

Information on the new Additional Learning Needs and Educational Tribunal (Wales) Act 2018

Introduction

There are currently 105,000 children and young people in Wales with a recognised SEN (Dauncey, 2018). According to Dauncey (2018) the need for new legislation and policies has been long awaited as policy makers within the Welsh Government recognise that current practice is out of date. The new Additional Learning Needs and Educational Tribunal (Wales) Act 2018 along with the Draft Additional Learning Needs Code for Wales 2018 brings about a number of changes to education and learners with ALN along with supporting a more inclusive and equal system for all (Education Wales, 2018).

Three Overarching Objectives and Ten Core Aims

The new legislation is built around 3 overarching objectives which are to create:

1. A unified Legislative Framework for all children and young people from ages 0-25 years who have ALN.
2. An integrated, collaborative process for assessment, planning and monitoring including early and timely intervention.
3. A fair and transparent System for providing children and families with the correct information and advice (Dauncey, 2018).

These objectives are supported by 10 core aims:

1. The introduction of the term Additional Learning Needs.
2. A 0-25 Age Range.
3. A Unified Plan.
4. Increased Collaboration.
5. High Aspirations and Improved Outcomes.
6. A Simpler and less Adversarial System.
7. Avoiding Disagreements and Earlier Disagreement Resolution.
8. Clear and Consistent Rights and Appeals.
9. A Mandatory Code.
10. Increased Participation of Children and Young People (Dauncey, 2016).

A Unified Approach

According to Education Wales (2018) the new legislation is more inclusive and provides all learners with equal opportunities. This is due to a new 0-25 age range for all learners with ALN as opposed to previous legislation that covered children up to the age of 16 and then young people from ages 16 to 25 separately.

The use of a graduated support system within schools and early years settings, individual education plans, statutory assessments and statementing (Welsh Assembly Government, 2004) will all be phased out under the new guidelines.

The implementation of IDP's will replace the previous system with settings taking most of the responsibility for writing and maintaining learners plans with the local authority assuming responsibility for those with more complex and severe needs (Dauncey, 2016). IDP's should be reviewed annually as a bare minimum (Welsh Government(a), 2018) whereas the previous SEN provisions were set to be reviewed 3 times a year (WAG, 2004). However, Welsh Government (a) (2018) also states that IDPs should be under continuous review to allow for the best provision and outcomes.

All practitioners have a duty to identify and assist learners with ALN under the guidance of the ALNCo (Education Wales, 2018).

Special Educational Needs to Additional Learning Needs

With the new legislation the term Special educational needs (SEN) will no longer be used but replaced with Additional Learning Needs (ALN). ALN is already widely used in Wales however will now have legal recognition (Dauncey, 2016).

In addition to this, schools and maintained early years settings will now have to appoint an Additional Learning Needs Coordinator (ALNCo). The ALNCo is responsible for coordinating provision for all learners with ALN and should have relevant training and experience for the post (Education Wales, 2018).

The ALNCo will oversee learners Individual Development Plans (IDP's) however all practitioners share the responsibility of meeting learners needs (Education Wales, 2018).

Timeframe for Implementation of IDP's

According to Snap Cymru (2018) Welsh Government plan for a phased implementation of IDP's with children and young people already with SEN statements taking priority. Following those learners, priority is given to the earliest of learners, pre compulsory school age to ensure effective early intervention.

The proposed timeframe begins September 2020 with the transition to be completed by August 2023. Practitioners have a duty to complete all IDP's within this timeframe however IDPs for children under the age of five need to be in place within the first two years (Welsh Government (a), 2018).

Once an IDP is in place, the previous SEN IEP or statement will cease (Welsh Government (a), 2018).

Other Considerations for Early Years Practitioners

Although the new ALN system will be going live from September 2020, practitioners need to be aware that the current SEN Code of Practice is still in force and so should still be adhered to where appropriate (Education Wales, 2018).

The new Act also calls for a mandatory ALN Code for Wales for all to follow including non maintained settings. According to Dauncey (2016) the current SEN Code was a practical guide offering advice and merely stated that it was up to individual agencies to decide how they would fulfil their statutory duties. The new code, however, proposes to enforce a number of mandatory requirements.

Another aspect of the new legislation is to promote collaboration between a number of health services, social services as well as educational settings. It has therefore been decided that IDPs that include Additional Learning Provision (ALP) will be agreed by the above mentioned professionals, the learners family where appropriate and of course the learner themselves (Welsh Government (b), 2018) thus upholding the learners rights as set out in the United Nations Convention on the Rights of the Child (1989) Article 12 and the United Nations Convention on the Rights of Persons with Disabilities (2006) Article 7.

Further Reading

Dauncey, M. (2016) *Research Briefing: Additional Learning Needs (ALN) in Wales*. Cardiff: The National Assembly For Wales.

Education Wales. (2018) *Draft Additional Learning Needs Code for Wales*. Cardiff: Welsh Government.

Welsh Government. (2018) *Implementing the Additional Learning Needs and Education Tribunal (Wales) Act 2018*. Cardiff: Welsh Government.

Welsh Government Information Fact sheets available at: <https://gov.wales/additional-learning-needs-and-education-tribunal-wales-act>

