

The Special Educational Needs System is changing

The Welsh Government is changing the way that children and young people with special educational needs (SEN) will be supported. The new system defines SEN as Additional Learning Needs (ALN). The law is changing for several reasons, but the main one is to make the process simpler and more transparent for all involved.

The new law for supporting children and young people with ALN will bring about several main changes including:

- bringing together all current systems into a new, single system for ALN;
- being learner-centred;
- providing learners with the same rights and entitlements whatever their age or setting;
- improving transition between settings;
- providing Welsh language provision where needed; and
- being a fair and transparent system for all.

These changes mean that children and parent(s)/ carer(s) and young people will:

- access the support they need earlier;
- be more involved in making decisions about the support they need;
- be able to find information more easily; and
- be supported if they disagree with decisions.

Children and young people who have ALN may get this support for longer. The new system does not give all young people with ALN an automatic right to continuous education up until the age of 25, but some young people may be able to get this support until the age of 25 if they have a reasonable need for education and/ or training.

How will this happen?

There will be a phased approach to these changes over **three years**.

This means there will be two systems operating from **Sept 2021-2024**, the new ALN system and the current SEN system. *(Children and young people who currently have special educational provision through a Statement of SEN and those who are in any form of post-16 education, will not be included in the first year of the phased approach. Guidance for parents and carers about the approach for these children and young people will be provided as soon as it is available. More detail on how the*

system will work for supporting young people in post 16 education will also be provided).

For three years each local authority, Early Years setting (EY), school and Further Education (FE) setting (eg Post-16 College) will work hard with children and their families, young people and other professionals to ensure everyone understands these changes.

Families will have access to impartial information advice and support. This is statutory, which means it must be provided by law.

Every local authority in Wales must have arrangements for providing children and their families and young people with impartial information, advice and support. In this local authority [SNAP Cymru](#) provides this service.

What is provided is shaped by the [ALN Act \(Wales\) 2018](#) and the new [ALN Code 2021](#).

You can find out more about the ALN transformation programme and guidance on the current SEN system including a [frequently asked questions](#) and [ALN transformation programme guide](#).

What happens now?

Children and young people with SEN or learning difficulties/disabilities might have:

- an individual education plan (IEP);
- a statement; or
- a learning and skills plan.

What will change?

Many of these children and young people will continue to have their needs met through high quality and routine classroom practice. There will be a few children and young people who have a learning difficulty or disability that calls for additional learning provision (ALP). This is provision that is additional to or different from that made generally available for others of the same age. These children and young people will have an individual development plan (IDP).

What is an individual development plan?

An individual development plan is created through collaboration with the child and parent/ carer or young person in partnership with wider agencies that may be involved such as health and social care professionals.

The individual development plan will say what the child or young person needs to be able to learn, setting out:

- what's important to and for them;
- a description of their learning needs; and
- what will be done so they are properly supported in school or college and the additional learning provision (ALP) required to meet their additional learning needs.

This plan will be reviewed every twelve months or sooner if necessary.

An IDP can be created and overseen (maintained) by schools, colleges or the local authority. Regardless of who maintains the IDP, it is still a legal document so the provision written into it must be carried out by law. Over the next three years, individual development plans (IDPs) will replace all the plans we have now including:

- Statements of special educational needs (SEN);
- individual education plans (IEPs) for learners currently supported through Early Years Action/School Action or Early Years Action Plus/School Action Plus; and
- learning and skills plans (for learners over 16 attending college).

The new 'Decision Making Duty' on the school

When a school is made aware that a child or young person at the school may have ALN, **it must decide whether that child or young person does have ALN unless:**

- an IDP is already in place;
- a decision has already been made that the child or young person does have ALN and their needs have not changed; or
- in the case of a young person, they do not consent to the decision being made.

Reconsideration of decisions

A child, their parent(s)/carer(s), or a young person can ask the local authority to reconsider the decision of the school regarding the child/ young person's ALN.

The local authority must then decide whether the child or young person has ALN or not. When this happens, the local authority must inform the school of the request and ask for further information from them. The local authority may or may not uphold the

school's decision. In the event that the local authority does not uphold the school's decision, it may direct the school to write an IDP.

If a child or parent/ carer, or young person is unhappy with the IDP, they can request the local authority to reconsider the plan. The local authority may revise the plan, tell the school to revise the plan or confirm the plan is appropriate.

Where the plan is maintained by the school, a child, their parent(s)/ carer(s) young person or school can also request that a local authority take over responsibility for maintaining the plan from the school.

The local authority must decide whether to take over the plan (unless it has previously made a decision and the child or young person's needs have not changed significantly and there is no new information to affect the decision). Where the local authority decides that it will not take over the plan, the child and parent(s)/ carer(s) or young person must be informed of this in writing.

What if there is disagreement?

Children and parent(s)/ carer(s) or young people will be involved in writing their IDP. Working in this way will provide opportunities to discuss concerns and enable issues to be addressed and settled at an early stage.

From time to time, disagreements can arise. The new ALN system and IDP process and the duty on schools and local authorities to consider the views, wishes and feelings of the child, parents or young person is intended to help overcome many disagreements. It is essential that problems are dealt with as quickly as possible and for children, parent(s)/carer(s), and young people to have access to impartial information advice and support.

Where a concern regarding health or social care provision is raised, a child, their parent(s)/ carer(s) or young person will be able to discuss this with the health or social care professional. Where it would be beneficial for the local health board to be involved in avoiding and resolving disagreements within education, the local authority will contact the Designated Clinical Lead Officer (DECLO) for advice.

For children and parent(s)/ carer(s) or young person, there are a number of ways that can help prevent problems or misunderstandings arising as follows:

Talk to the school

Always speak to the school's Additional Learning Needs Co-ordinator (ALNCo) as soon as you have worries or concerns. Share all the information you have about your child with the school and other professionals involved. They will:

- listen and take your problem seriously;

- involve you and your child and consider your views;
- explore all the issues and concerns; and
- gather information and plan a way forward with you.

Named officer within the local authority

If you disagree with a school or local authority decision on anything relating to your child's ALN provision or placement you should contact a named officer in the local authority's ALN teams in the Learner Support Service. They can help you unpick problems, gather further information, provide advice and support and reconsider school decisions. All local authorities have named officers who will provide advice and support and can help by providing some of the following:

- impartial advice on the rights of a child, child's parent or young person needing support;
- support to unpick difficulties and plan a way forward with all other people involved;
- face-to-face meetings to work out what to do next;
- support to attend and contribute to meetings at the school or local authority; and
- ongoing support if problems are difficult to solve.

ALN Independent Information, Advice and Support - SNAP Cymru

You can also contact [SNAP Cymru](#) who provide impartial information, advice and support to help you:

- confidently share your views, make decisions and develop good relationships with professionals;
- provide clear and straightforward information about your options;
- help you make informed decisions; and
- help you understand ALN law, entitlements and processes.

Disagreement Resolution / Mediation

Sometimes it is difficult to reach an agreement. In this area, independent disagreement resolution is provided by SNAP Cymru. The service can help, children, their parent(s)/ carer(s), young people, schools, and the local education authority when there is a dispute about ALN decisions and ALN provision.

An experienced mediator will meet with parent(s)/ carer(s) and school or local education authority staff. The mediator does not take sides but will listen and find out what has been happening. The aim is to find a workable solution that everyone can agree with.

Children and parent(s)/ carer(s) or young people who want to know more about this service can speak to SNAP Cymru on **0808 801 0608** or email:

DRS@snapcymru.org or see [more information on referral and mediation on the website.](#)

Disagreeing with Health provision

For disagreements related to health decisions and provision that have not been resolved through earlier discussions, you may use the "[Putting things Right](#)" process.

Education Tribunal Wales

You have a right to appeal to the Education Tribunal for Wales. The Tribunal is independent and will consider appeals where there is disagreement with the local authority's decisions.

An appeal can be made by a child, their parent(s)/ carer(s) or young person on the following:

- a review of the decision made by a school whether a child/young person has an ALN;
- a decision by a local authority, in the case of a young person, as to whether it is necessary to prepare and maintain an IDP;
- the description of the person's ALN;
- the additional learning provision in an IDP;
- the school named in the plan or if no school is named;
- a decision to revise an IDP;
- a decision not to take over responsibility for an IDP, following a request to do so;
- a decision to cease to maintain an IDP; or
- a refusal to decide a matter.

If you do decide to appeal to the Education Tribunal, you should let the named officer within the local authority know as soon as possible and continue to discuss your concerns. SNAP Cymru can also help you continue to resolve your disagreement.

Contact details

For further information you could get in touch with any of the contacts below:

- The Additional Learning Needs Co-ordinator (ALNCo) at your child's school/setting. Please contact the school's office to find out who the ALNCo is at your child's school.
- SNAP Cymru Independent Information Advice and Support Service
Tel: **0808 801 0608**.
- Local authority Learner Support Service within the Education and Family Support Directorate.
- Special Educational Needs Tribunal for Wales
Telephone: **0300 025 9800** E-mail: **Tribunal.Enquiries@gov.wales**

If you are unhappy with anything, you should make your views known as soon as possible. If you are concerned about the progress your child is making at school or college, you should first talk to the class teacher. This will provide an opportunity for matters to be addressed and resolved promptly and prevent problems from escalating.