or college cannot give the support the child or young person's needs. These schools and colleges need to prove they can support a child or young person with ALN. Then they will go on a Welsh Government register or list.

Only schools and colleges on the register or list can be paid for. The list will be for colleges in Wales and England. Every year local authorities must check that they are able to meet the needs of children and young people in their area who have ALN. They must think about whether there are enough services available in Welsh.

Everyone working together

All services will work together for a child or young person with ALN. This means:

- local authorities
- nurseries, schools and colleges
- health
- any other service the child or young person uses such as the prison service.

They will share information with each other. They will tell each other what they are doing. The local authority, school or college will be in charge of doing the individual development plan. They will check that it is working. All parts of the plan will be checked to make sure they fit together and work well. This is very important for children who are looked after. Children who are looked after are in care and may be in a foster home.

Health services

Some children or young people have health problems which may give them ALN. The NHS must see if there is a service or treatment that will help the child or young person in their learning. If there is, the NHS must provide the service or treatment. They need to see if the service or treatment should be provided in Welsh.

Each health area in Wales will have a person whose job is to:

- talk with all services about plans
- be the person who sorts things out in health
- make sure health staff do what the plan says.

That person will be called a Designated Educational Clinical Lead Officer. Sometimes health staff care for children who are not old enough for school. When health staff think the child may have ALN they can talk to the local authority. They must tell the child's parents they are doing this. If a child, their parent or a young person disagrees with what the NHS says, they can make a complaint. The complaint can be made using the NHS 'Putting Things Right' process.

The NHS has information about 'Putting Things Right' on their website. The address is www.wales.nhs.uk/ourservices/publicaccountability/puttingthingsright.

When people do not agree about the plan we want to try to stop any disagreements about a child or young person's plan. Local authorities must make sure children, their parents and young people have support to:

- understand the plan
- be part of writing the plan
- be part of decisions that affect them in the plan
- talk about their worries
- get their questions answered.

People may still disagree. This needs sorting out quickly and locally. When anyone does not agree with some of the plan local authorities must:

- make sure someone not involved in the disagreement can listen and help
- make sure children, their parents and young people know this is possible.

Local authorities must have ways to sort disagreements out quickly so that children, their parents and young people can trust them. This will help to stop children, their parents and young people from having to make an appeal. An appeal is when you ask for a decision to be changed. At the moment, if parents or children do not like the statement or do not agree with decisions about the statement they can appeal. Young people can only appeal if they attend a school. They can't appeal if they attend a college. In the future, young people who go to college will also be able to appeal. Children, their

parents and young people will be able to appeal when they do not agree with decisions about ALN or the individual development plan. We want problems to be sorted out as quickly as possible so they do not have to appeal. The child or young person can have an advocate to help them sort out problems and appeal. An advocate is a person who speaks up for you. The advocate must be someone who is separate from the local authority. They can come from an advocacy service in the area.

The advocate can help to do things like:

- think about the appeal and advise what can be done
- write letters
- go to meetings to speak up for the child or young person.

Local authorities must try to make sure that people know about advocates. These people include:

- children and their parents
- young people
- case friends
- schools
- colleges
- others who may be interested in advocates.

Sometimes the child may not be able to understand their plan or make decisions. Usually their parents will help them. But sometimes this is not possible. When this is not possible, the child needs someone to help them. This person is called a case friend.

A case friend is someone who:

- can help a child to understand their plan, and
- take decisions for them.

The case friend will be someone who:

- is fair and able to stand up for the child
- listens well to what the child wants
- is good at sorting things out when people do not agree
- is good at finding answers to problems.

We hope the new law will help us sort out any problems quicker and easier.

Easy right to appeal

There is already a tribunal for special educational needs. This will carry on with a new name - the Education Tribunal for Wales. A tribunal is a special group of people whose job is to deal with a disagreement. The tribunal can decide if a child can understand their plan and is able to appeal. If the child cannot understand, the tribunal can make sure they have a case friend. A child, their parent or a young person can appeal to the tribunal about:

- a decision about what ALN a child or young person has
- a local authority deciding if a child or young person needs a plan
- what support the plan says the child or young person needs
- the school the plan says the child or young person should go to
- no school being given in the plan
- a decision not to check the plan
- a decision not to keep going with the plan.

Everyone has to go along with the decision of the tribunal. Any appeal against the tribunal has to be about how they used the law. If needed, this can go to the higher tribunal. Parents who are not able to make decisions. Sometimes parents are not able to make decisions about what is best for their child. This may be because they have:

- a mental health problem. This is where people do not feel well in their mind and thoughts
- a learning disability
- dementia. This is where people have problems with memory and can be confused.

The legal words for this are 'not having capacity'. Capacity is being able to make a particular decision or choice at a particular time. The Mental Capacity Act (2005) says when a person does not have capacity. There are very clear rules about how to decide if a person has capacity. When a parent does not have capacity:

- the Court of Protection can decide who will make decisions about their child
- the parent may have already written down who will make these decisions. This is called a lasting power of attorney.

Rules and advice about the new law

In 2015 the Welsh Government wrote a set of rules and advice about how to use the new law. These are called a Code. A Code gives rules and advice to help local authorities and others do what the law tells them to do. The Welsh Government are updating the Code. If the new law about ALN is made, they will ask people what they think about the new rules in the Code. The Welsh Government think this will be in early 2018. Then we will write the final Code. The Code will be for nurseries that receive money from the local authority, staff at schools and colleges, local authorities and health services.

The rules will help them to:

- understand about ALN
- support children and young people with ALN
- write the individual development plan
- put the individual development plan into action
- check the individual development plan
- stop disagreements from happening.

The Code will also say how advocacy will be done if it is needed.

We will talk about the rules with:

- councils
- nurseries that receive money from a local authority
- schools
- colleges
- Estyn who check on schools and colleges in Wales
- other people with an interest in the Code.

Children who are looked after

Children who are looked after are:

- in care
- may be in a foster home. This is where a child lives with another family.

A lot of children who are looked after have ALN. Children who are looked after have a personal education plan. The individual development plan will be part of the personal education plan. This will mean that these children will not have to go to separate meetings about their plans. The local authority must write and review an individual development plan for a child with ALN who it looks after. They must support the child. When a local authority makes decisions about the child's individual development plan, it must tell the child's independent reviewing officer. An independent reviewing officer is someone who makes sure that the child who is looked after is treated fairly. A child who is looked after or their parent may disagree with the individual development plan. If this happens, they can appeal to the tribunal.

Children and young people who are detained.

Detained is when a child or young person breaks the law and has to stay in a place that is kept locked. Only courts can say children and young people must go to these places. Sometimes a child or young person already has ALN. Then the local authority they are from will make sure their plan is kept for them. Sometimes the place the child or young person is in asks if the child or young person has ALN.

The local authority they are from will decide if they have ALN. That local authority will then write an individual development plan with the child or young person.

The manager of the place the child or young person is in will be part of all the decisions. They will have a copy of the plan. When the child or young person leaves the locked place, the local authority they are from will keep their plan going. A detained child, their parent or a young person may disagree with the plan. They have the same right to appeal as anyone else. The local authority must decide if services to help the detained child or young person's ALN should be provided in Welsh.

Hard words

Advocate / advocacy

An advocate is a person who speaks up for you. Advocacy is when a person speaks up for you.

Appeal

An appeal is when you ask for a decision to be changed.

Capacity

Capacity is being able to make a particular decision or choice at a particular time.

Case friend

A case friend is someone who can help a child or young person understand their plan, and takes decisions for them, like deciding to appeal. They already know the child or young person and are not an advocate.

Code

A Code gives rules and advice to help local authorities and others do what the law tells them to do.

Detained

Detained is when a child or young person breaks the law and has to stay in a place that is kept locked. Only courts can say children and young people must go to these places.

Individual development plan

Individual development plan is the name for the new plan children and young people with ALN will have.

Independent reviewing officer

An independent reviewing officer is someone who makes sure that the child who is looked after is treated fairly.

Local authority

The local authority is the County Council. They provide a lot of services such as social services, education, roads and rubbish collection.

Looked after children

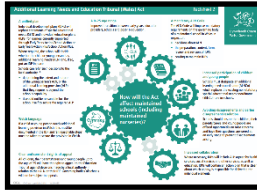
Looked after children are in care and may be in a foster home.

Tribunal

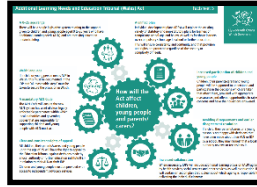
A tribunal is a special group of people whose job is to deal with an Argument



PERSON CENTERED REVIEWS FOR FAMILIES



HOW WILL THE ACT AFFECT MAINTAINED SCHOOLS (INC. MAINTAINED NURSERIES)



HOW WILL THE ACT AFFECT CHILDREN, YOUNG PEOPLE AND PARENTS/CARERS