

New ALN legislation in Wales and the implications of these changes for early years practitioners.

Introduction

Additional Learning Needs (ALN) formally known as Special Educational Needs (SEN) has recently been transformed in Wales, with the intention to 'transform expectations, experiences and outcomes' for children with ALN (WG, 2018a). In addition to the change of legal definition of SEN to ALN changes have been made to provision, Special Educational Provision (SEP) has been replaced by Additional Learning Provision (ALP) (Dewis Cymru, 2020). However, both terminologies refer to children with significant needs that require support as they find it harder to learn (Dewis, 2020; WG, 2018a). According to Lifelong Learning Minister Alun Davies when speaking in 2016 to BBC News (BBC News, 2016) he stated the current system was 'no longer fit for purpose' and there was a need for new legislation in Wales for children with ALN and their access to education. Additionally, the current model was over 30 years old and identified as being 'complex, bewildering and adversarial' (Dauncey 2016; WG, 2014). Furthermore, a series of reviews of SEN also concluded the current system was complex and insufficiently child-centred (WG, 2018a). Suggesting that a change was needed to ensure the system was relevant, fit for purpose, accessible and sufficiently child centred to meet the needs of children with ALN. The rationale behind the proposals for legislative change are set out in The White Paper (2014) outlining changes to policy and primary legislation to effectively reform the current framework. One core aim being - supporting ALN children in Wales to 'reach their full potential'.

The Additional Learning Needs and Educational Tribunal (Wales) Bill (ALNET Bill) was introduced in 2016 and supported by regulations and the Draft Additional Learning Needs (ALN) code (2018) then approved by Senedd Cymru in 2021 The Additional Learning Needs Code for Wales 2021. These offer secondary legislative details and statutory guidance for professionals to work within the new law (WG, 2021; WG, 2018; WG, 2017b). The Bill had 10 aims originally, however the Additional learning needs and educational tribunal (Wales) Act (2018) (ALNET Act 2018) passed by National Assembly Wales in 2017 has 11 aims, with the addition of aim 11 - a bilingual system. This addition considers the need for ALP to be provided in Welsh and 'all reasonable steps' to document in the Individual Development Plan (IDP) and secure provision in Welsh (WG, 2020). That brings me to the three focus points to be discussed in more detail.

Secondly Aim 3 of the reform - a Unified plan.

Individual development plans (IDPs) replace the existing non-statutory and statutory support plans including statements of SEN, Individual education plans (IEPs), school action and school action plus plans for learners (WG, 2020a). Essentially creating one unified plan for ALN children across Wales. All children with ALN are entitled to an IDP and the IDP offers provision that is consistent protecting the rights of children regardless of their needs (complexity or severity) (WG, 2018). The implementation timeline gives practitioners an expected timeframe to phase in the new ALN system in September 2021 and for other systems to come to an end by summer 2024 (WG, 2020). Meaning that all children currently on plans other than an IDP will need to be converted to IDPs by practitioners, this is explained in the converting plans timetable based on class year and year of implementation (WG, 2018a). In addition to converting plans children newly identified with ALN prompts a practitioner to prepare (referring to the process of creating IDP) within 35 days as stated in the Draft ALN Code (WG, 2018). Thus, increasing the workload for practitioners as in addition to converting existing plans within a timeframe they have a specific timeframe to prepare new IDPs. This can have implications on practitioner's capacity to fulfil all that is required of them with additional timescales, conversions and preparations for the ALN transformation regarding IDPs.

According to Welsh Government's Frequently asked questions document (2020a) the time to prepare an IDP depends on the complexity or severity of children's needs. However, it also states children with less complex or severe need the process 'should be relatively simple'. Suggesting there is no way of determining the length of time needed to complete the IDP process, practitioners are therefore unable to set aside specific hours within their workday for completing of IDPs.

In line with the reform school practitioners are to primarily identify ALN and put an IDP in place (WG, 2020) including what ALN is identified and what support is needed. Practitioners are therefore making decisions that may be beyond their ability for instance children with complex, severe or comorbid needs may need the involvement of specialists to identify specific needs and support (Head of Inclusion, 2018), this may have implications as practitioners may not have capability to determine appropriate needs and support for the completion of an IDP. However, in such cases they can refer to the Local Authority who will then be responsible for making such decisions and according to NDNA (2019) training will begin in 2021, informative sessions from the Local Authority offering support to practitioners regarding the changes. IDPs will set out the support that children need in partnership with children, parents and professionals (Snap Cymru, no date) a new collaborative approach to meeting children's needs.

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Increased collaboration encourages multi-agency partnerships and sharing information to ensure children's needs are identified and the right support is in place. Supporting practitioners in school settings identify need and appropriate support in place for an effective IDP (WG, 2020; WG, 2018). A strong support system with a focus on collaboration ensures all services involved with children have a crucial role in delivering person-centred planning and person-centred practice (PCP) (ESTYN, 2018; WG, 2015a; WG, 2015b). However, this suggests there is a greater focus and importance on practitioners having availability to attend meetings and to be up to date with (PCP). RCT (No date) states collaboration will encourage sharing between agencies to ensure that not only needs are identified but they are identified early, and early interventions put in place. Impacting on practitioners across education, childcare, social services and health services (Pacey, 2021). Therefore, multi-agency working, for early identification has already been established and for many practitioners they will continue to develop and increase collaboration. What has been identified is the need to share appropriate information with all concerned for effective collaboration resulting in effective IDPs. There is also a need for practitioners to follow local policies on sharing of information in regard to IDPs.

Fourthly - the Role of the ALNco

Essentially the ALNco is responsible for pupils with ALN and the day-to-day co-ordination of ALN provision including, but not limited to; promoting inclusion, a source of expertise on ALN, coordinating provision, a key point of contact for services, staff and parents, ensuring IDPs are developed and person-centred and keeping up to date with guidance and support for ALN (Provision Map, 2019; Swansea Council, 2019; Blaenau -Gwent, no date). These allow ALN practitioners provide better support and access for children and families to understand the ALN process, offering an equitable system, that is more flexible and responsive and ensuring a child-centred approach (WG, 2017). The positive impact on delivering these meet the rights of children, Articles 12, 13, 16, 28 and 29 which are the overarching emphasis on legislation. Practitioners that deliver, support and meet these needs and rights are fulfilling their roles effectively. In turn impacting on high aspirations and overall positive outcomes for children with ALN and the attainment of education, proving to be a positive implication of the ALNco role (WG, 2017). Although the role of the ALNco has been welcomed it is stated that greater emphasis in the ALN code would be beneficial. ESTYN states the responsibilities are set out clearly however it is suggested the ALNco role 'is not an attractive one' and that time allocation for the ALNco especially during the transformation period needs to more consideration (WG, 2019). As stated in unified plans timescales and time allocation is something that could impact the ALNco's wellbeing due to the accountability and importance of the role (WG, 2017).

Conclusion.

It is evident there was a substantial need to make changes to Legislation in Wales for children with ALN. The consultation, reviews and research suggest the previous system was not inclusive, purposeful, straightforward, friendly and did not put the individual child at the centre of plans. The reform offers a new inclusive child-centred approach to children with ALN and their access to education. Changes to ALN legislation affects and impacts all practitioners working with children, there are both positive and negative implications. However, the ALN code offers guidance and support to practitioners in addition to new roles set out in the ACT. The transformation has begun and training has rolled out, with the right attitude and commitment practitioners can overcome challenges and struggles to develop new skills and attributes to develop as a practitioner whilst support children with ALN in education.