

Welsh Government White Paper for Additional Educational Needs Summary of the Main Proposed Changes

Gareth Payne, July 2014

Changes to the Legislation

The Government intends to make changes to the legislation which describes the arrangements that need to be made to meet the needs of children who are experiencing educational difficulties.

Principles

They emphasise that it is all-important to ensure that the needs of all children are met: 'We must ensure that the best welfare of all learners are the all-important consideration,' 'all learners should be able to expect that their needs will be identified and met,' 'the opinion of learners, and the opinion of their parents, will be considered.'

Terminology

They will be changing the name 'Special Educational Needs' to 'Additional Learning Needs', and have added the word 'learning' instead of the earlier proposal, 'Additional Needs' because this was too broad, and included e.g. the needs of people in traveller communities. The new term gives more focus.

They explain that the current terminology 'causes stigma' to children and young people, and there are now negative connotations to a number of the old terms.

Working Cooperatively and Conflict

They want the new process to include less conflict: they see that there is too much opportunity for conflict between authorities and the public in the old system.

Extending the Age Range

The new system will be extended to 'every child and young person between 0 and 25yrs. identified as having ALN and who accept or wish to receive education or training'.

The local education authority is responsible for this, even though the group includes very young children, i.e. before nursery age, and students up to 25yrs old.

The White Paper does not extend the new system to include young people in Higher Education, since there is already a good system there. It does not, either, extend to young people in work.

The divide which currently exists between school and further education tends to lead to inconsistencies in transfer, with the responsibility changing from the local education authority to 'Welsh Ministers'. This does not lead naturally to good detailed planning, and sometimes Welsh Ministers do not have all the necessary information.

Individual Development Plans

They introduce the term Individual Development Plans (IDP) to replace the word Statement, and this includes children who are at present following non-statutory 'Individual Education Plans (IEPs) within schools and also post 16 plans'. (England have not done this, and concentrate therefore on children who would be the subject of a statement in the old system.)

The IDP therefore can be very broad, varying according to age, placement, and the seriousness of the individual's needs.

At present, with the current system, the divide between those who are the subject of a statement and those who receive more informal support is not defined, and local authorities therefore need to make their own interpretation. This has led to the situation where the division is unclear and inconsistent. The relationship between parents and local authorities can be affected and undermined by this.

They predict that the local education authority will not be involved to a great extent with many of the children and young people who need help at the moment at the level of School Support and School Support Plus, however they are ultimately responsible for this, and they will therefore need to establish arrangements for monitoring and reviewing.

Transparent and Integrated

The new system is to be fair and transparent, and 'integrated'.

New Code of Practice

There will be a new Code of Practice, however this is not available at the moment, therefore the contents of the White Paper itself are a little thin on detail.

The current Code of Practice is not a legal requirement but the new Code of Practice will be mandatory.

Private Schools

The local authority will not be able to place someone in a private school unless that school is registered.

The Opinion of Children and Their Parents

It is a requirement to consult with, and consider the opinion of, the children themselves and their parents.

Other Agencies

The local education authority must work co-operatively with the health board, Further Education institutions, and the Code of Practice, when it comes, will give advice on how to work in a multi-agency fashion.

The emphasis is upon early intervention and on sharing information with different agencies.

Co-ordinators

There will be an additional learning needs Co-ordinator in every school, but they will not need to have a specialist qualification, such as is required by the legislation in England.

Appeal

The current right to appeal remains. However this has now be extended to include the children and young people themselves, and young people aged 16yrs and more.

Local education authorities must ensure they have a good system of conflict resolution, and it will be a requirement that local complaint procedures be followed before an appeal to the Tribunal is made. The emphasis is on trying to avoid going to appeal.

Dyslexia

There will be further information from the government outlining how to deal with specific learning difficulties (for example, dyslexia).

Cost

They maintain that, with careful planning, all this will not cost more than the present system. However they do mention that there may be additional cost due to appeals involving children that are not at present on a statement, and in establishing a more comprehensive system of conflict resolution.

Implications of the White Paper to the Special Educational Needs Joint Committee.

This response is based upon the points in the Summary, which is attached.

Principles

Naturally we all agree with these principles, and they do no more than repeat principles which have been in place in the area of special educational needs at least since the 1981 Education Act.

We can only agree with the comments on conflict, we have all had some experience of this over the years.

Possibly we will need to change our name!

Change of Terms

We agree with the change of terms. This seems to be a relatively minor point, but terms do tend to acquire negative connotations over time, whatever their strengths may be as terms as such.

Extending the Age Range

Workers in the field will need to reach the schools and nursery groups more often than they do at the moment, and this may lead to some increase in the time staff will need to spend, but the big change will be working with the colleges of further education. We do not have a presence in the colleges at the moment. There is potential for a considerable increase in the work of the psychologists and the specialist teachers in this development, considering the need to support young people with sensory difficulties through examinations at a high level, and assessment and support for young people with dyslexia.

Considering that the college population is approximately half the population of young people aged between 16 and 25, this is equivalent to the population of 4 year groups of school children. We work with the population of 13 year groups of school children at present, of course, and therefore 4 additional years would mean an increase of 30%. It is envisaged that an increase of at least 20% to our workforce will be needed, which would be approximately one and a half psychologists and one and a half specialist teachers, in order to support these young people.

As with our work at the moment, this support will include training and more general support, as well as working with the young people individually.

The Responsibility of the Education Department

The two authorities will be responsible for monitoring the individual educational plans of many more children and young people. The Joint Committee has systems to do this. We are already monitoring the plans of children on statements, and have been monitoring children on support plans at the level of school support and school support plus, i.e. system 3*.

But formalising the support at school support plus, and extending this to younger children and students at further education colleges, will mean more work for the office staff, processing applications and deciding upon the appropriateness of programmes and provision.

We envisage a new system, where there will be precise criteria, and specific measures of progress, which would be transparent and not open to interpretation or personal opinion, and that the schools and colleges will send this information to the Joint Committee annually, to be processed in a new system similar to the present system of panels.

It will be necessary to be more careful in noting the exact information that is needed, including the child's progress, and there will need to be clear and unambiguous criteria regarding when provision should be increased or decreased.

It is possible to do this through developing the current paper-based system, but it would be preferable to do this electronically for the most part.

Once again, we would envisage an increase of 20% at least in the time of the Joint Committee administrative team, once again approximately one person and a half.

The need to include other agencies such as the Health Board is not as clear in reading the White Paper as expected, and it is likely that the old difficulties of having to wait for replies from the health board will continue to occur. But the responsibility is clearly on the shoulders of the local education authority.

Possibly initial meetings would be held with with both agencies, to discuss the the situation and try to come to a solution, possibly through ensuring there is a client officer in each agency.

Then there will need to be regular meetings with these client officers, and perhaps include them in meetings similar to our current panel meetings.

These panel meetings should be less onerous than the present ones if the criteria are clear and unambiguous.

Individual Development Plans Instead of Statements

Although the White Paper itself does not differentiate between the needs of different children, it will be possible to make an informal arrangement, where there would be more discussion of children with more serious difficulties, and more dependence on clear criteria with other children, to make it easier, and therefore quicker, to come to decisions.

New Code of Practice

If the new Code of Practice is thorough and detailed, then it will be easier to develop the new systems that we need.

Appeals to the Tribunal

Certainly there is the potential for an increase in the number of cases which go to appeal, or at least an increase in the numbers of cases which go to the new conflict resolution process. Also usually Joint Committee field workers attend appeal meetings, and this will have implications for the time of Joint Committee staff as well.