



## **Additional Learning Needs and Educational Tribunal Policy [ALNET]**

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*Approved by:* Governors/SMT  
*Date Approved:* 29<sup>th</sup> September 2024  
*Operational Date:* 29<sup>th</sup> September 2024  
*Date of Review:* Autumn 2027  
*Distribution:* SMT/TLR's/All relevant staff

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## Introduction

The Additional Learning Needs and Educational Tribunal [Wales] Act 2018 is a 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 in an easy read format that helps explain this law that has been adopted by the Welsh Government around helping children and young people who need extra support to learn.

## What are additional learning needs?

### **Definition of ALN**

For the purposes of the Act, the term 'additional learning needs' is defined as:

*Some children and young people need extra support to learn. They are known as having an Additional Learning Need (ALN).*

- (1) A person has additional learning needs if he or she has a learning difficulty or disability (whether the learning difficulty or disability arises from a medical condition or otherwise) which calls for additional learning provision.*
- (2) (2) A child of compulsory school age or person over that age has a learning difficulty or disability if he or she—
  - (a) has a significantly greater difficulty in learning than the majority of others of the same age, or*
  - (b) has a disability for the purposes of the Equality Act 2010 which prevents or hinders him or her from making use of facilities for education or training of a kind generally provided for others of the same age in mainstream maintained schools or mainstream institutions in the further education sector.**
- (3) A child under compulsory school age has a learning difficulty or disability if he or she is or would be if no additional learning provision were made, likely to be within subsection (2) when of compulsory school age.*
- (4) A person does not have a learning difficulty or disability solely because the language (or form of language) in which he or she is or will be taught is different from a language (or form of language) which is or has been used at home*

In summary, the use of the term ALN relates to a child or young person who has a learning difficulty or disability (whether the learning difficulty or disability arises from a medical condition or otherwise) which calls for ALP.

## The Code

The code states that its aim is *“to support the creation of a fully inclusive education system where all children and young people are given the opportunity to succeed and have access to an education that meets their needs and enables them to participate in, benefit from, and enjoy learning”*

The key principles underpinning the ALN system in Wales are as follows:

**A rights-based approach** where the views, wishes and feelings of the child, young person and their parents/carers are central to the planning and provision of support; and the child, young person and their parents / carers are enabled to participate as fully as possible in the decision-making processes. This can be achieved through the implementation of Person-Centred Practice (PCP).

**Early identification**, intervention and effective transition planning where needs are identified and provision put in place at the earliest opportunity. Collaboration where services work together to ensure ALN are identified early, and appropriate co-ordinated support is put in place to enable children and young people to achieve positive expectations, experiences and outcomes.

**Inclusive education** which supports full participation in mainstream education, *wherever feasible*, and a whole setting approach to meeting the needs of children and young people with ALN.

**A bilingual system** where all reasonable steps are taken to deliver Additional Learning Provision (ALP) in Welsh.

#### 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 plan is called an Individual Development Plan.

Children and Young people 0-25 with additional learning needs (ALN) will have an Individual Development Plan (IDP)

The IDP is a legal document which describes a child or young person's additional learning needs, the support they need, and the outcomes they would like to achieve.

It is a "plan" because it not only describes the ALN, but it also plans the action that must be taken for the child or young person. It also provides a record against which a child or young person's progress can be monitored and reviewed.

The IDP is intended to be a flexible document. It will vary in length and complexity depending on the different needs of the child or young person.

The IDP will be reviewed every 12 months and will change according to the child or young person changing needs

An IDP MUST also be reviewed:

- at the request of a child or a child's parent, or a young person
- at the request of an NHS body required to secure provision
- If an IDP is revised, a copy of the revised plan MUST be provided to the child and their parent, or the young person.

Following a request, the school may decide not to review the IDP because they believe there have been no real changes since the last time that the IDP was reviewed and the consider a review to be unnecessary.

The ALNET Act section 23.10 says a child, parent, or the young person should be notified of the decision and reasons for it.

A blanket policy not to update an IDP except at certain points in time would be unlawful. Schools and local authorities have the power to update a plan at any time and should do so when the evidence suggests a child's or young person's needs have changed.

If a school, FE, or LA conducts a review following a parental request, then it MUST complete the review including giving a copy of the revised IDP to the parent or a notification of a different decision. Promptly or within 35 days (schools) 7 weeks LA

A child, child's parent or young person may appeal a local authority's decision not to revise an IDP to the Education Tribunal

(Chapter 25 ALN Code, Section 23 &24 of the ALNET Act provides information on reviewing IDP's.)

### Person Centred Planning Meeting (PCP)

Person-centred practice is at the heart of the ALN Code of Practice. The aspirations of learners and their families are at the centre of everything we do. Person-centred practice and planning is central to the rights-based approach, a key principle within the Act.

The PCP is used to focus on what is important to the learner and how best we can support them. Family involvement is central to these discussions. To ensure that we are compliant with our statutory responsibilities we also need to collaborate with all partner agencies, as listed here:

Support services  
Care  
Health

The Welsh Government expects all IDPs to be created in a person-centred way. This means that children, their parents/carers and young people must be actively involved in the development of an IDP.

### 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.

## 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.

## Health services

For some children and young people with additional learning needs, NHS services have a vital part to play in helping them to thrive and make progress with their learning. NHS services need to work in a joined-up way with schools and Local Authority Education departments for this to happen.

The ALN Act calls this collaboration. Collaborative working between NHS services, schools and Local Authority Education departments is well-established. For example, many NHS services provide training to Education colleagues, some services offer specialist advice and support to schools' staff, and school nurses work extremely closely with schools.

To help make sure that collaboration happens in a way that makes a positive difference for children and young people with ALN, the Act places duties on Health Boards in Wales.

These include:

- Letting parents and carers know, and letting the Local Authority know, where NHS professionals identify that a child of below school age is likely to have additional needs. This helps make sure that the needs are identified early, so the right help can be put in place.

- Providing Local Authorities with information and help that they need to make good decisions so that children and young people get the help they need and to put in place the help that children and young people need.
- Contributing to meetings to develop joined-up, person-centred plans for children and young people with additional learning needs. These plans are called Individual Development Plans, or IDPS. In some cases, NHS professionals will attend these meetings. In other cases, they will provide written information to the Education professional co-ordinating the meeting.
- Providing treatments and services likely to help address children and young people's additional learning needs. These treatments and services will be part of the child's Individual Development Plan.
- The treatments or services that the Health Board provides for children and young people with additional learning needs are what the NHS normally provides to meet healthcare needs.
- Whether or not a child has an Individual Development Plan does not change the NHS services that are available to that child or young person to meet their healthcare needs and does not change how quickly those services will be accessed. The difference is that these will become part of a joined-up plan between Education and Health, who will work together to help children and young people reach the outcomes that matter to them and their families

### When people do not agree about the plan

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 should be resolved 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 will support to resolve disagreements. This will help to stop children, their parents and young people from having to make an 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.

The child or young person can have an advocate to help and appeal. An advocate is a person who can speak on behalf of the child to ensure their best interests are met. 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.

### Easy right to appeal

The Education Tribunal for Wales 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 abide 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.

### Children Looked after

Children who are looked after who have ALN have a Personal Education Plan (PEP). The Individual Development Plan (IDP) 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 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 who is detained. In this case the local authority they are from will make sure their plan is kept for them. The place the child or young person is detained has a responsibility to ask if the child or young person has ALN.

They should have a copy of the plan. When the child or young person leaves, 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.

## Overview of terminology

### **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.

### **Looked after children**

Looked after children are in care and may be in a foster home. Legal responsibility lies with the Local Authority.

### **Tribunal**

A tribunal is a group of people qualified professionals whose job is to deal with an disagreement

