

Impending Changes to SEN/ALN Legislation in Wales

Introducing New Legislation:

The Additional Learning Needs and Educational Tribunal (Wales) Act 2018, is set to adjust the current Special Educational Needs (SEN) legislation within Wales, outlined to support all individuals from 0-25 years of age. National Deaf Children's Society Cymru (2019) highlight, the Welsh Government are replacing the term 'Special Educational Needs' (SEN) to 'Additional Learning Needs' (ALN). However, the defining of ALN will remain very similar, to cover individuals that have a greater difficulty in learning than most other children and those with a disability, that prevents or hinders them from making use of educational facilities generally provided (Snap Cymru, 2021). In support of this, Welsh Government (2018) confirms, despite new similarities, the current SEN legislation is out of date and no longer fit for purpose. In addition to this Estyn (2018) emphasize, settings and practitioners must continue to be aware that existing SEN procedures and legislation, such as the Disability Discrimination Act 1995 and Education Act 1996, will remain in support of the new legislation being implemented.

Provision Map (2019) confirm, the long-awaited Additional Learning Needs and Education Tribunal (Wales) Bill, was passed by the National Assembly for Wales on 12th December 2017 and after receiving royal assent became an act on 24th January 2018. Implementation of the new system should commence in September 2020 with completion expected by the end of 2023. However, there are notable implications for practitioners, based on the implementation of the new legislation.

SEN to ALN:

According to Democracy Newport (2018) the meaning of ALN could be misunderstood, suggesting that the definition of ALN could become unclear. In addition, Legislation throughout different countries, such as England still refer to ALN as SEN, despite recent changes to their legislation, suggesting the new reform throughout Wales could mirror this, creating confusion as the new legislation comes into force, as for example, documentations and books in most of the UK will still refer to ALN as SEN (Black, 2019). However, comparisons of ALN legislation in various countries including Netherlands, Denmark, Spain, Ireland and the rest of the UK, identify that despite some differences within each country, there are common elements in terms of the meaning of ALN and SEN (Riddell, 2013).

Additional Information:

https://gov.wales/sites/default/files/publications/2019-02/aln-frequently-asked-questions-2_0.pdf

Conclusion: In conclusion, opportunities for increased training and support, with the acceptance of a combined system, are evident to benefit staff and children throughout implementing the new reform. Nevertheless, there are identified issues including unclear definitions of ALN, unclear structure and templates to the IDP's, increased workloads for schools and ALNco's, as well as broader fears on the upcoming changes for parents and carers. Additionally, increased pressure, miscommunications and confusions in the way the new legislation will be put into effect have arisen particularly for practitioners, which will eventually affect children with ALN. Evidenced issues will need to be resolved ahead of implementation in 2021, with schools in partnership with parents at the heart of the implementation process if the reform is to be of success.

(Source: Narberth CP School, No Date)



Independent Development Plan (IDP):

Snap Cymru (2019) highlight, Independent Development Plans (IDP's) will replace the existing statementing of special educational needs. According to Patel (2018), IDP's introduce a new, simpler, responsive method of meeting the additional learning needs of children and young people. Special Educational Needs Tribunal for Wales (2019) claim, previous strategies such as statements have been recorded as costly and largely time consuming which can be stressful for parties involved. Notably, several ALNco's currently conducting IDP's within practice, suggest they remain time consuming such as previous methods (Holtom and Lloyd-Jones, 2014). Furthermore, the lack of a national template for IDP's suggests each school and local authority could format different looking IDP's, creating inconsistency (Cerebra, 2017). Additionally, as there is no current standard template, settings may have to create their own resulting in extra workload being undertaken (Education Wales, 2020). Welsh Government (2018) clarify, the preparation and development of IDP's will require additional time and effort, depending on the nature and extent of the child or young person's ALN. Therefore, the ALN transformation programme is inclusive of proposed regulations making IDP's transferable for settings throughout the finalisation of the reform (Welsh Government, 2019).

SENco to ALNco:

The additional learning needs and educational tribunal (Wales) act (2018) highlights, responsibilities within the new role as an ALNco will increase to include the development and reviewing of individual development plans, known as IDP's. Provision Map (2019) claims, individuals leading the role as an ALNco should become experts on all additional learning needs. However, throughout practice, a lack of funding for training has been acknowledged as a barrier to supporting ALNco's to become experts within the field of ALN (Coughlan, 2017). National Education Union (2019) assert, many teachers report significant challenges in accessing high quality, effective ALN related training, with some teachers having to study for ALNco qualifications during their own free time over weekends and during school holidays, due to workload and time barriers. HCB Group (2021) maintain, there will be a heavier workload placed upon ALNco's as they are expected to not only identify and assess whether an individual meets the relevant legal test to determine if they have and ALN, but also co-ordinate the additional learning provision necessary to meet the child or young person's individual needs.