

Impending changes to the Special Educational Needs (SEN) Legislation in Wales.

Introduction The legislation for children with Special Educational Needs (SEN) is set to change in Wales (Snap Cymru, no date). The legislative framework of the new system has been developed by the Additional Learning Needs Education Tribunal (Wales) Act 2018 and is set to come into force from September 2021 and will continue on a three-year phased basis (Welsh Government, 2020b). Furthermore, Education Wales (2020) explains that the current system is based on a model that is over 30 years old and needs to be updated. The Welsh Parliament (2021) agrees with this, stating that the old system is no longer fit for purpose. In addition to this, the new ALN legislation will change experiences and outcomes, enabling children and young people from 0-25 to overcome barriers (Welsh Government, 2020a). Furthermore, the legislation also ensures that children are at the centre of all decision making involving them supporting the UN Convention on the rights of the child (UNCRC) Article 12 which states that every child has the right to express their feelings and views affecting them (Unicef, 2017a).

Individual Development Plan (IDP)

According to Snap Cymru (2014), an Individual Development Plan (IDP) is central to change within the new ALN Legislation. It follows that IDPs are set to replace existing plans such as statements, Individual education plans (IEPs) and Individual behaviour plans (IBPs) (Welsh Government, 2015; Snap Cymru, 2019). According to Cerebra (2018b) and Welsh Government (2020b), IDPs will continue up to the age of 25, if a young person continues to further their education unlike statements and IEPs for post-16 learners. Furthermore, although Estyn (2018) describes IDPs to be a simpler and less adversarial system, some implications on IDPs have been identified. Firstly, The National Assembly for Wales (2017) have estimated that the creation of IDPs will increase the number of children and young people with a statutory plan by 94,000. Secondly, the Additional Learning Needs Coordinator (ALNCO) will be responsible of completing IDPs which has raised concerns in regard to their workload (Emanuel, 2015; Dauncey, 2016).

Increased collaboration

The Welsh Government (2018d) claims that the new system encourages improved collaboration and information sharing between practitioners, parents/carers and other professionals involved with the child or young person. It follows that increased collaboration is at the heart of the new legislation as it includes individuals who will play an important role in ensuring the delivery of effective child-centred support for all children and young people with ALN (Welsh Government (2021d). However, Gov Wales (2019) point out how increased collaboration sounds good in theory but to implement it into practice is very different, leading to increased responsibility for school practitioners. Firstly, Stroud (no date) points out how initial teacher training will need to be undertaken in terms of supporting increased collaboration between agencies. Secondly, Huws (2019) expresses their concerns regarding how collaboration will take place between agencies involved as it is currently difficult for the ALNCO to get health professionals to attend statement reviews.

A bilingual system

According to Davies and Jones (2021) and the Welsh Government (2018d) creating a bilingual system in Wales is a priority aim within the new ALN legislation. The Welsh Government (2018c) explains, if a child or young person requires additional learning provision through the medium of Welsh then this needs to be recorded within their IDP and all reasonable steps must be taken to secure the provision in Welsh. However, the IWA (2013) identified that the number of school staff who cannot speak Welsh has gone up and is continuing to rise. This is supported by the Welsh Government (2017) claiming that the lack of Welsh language within schools is an ongoing issue and requires attention. Furthermore, this issue was also identified by Dauncey (2016) and Davies and Jones (2021) stating that staff training on the Welsh language would be required, leading to increased pressure on the specialist workforce development. Moreover, Aspinall (2016) and Barry (2017) claim that the Welsh language is hard to learn, and it takes approximately 1,040 hours to learn. However, most Welsh courses offered to practitioners are only one day long.

School/Early Years
Action

School/Early Years
Action Plus

Statements of Special
Educational Needs

Individual Education
Plans

Individual
Development
Plans

Cerebra (2018b)

Conclusion Although there is a need for change within the SEN/ALN legislation, several implications were identified that could have a potential impact upon early years practitioners. Firstly, it was identified that the workload of practitioners has increased which can potentially lead to stress and poor mental health (Pettit, 2021). Secondly, collaboration leads to increased responsibility for school staff as Huws (2019) explains how it is already difficult to get health professionals to attend statement reviews. Finally, the Welsh Government (2020c) point out how children with ALN can require provision through the medium of Welsh. However, Aspinall (2016) points out how Welsh is a hard language to acquire, and efficient training and time is needed to complete the training to enable practitioners to comply with any Welsh language obligations.

Additional resources available at: <https://www.snapcymru.org/wp-content/uploads/2014/09/IDP-Booklet.pdf>
<https://senedd.wales/media/nvuoqygy/sub-ld14172-r-e.pdf>