

**Cynulliad Cenedlaethol Cymru | National Assembly for Wales**  
**Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and**  
**Education Committee**  
**Bil Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru)|**  
**Additional Learning Needs and Education Tribunal (Wales) Bill**

**ALN 06**

**Ymateb gan: Gyrfa Cymru**  
**Response from: Careers Wales**

In our opinion, the general principles of the Bill are sound. We particularly welcome the extension of the age range to 25 and the introduction of a unified framework which should support assessment and planning. The process for resolving concerns and appeals is also clearer. However, monitoring will be required to ensure that the needs of ALN learners are identified early and the right support put in place for them to reach their potential.

We believe that there is a need for legislation. Our experience to date would suggest that there are many variations in the way that the existing Code of Practice is implemented and there would be a risk of this continuing without appropriate legislation. In addition, the extension of the age range to 25 impacts on a range of agencies and without legislation there is a clear danger that post-school activities / support would not be undertaken consistently.

It is also worth mentioning that due to budget restraints, all organisations, including local authorities; appear to be focusing on statutory requirements so the legislation needs to be as detailed as possible to ensure that the requirements are met.

**Any potential barriers to the implementation of the key provisions and whether the Bill takes account of them**

There would appear to be some concern regarding the capacity of all agencies to fully engage in the process. Extending the age range to 25 will impact most notably on FE (and other agencies) so, for example, would FE colleagues have the capacity to attend all relevant ALN learner reviews?

At various conferences and national meetings, concern has also been expressed about the workload for ALNCOs. Currently this varies significantly

depending on the implementation of the Code of Practice, but if the legislation is to be delivered consistently there is real potential for ALNCO workloads to increase, especially with the requirement to maintain IDPs and hold reviews for up to an estimated 23% of the learner population. The status of ALNCOs could also represent a barrier given that not all of them are currently in management positions.

There is a lack of clarity regarding impartial advice and guidance and advocacy for general issues, outside of the appeals process. It would help to strengthen the Bill in this respect.

The transfer of funding from Welsh Government to local authorities for specialist FE provision is potentially a barrier. Currently it is unclear how this will be implemented and therefore what impact this will have on options for young people requiring specialist provision.

There is a lack of statutory requirement in relation to agencies such as health and social services within the process, and the geographical and age related variations in service levels. In addition, access to some therapeutic services is variable, usually based on differing staffing levels.

### **Whether there are any unintended consequences arising from the Bill**

The Bill only applies to young people entering FE thereby excluding a group of vulnerable learners with IDPs who may seek to enter work based learning. There is no requirement for work based learning providers to maintain the IDP, nor any requirement for provision to be monitored. We believe that this could potentially put this group of learners at a disadvantage in terms of ensuring they receive the appropriate level of support.

Given the large numbers of young people included under the Bill there is the potential for ALNCOs/FE staff to “raise the bar” in terms of identifying who needs an IDP, which could lead to further inconsistency.

### **The financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum**

The delay in implementing the new legislation means that costs could actually be higher than those identified in the Explanatory Memorandum. It is also worth noting that preparation for the introduction of the Bill, which in the first instance comes through the innovation fund, comes at a cost of at least £2.1 million.

**The appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)**

This is not an area of expertise for Careers Wales and therefore we have no comments to make on this aspect of the Bill.

**Whether the Welsh Government's three overarching objectives (listed at para 3.3 of the Explanatory Memorandum) are the right objectives and if the Bill is sufficient to meet these**

In principle we would agree with the three objectives listed in para 3.3. As stated previously, we agree with the extension of the age range to 25 and the unified process this should establish, and the aspiration for integrated assessment and planning, and a fairer system for providing information and resolving concerns are welcomed.

We would however, suggest that 3.3.a should be expanded to include 'young people aged 0–25 with ALN in schools and further education *and those in Welsh Government funded work based learning*'.

It is perhaps debatable as to whether 3.3b can be achieved given the lack of statutory responsibility placed on health in particular within the Bill, and the variation in level of service for some areas of health between children's and adults services (i.e. many services that are available to children or young people in education are not continued into adulthood even if the need still exists).

**Whether the Welsh Government's ten core aims for the Bill (listed at paras 3.5–3.16 of the Explanatory Memorandum) are the right aims to have and if the Bill is sufficient to achieve these**

Again in principle we would agree with the ten core aims which appear to succinctly summarise the aspiration of the new Bill. There are however some very practical issues that will inevitably influence the degree to which the ten core aims are achieved. For example, and as noted earlier, there will need to be formal systems established to ensure that the implementation of the Bill is monitored so that the needs of ALN learners are identified early and the right support put in place to ensure that they reach their potential. This is critical.

Other considerations include the issue of existing Welsh Government funding for specialist provision and how this will be devolved. If the funding is not ring fenced for FE provision there is some concern that this could adversely impact on the available options for young people.

The level of training offered to ALNCOs and FE staff will also impact on the achievement of these core aims.

### **The provisions for collaboration and multi-agency working, and to what extent these are adequate**

We believe that this element of the Bill could be strengthened. For example, Section 49 places a duty on certain public bodies to provide local authorities with 'information or other help', but does not formally require them to assess young people.

Information sharing has been and remains a huge issue and this needs to be properly addressed to facilitate multi-agency working.

The provision in the Bill isn't sufficiently explicit. Health needs to have a co-ordinator, for example, but there is no detail on the expectation of how health services and education establishments will work together.

### **Whether there is enough clarity about the process for developing and maintaining Individual Development Plans (IDPs) and whose responsibility this will be**

This is a strength of the Bill. There is clear guidance for maintained schools, FE and local authorities (although again we would question why IDPs should not be maintained for learners engaged in Welsh Government funded work based learning).

### **Whether the Bill will establish a genuinely age 0–25 system**

Whilst the extension of the age range to 25 is welcomed, we don't believe that the Bill will genuinely establish a 0–25 system since it only applies to FE post-school and not work based learning.

In terms of entry to FE provision post-school, recent discussions with FE colleagues would suggest that there is perhaps a lack of clarity as to whether this will apply to all young people who access FE with an IDP or whether support will depend on the provision they access within the FE institution. Our assumption is that it will apply to all ALN learners with an IDP, but clarity is required.

Inevitably some vulnerable young people drop out and re-enter provision. If responsibility lies with the school or FE institution then which agency picks up the IDP to support the young person to re-engage when they are NEET? Similarly, who provides support to address issues in non-term time of provision?

### **The capacity of the workforce to deliver the new arrangements**

We have already noted the fact that the workload for ALNCOs will increase and that currently not all ALNCOs are in management positions. Similarly, the workload for College staff will also increase and as they do not consistently hold reviews currently for ALN learners capacity will be an issue.

Training will need to be in place for all agencies involved if person centred planning reviews are to be managed effectively.

To expand on our response to the issue of collaboration and multi-agency working, there needs to be more clarity (although this could form part of the Code of Practice) regarding who will be invited to attend reviews and the

level of contribution expected. This would then inform learning and development requirements for other agencies.

As noted earlier there is a lack of clarity regarding advocacy support (outside the appeals process), and also regarding a young person's entitlement to impartial careers advice and guidance. At present the Code of Practice states that Careers Wales have to attend transition reviews, but under the new Bill the role of careers advice and guidance is far less defined and could lead to inconsistent support for ALN learners i.e. our attendance at reviews appears to be at the discretion of ALNCOs. For an organisation like Careers Wales this will make planning and human resource management difficult.

### **The proposed new arrangements for dispute resolution and avoidance**

We welcome the notion of early resolution and the extension of the appeals process to cover FE provision.

### **On behalf of Careers Wales**

*Careers Wales is a wholly owned subsidiary of the Welsh Government. We work to a formal remit letter issued by Welsh Ministers and deliver high quality careers information, advice and guidance services.*

*Our services are available to all, but are promoted to and focussed on those in greatest need of support, including young people with statements of special educational need (SEN) or equivalent. Our work with this client group includes advice and guidance support on a 1:2:1 and group basis, attendance at transition reviews from year 9 onwards, the production of section 140 assessments (Learning and Skills Plans) for those in their final year of compulsory schooling, and the completion of funding applications for those learners who require specialist FE provision.*