

# **Leading Practice: The Additional Learning Needs (ALN) Transformation Programme in Wales.**

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A child with a disability has the right to live a full and decent life with dignity and, as far as possible, be independent and be able to play an active part in the community. Governments must do all they can to support disabled children and their families (UNCRC, 1992). Welsh Government (2018) has understood this statement and made the decision to act upon it. This paper looks at the current changes taking place across Wales, the reason for the changes and the vision Welsh Government has for all children with additional learning needs (ALN) and the multi agencies involved in their learning, care, and inclusion.

The Education Act 1996 set an obligation on the Secretary of State to set a Code of Practice with the ability to revisit it on occasion. Through this, the first Special Educational Needs (SEN) Code of Practice came into effect in 1994 in Wales and brought to fruition the Special Educational Needs and Disability Act 2001 (Welsh Government, 2004). The Special Educational Needs Code of Practice Wales 2004 defines a child with ALN as 'having a significantly greater difficulty in learning of a child the same age' or 'have a disability which prevents or hinders them from making use of educational facilities (SEN Code of Practice Wales, 2004, p6). Recently, however, significant changes in relation to SEN legislation is taking place in Wales. In an explanatory memorandum paper published by Welsh Government (2018b), it states that the original legislative framework is thirty years old, and no longer fit for purpose for reasons such as its complexity and an assessment process that is costly and most importantly insufficiently child-centred. Therefore, the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (The Act) was brought into fruition to create provisions for the new legislative framework that supports children and young adults with additional learning needs (ALN).

The Act aims to identify and address needs quickly and enable children to reach their full learning potential through the delivery of this completely inclusive framework (White Paper, Welsh Government, 2014). According to Welsh Government (2018b), Wales is taking into account the need to create a stronger Code that is easily enforced; the ALN Code will be supported through statutory provisions (Welsh Government, 2012b). Through implementing the Code, a legal framework will be developed that local authorities, schools and other multi-organisations providing services for children with additional learning needs can be implemented (Welsh Government, 2021). It will be considered a piece of legislation and will have certain obligations and rights under it, which local authorities will be expected to follow. In addition, the Code will give practical guidelines regarding the performance of statutory duties, supporting them with best practice advice. The Code is seen as an explanation of legal duties rather than the current system of good practice, which is why it is now referred to as a Code and not a Code of Practice (Education Wales, 2019).

Currently in England, the Children and Families Act 2014 reformed England's special educational needs system and introduced statutory plans called Education Health and Care Plans (EHCPs). However, these are available only to learners with complex and severe needs, for example children with statements. In comparison, the Additional Learning Needs and Education Tribunal (Wales) Act 2018 states it would improve overall stability and accuracy, and, unlike the existing system, will preserve provision and rights of the child regardless of the degree or complexity of their needs (Welsh Government, 2017).

The White Paper Legislative Proposals for Additional Learning Needs 2014 created and published a number of reasons as to why the current SEN system has a number of flaws. For example, there are unclear boundaries between children who require SEN statements and those who do not. According to Welsh Government (2017), the changes would mean children will be equal in the sense that the reforms clearly define the inequalities in rights and safeguards now available

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to children with ALN, such as by ensuring all children with ALN, irrespective of severity of need, the access to a statutory plan. The changes also aim to improve equality for ALN and non-ALN children by emphasizing inclusion and raising standards to ensure that all students are supported (Welsh Government, 2017).

The paper also states that the guidance from the current SEN Code of Practice is not always adhered to and is interpreted differently in each local authority. This suggests that children in one local authority may be experiencing a different level of support in comparison to another local authority (Welsh Government, 2014). The White Paper 2014 writes that when it comes to when and who should have statements issued, local authorities have differing policies. As a result, a child with certain needs who lives in one local authority may have a statement, while another child with the same requirements who lives in another may not. Also, when it comes to the total number of children having a statement, there is a difference amongst local authorities (Welsh Government, 2014). For example, in North Wales during 2019-2020 over six regions there were 2,934 children statemented; however, in South West and Mid Wales, over the six regions there were 4,185 children statemented during the same period. The numbers do not only apply to larger areas of Wales; it also applied to nearing regions. For example, within South West and Mid Wales the Swansea region had 1528 children statemented in comparison with Pembrokeshire who had 385 children statemented (Stats Wales, 2020). These statistics support suggestions made by the White Paper 2014, that a postcode lottery as to the degree the local authority will adhere to when following the SEN Code of Practice.

According to Welsh Government (2016), multi-agencies, such as social services and health services, will work with education services in partnership to create a simpler process with learners and families involved in the creating of their plans, suggesting this will prevent disagreements. However, if disagreements do arise they can be resolved quickly through the local authorities' dispute resolution arrangements. The Government are encouraging parents and families to do this rather than go to tribunal as it will be quicker and cause less disruption or stress to the child. The local authority are expected to understand how the process is specifically applied to each child and follow the mandatory timescale set out in the code for decision making (Education Wales, 2019). Similarly, in England, according to the Department for Children, Schools and Families (2009), local authorities have six weeks to make a decision whether or not a child requires a statutory assessment. If the local authority takes longer than the six weeks, parents are encouraged to contact the Secretary of State for Children and Schools and Families to complain about unreasonable delays (Department for Children, Schools and Families, 2009).

According to Welsh Government (2018a), training for the implementation of the new Act will begin in January 2021 and run alongside current SEN policies. The Act is due to go live in September 2024, giving practitioners 3 years to become familiar in using the new framework. However, practitioners are expected to adhere to the SEN Code of Practice Wales 2004 during this time (Welsh Government, 2018b). Conn et al. (no date) suggest, in their Evaluation of the Impact of ALN Transformation Work in the South-East Wales Consortium (SEWC), that Additional Learning Needs Co-Ordinators (ALNCo) are feeling frustrated with the timescale of the training of the new Act, and with having to continue to work with the SEN Code of Practice Wales 2004 guidelines. They feel that they are unable to move forward to implement the Act. Due to the lack of clarity concerning future arrangements, some ALNCo felt they were receiving "mixed messages" in several local authority regions (Conn et al., 2019, p.21).

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Under the Educational Needs Code of Practice for Wales (2004), the Special Educational Needs Coordinator (SENCo) is responsible for ensuring that special school provision is administered for children with SEN in their learning environment. They are expected to work with teachers and parents to ensure that children receive the support needed. Previously, a SEN was a non-statutory position, but many settings appointed a SENCO regardless (SEN Code of Practice Wales, 2004). However, the new legislation for ALN in Wales will mean the ALNCo role will be a statutory role and replace the previous SENCo role. In England, the Education (Special Educational Needs Coordinators) (England, Amendment) Regulations 2009 is legislation that has outlined compulsory training for SENCOs. Within three years of their employment, they must earn the National Award for Special Educational Needs Coordination (National College for Teaching and Leadership, no date). Similarly, in Wales and England a SENCo and an ALNCo must first be skilled teachers previously to their role; this became compulsory in England under The Education (Special Education Needs Coordinators) (England) Regulations 2008 (National College for Teaching and Leadership, 2014).

Welsh Government (2018a) has stated that current SENCOs will be replaced by ALNCOs through the new Act. Section 60 of the Act stipulates there must be a designated ALNCo in each setting; however, this does not apply to special schools as every member of staff is expected to have relevant training and understanding of ALN (Michael Dauncey, 2018). The Additional Learning Needs Co-ordinator (Wales) Regulations 2020 state that an ALNCo must be a school teacher, in a senior position or a SENCo previous to the changes. An ALNCo should be highly qualified and have expertise in person centred practice (PCP) in dealing with a wide spectrum of ALN (Welsh Government, 2021a). In addition, the ALNCo should be able to ensure learners' needs are met (Welsh Government, 2017). Welsh Government (2017) state that they want to be inclusive by supporting learners to overcome barriers as is described in Well-being of Future Generations (Wales) Act 2015, and an ALNCo role within schools provides that support for children with ALN. Similarly, in England, under section 19 of the Children and Families Act 2014, regard must be made to ensure a focus on inclusive practice and also a focus on removing learning barriers for the children (Department of Education, 2015).

The initial intention of the Act was for ALNCOs to have a specialised postgraduate qualification and to provide essential training to be able to fulfil the requirements of the role. However, Welsh Government has understood the 'dangers' of this approach in terms of uptake and expense. The estimated cost of upskilling ALNCOs through postgraduate study is £9,255,320 (Explanatory Memorandum to the Draft Additional Learning Needs Co-Ordinator (Wales) Regulations 2020). According to research (Welsh Government, 2019), the level of uptake is at risk because of the work and commitment required for postgraduate study. They believe that, based on the information, it could possibly be a potential barrier to recruitment into the job, rather than a motivation for attracting and maintaining qualified candidates.

According to ERW (2021), Wales is introducing a ALN National Professional Learning Programme to support the ALNCo. It is a specialized training and development programme in which the participant will receive targeted training to assist them expand on their skills and knowledge. Its purpose is to support the ALNCo to carry out the responsibilities of planning process, coordination, and implementation of extra learning opportunities (ERW, 2021). However, it is possible many practitioners will feel the training is aimed at purely the ALNCo and will not be shared with other staff members. In a research paper by SSCE Cymru (2018), an area for consideration was to ensure appropriate training is in place for all relevant practitioners. Even with the workforce development programme being provided to enhance or upskill practitioners (Welsh Government,

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2019) many practitioners may find additional changes complicated if the training is not given to them directly or correctly, which could be a risk factor. In addition, many SEN/ALN practitioners in schools are already feeling the pressure of keeping up to date with paperwork, and having to commit to three years of training will feel like added pressure. However, once the ALN transformation is complete practitioners may find the new code and framework simpler and easier to maintain as is expected by the Welsh Government (2018c).

According to Welsh Government (2018a), the Act will consist of three areas of practitioner development in its workforce development programme. The first stage of training will be core development that focuses on person centred practice, which is supported by the use of one page profiles as well as Individual Development Plans (IDPs) (Dauncey, 2018). Currently in Wales, Individual Educational Plans (IEPs) and statements are used to support children with ALN. An Individual Education Plan (IEP) is the document created to aid teachers when planning for children with ALN. It should include learning strategies and be used to set goals for children. The Individual Education Plan is based on a child's profile, documents, assessments, skills, and, if applicable, a statement of SEN. It should make it easier for a child to access and participate in the curriculum. According to the National Autistic Society (2020) the format and need for use of an Individual Education Plan in both Wales and England are similar if not identical. For example, they are used in both countries to support children in a classroom that may be struggling and enables teachers to create plans for children and be able to review the progress and make changes as and when required.

However, the Act states that Individual Development Plans will replace both IEPs and statements. An important reason for unified Individual Development Plans is that it is a single statutory plan which protects the rights and provision regardless of the complexity of needs each child or young person has (Welsh Government, 2018) which The White Paper 2014 says is unlike the current system. All children and young people with ALN and those that have existing statements will have an Individual Development Plan; this will be reviewed on an annual basis. The Individual Development Plan will be central in the way children are assessed and how their needs are met (Snap Cymru, 2019).

Also, within the Individual Development Plan, additional learning provision will be detailed throughout. Welsh Government (2018a) suggest the new Individual Development Plan system will be simpler than the current SEN statements as, according to Welsh Government (2020) it will be flexible and will vary in length and complexity depending on the needs of the learners. The Children and Families Act 2014 restructured the SEN system in England, introducing statutory planning known as "Education Health and Care Plans" (EHCPs) for learners with severe and complex needs (Welsh Government 2020). However, in a paper research study by Holtom and Lloyd Jones (2014), it was discovered that almost half of the professionals in the study felt that the Individual Development Plan process was more time consuming with review meetings taking much longer than the current meetings and are also held more often.

Currently under the SEN guidelines, the statutory assessment process and the actual issuing of the statement can take up to 26 weeks. However, under the new ALN Code the timescale expectation is that an Individual Development Plan is created within the school term of the child being recognised as having ALN, with the average school term being 13 weeks (Welsh Government, 2020b). This suggests a possibility of waiting time for an Individual Development Plan being reduced by half. Welsh Government (2018c) explains that the preparation and

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planning of the Individual Development Plan will have a PCP, at the heart of it, meaning the child and their parents or guardians will be actively involved. This could be considered a step forward from the Code of Practice 1994 in where parents and pupils would be informed and consulted at appropriate points of assessments.

One implication for ALNCoS when changing practice from Individual Educational Plans to Individual Development Plans, is that the process will increase their already busy workload (Holton and Lloyd Jones, 2014). According to Welsh Government (2021b), ALNCoS will be required to work strategically with senior leadership teams and governors to ensure the education setting is meeting its responsibilities under the Act (The Code and Equality Act, 2010). This could add to the pressures of the role as it places great responsibility on the ALNCo to ensure all areas are met. In a survey conducted by NASUWT (2018) it was found that 83% of participants for example, teacher who are also ALNCoS/ SENCoS, said that their workload has increased over the last five years due to cuts of specialist provision. Seventy eight percent of the staff in the survey added they had concerns of the added pressure of role as they are expected to arrange multiagency meetings as well as carrying out administrative tasks. In the case of England, 77% of staff said their workload had increased as a result of needing to engage more with parents and multi-agencies since the special educational needs and disabilities reform was introduced (Nasuwt, 2018). They will also have to work with multi-agencies, such as local authorities to develop and review Individual Development Plans (ALN and Education Tribunal Wales Act 2018). This emphasises that the role of the ALNCo will be significantly greater in terms of responsibilities, which may be of a concern to schools where the ALNCo role is undertaken by the Headteacher, or a full-time classroom teacher. Additionally, in a 2018 survey conducted by TES, 16 percent of SENCoS said they work an added 24 hours and more during the week in addition to their normal working hours. It is therefore not surprising that they commented that they did not intend continuing in their role due to the intense workload and lack of funding.

ALNCoS will also have to provide support for additional staff, such as learning support assistants and teaching assistants within settings (Welsh Government, 2021a), by ensuring they have the right skill set such as the understanding of the wide range of additional learning needs (Welsh Government, 2021a). They will be expected to arrange and provide training to support develop their core skills. In turn, support staff will be expected to support their ALNCoS by providing practical and administrative support. ALNCoS will also contribute to training of teachers and provide them with support. However, in a 2018 survey conducted by TES, it was found that 74% of SENCoS said they did not have enough time to support pupils fully due to the additional responsibilities of the role. Edapt (no date) supports this by noting that training for practitioners is usually delivered during twilight sessions and/or inset days.

Nansi Ellis, the Assistant General Secretary of the National Education Union (2019) noted that it is clear from TES' (2018) survey findings that SENCoS workload is becoming unmanageable, and pupils are suffering for it. She suggests that this is because schools are facing the difficult decisions to save money and make cuts in their budgets due to lack of government funding. However, Welsh Government (2021a) states that ALNCoS should be given sufficient time and resources to be able to carry out their responsibilities effectively, with support of a team of five transformation leads. The team can be made up of people from different working backgrounds; for example, two are former Estyn inspectors, one is a former Educational Psychologist, one is a former pupil support manager and the last a former ALN lead. These teams have been put in place to support and provide advice to local authorities, schools and settings in preparation for the implementation of the transformation programme. The five leads will also be responsible for

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implementing training to multiagencies. This will also include the DELCO (designated education clinical lead officer) within the health board to support schools through the transition from SENCo to ALNCo. In theory, this could mean additional support and possibly a reduction in the level of stress. In England, under the Children and Families Act 2014 and The Care Act 2014 for children and young people with SEN or disabilities, local authorities and clinical commissioning groups (CCGs) should develop collaborative commissioning procedures for education and healthcare.

As the new Additional Learning Needs And Education Tribunal (Wales) Act 2018 is in its early stages of implementation, it is perhaps premature to have a solid view of the impact. However, it is clear from pilots of the transformation that there are both advantages and disadvantages. For example, Welsh Government (2018c) state there will be a unified plan, increased participation from children and young people and high aspiration and outcomes for children. Whether this means a higher and more pressurized workload for practitioners and ALNCo (Holton and Lloyd-Jones, 2014) is yet to be fully explored. However, Snap Cymru (2018) explain that Welsh Government emphasizes the support of working with multi agencies and use of evaluation to ensure issues are dealt with effectively. Through researching a number of articles, papers and so forth, it is clear that Welsh Government (2020a) believe that many positive outcomes are expected from the new ACT which far outweighs the current SEN system. With three years to implement the training and transformation before September 2024, it does give schools and settings time to adjust and prepare for the changes and for any issues that are found by the Welsh Government to revisit.

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