

Impending changes to SEN/ALN Legislation in Wales

ALN Implementation timeline



What is the new legislation and why is it changing?

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 is set to change the current Special Educational Needs (SEN) legislation within Wales, with an aim to support all individuals from the age of 0-25 years. Welsh Government (2018) and National Assembly for Wales (2018) similarly state that the currently SEN legislation is outdated and no longer fit for purpose. Therefore, the Welsh Government has suggested that this new legislation will be implemented in a phased approach within settings until it becomes fully implemented in 2023 (Welsh Government, 2018). Snap Cymru (2019) notes that in order to ensure consistent and successful implementation of the new legislation, the Welsh Government have stated that they will support settings to prepare for the impending changes and develop closer cross-sector and multiagency working. Contact (2017) and National Deaf Children's Society Cymru (2018) add that settings and practitioners must remain aware that the current SEN systems, such as Education Act 1996 and Learning and Skills Act 2000, will still apply until the new legislation is fully implemented.

Below is a summary of some of the process changes through this new legislation and how they may affect children, families and practitioners.

PROCESS CHANGE



(Source: Cerebra, 2018)

SEN to ALN

The new legislation will set out the definition of Additional Learning Needs (ALN), which will include all individuals who are currently regarded as having Special Educational Needs (SEN), however the term ALN will now be used for individuals up to the age of 25 rather than only up to school age (Snap Cymru, 2019).

Example of the definition of ALN in the new legislation-

- An Individual aged 0-25 years old 'has a learning difficulty/disability if they have a **significantly greater** difficulty in learning than most others of the same age' (Legislation, 2018: 3).

Some implications-

- Its meaning could be interpreted differently, meaning that the true definition of ALN may be unclear (Gernsbacher et al., 2016; Bunning et al., 2017).
- National Assembly for Wales (2015) states that, although the term ALN is said to be more inclusive, many young people felt that the actual provision was more important to focus on than terminology and it would not remove negative labelling.
- Chaney (2012) and Hodgkinson (2016) state that up to date legislation in different countries such as England still refer to ALN as SEN, even though they have recently had changes to their legislation. Adding that this could create some confusion when this new legislation is fully enforced as, for example, documentation and books in most of the UK will still refer to ALN as SEN. However, Robertson (2018) compares ALN legislation in different countries such as the Netherlands, Denmark, Spain, Ireland and the rest of the UK, stating that despite some differences within each country, there are common elements in terms of the meaning of ALN and SEN.

SENCos to ALNcos

According to the Additional Learning Needs and Education Tribunal (Wales) Act 2018, responsibilities within the new role will be developing and reviewing IDPs. Provision Map (2019) and Blaenau Gwent County Borough Council (no date) state that as an Additional Learning Needs Coordinator (ALNCo), they should become experts on Additional Learning Needs. However, Mackenzie (2012) states that within practice, the extent to which ALNcos are formally recognised as leaders varies widely, adding that funding for training may be a barrier to supporting ALNcos to become experts within the field of ALN.

Some implications-

- Heavier workload on ALNcos, meaning that there is added pressure to complete the appropriate paperwork (Curran et al., 2018).
- Surveys looking at the new roles of Special Educational Needs Coordinators (SENCos) and ALNcos across the UK concluded that they are now under immense pressure with increasing demands from the Government (The National Association of Schoolmasters Union of Women Teachers, 2019).

Winwood (2012) states that these implications raise some concern about staff health and wellbeing, as heavier workloads can lead to stress and added pressure. Welsh Government (2015) states that within the draft Additional Learning Needs Code, it sets out that ALNcos should have sufficient time to undertake responsibilities effectively. However, as many ALNcos also have allocated teaching time, this can make it difficult for them to manage their workload effectively (Hirch, 2014).

Individual Development Plan (IDP)

IDPs are said to be much simpler and a more responsive system in meeting the Additional Learning Needs of all individuals (Snap Cymru, 2014). Tickle (2017) and Estyn (2018) add that previous methods such as statements were too costly and time consuming. However, Holtom and Lloyd-Jones (2014) argue that many ALNcos currently piloting IDPs comment that they are still time consuming, like previous methods.

Some implications-

- Settings and Local Authorities might produce different formats of IDPs- may be inconsistent (Cerebra, 2017).
- There is currently no template to support settings, therefore, they may have to develop their own, meaning that the setting has extra work to undertake (Children in Wales, no date). However, Welsh Government (2018) states that the draft Bill refers to proposed regulations to make IDPs transferrable.

Wider implications-

- Parents/carers confidence in the process- concern regarding the legal status of IDPs and whether they will lose the legal protection that they feel that statements provide (Holtom and Lloyd-Jones, 2014). However, due to the phased approach of this legislation, Contact (2017) notes that statements have not yet fully been replaced and parents/carers should receive the appropriate information to support the transition.

Conclusion

Within this new legislation, some advancements are evident in terms of embedding ALN in the education system. However, some issues can be identified including unclear definitions of ALN, increased workloads for schools and ALNcos, no clear templates and structure to IDPs, and wider concerns of the implications of these changes for parents and carers (National Assembly for Wales, 2018). Chancey (2012) states that these issues could be addressed through regular reviews of the curriculum and further scheduled reform of policy and practice, meaning that the full impact of this legislation is, as yet, unknown. Despite this, the Welsh Government (2018) states that the new Act will change the current separate systems for SEN in schools and in further education settings, to create a more unified system. Local authorities that operate the pilots will continue to implement and embed, on a non-statutory basis, key aspects of the reform, including the use of IDPs.

Further information

Additional Learning Needs and Education Tribunal (Wales) Act 2018. Available at: http://www.legislation.gov.uk/anaw/2018/2/pdfs/anaw_20180002_en.pdf (Accessed: 4th June 2019).

National Assembly for Wales. (2017) Research Briefing Additional Learning Needs and Education Tribunal (Wales) Bill. Available at: <https://www.assembly.wales/Research%20Documents/17-005/17-005-Web-English.pdf> [Accessed: 6th June 2019].

Welsh Government. (2019) 'The Additional Learning Needs (ALN) Transformation Programme: Frequently Asked Questions (FAQs)' <https://gweiddill.gov.wales/docs/dcels/publications/180124-aln-qa-en.pdf> [Accessed: 5th June 2019].

