

**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 21**

**Ymateb gan: Llywodraethwyr Cymru**

**Response from: Governors Wales**

1.1 Governors Wales promotes the delivery of high quality education in our schools through the delivery of high quality school governance. There are approximately 22,000 school governors in Wales. They give their time, skills and expertise in a voluntary capacity, to help their schools provide children with the best possible education.

Governors Wales recognises that governing bodies are accountable for the strategic direction of their school and for the quality of education provided. Governors Wales' role therefore is to support governors by:

- Encouraging effective and efficient governance of schools;
- Providing advice and guidance to governors and governing bodies;
- Identifying their training needs;
- Promoting their entitlement to training;
- Identifying and disseminating best practice;
- Raising the profile and status;
- Helping governors to focus on the consequences of their work for children;
- Representing the views, concerns and aspirations of governors and governing bodies to policy makers;
- Working with Local Authorities / Regional Consortia on the delivery of high quality support services for governors; and
- Promoting equality of opportunity.

1.2 Governors Wales welcomes the opportunity to comment on the Additional Learning Needs and Education Tribunal (Wales) Bill and offers the following comments:

1.3 Governors Wales welcomes the ALN and Education Tribunal (Wales) Bill which will hopefully ensure a more equitable system for supporting learners from 0–25 age range, and will assist with the smooth transition to further and higher education, as well as improving the planning and delivery of ALN provision.

1.4 We are mindful that the Bill forms part of a whole transformation programme to deliver a fully inclusive education to help and support learners; the three overarching objectives, as described, in section 3.3 of the Explanatory Memorandum seem a sound approach. Likewise, the ten core aims which bring together the existing legislative systems, focusing on consistency and continuity, on face value are supported.

1.5 Whilst the benefits of having one overall framework cannot be denied, there will be practical and financial logistics to overcome.

1.6 We have some concerns about the responsibilities of the governing body as set out in the Bill. Regulation 9 states *“Where it is brought to the attention of, or otherwise appears to, the governing body of a maintained school in Wales that a child or young person who is a registered pupil at the school may have additional learning needs, it must decide whether the child or young person has additional learning needs ...”* and *“If the governing body decides that the child or young person does not have additional learning needs it must notify the child or young person and, in the case of a child, the child’s parent of—*

*(a) the decision, and*

*(b) the reasons for the decision.”*

1.7 Whilst we understand that the functions of the governing body will be undertaken by relevant staff members (e.g., the ALNCo) for the most part, acting in the name of the governing body (reference working draft Additional Learning Needs Code). We stress that the governing body performs a strategic role as set out in regulations and have concerns that the governing body will be expected to assist/make judgements on the additional learning needs of learners in their school, without having the necessary expertise and experience. Further clarity and examples would be helpful on the governing body role in this respect. For information, there are some proposed changes to the role of the governing body and headteacher which highlight the strategic and monitoring role of the governing body within the recently concluded consultation on the reform of School Governance Regulatory Framework:

<https://consultations.gov.wales/consultations/consolidation-and-revision-school-governance-regulatory-framework-wales>

The current role of the governing body is highlighted in [The School Government \(Terms of Reference\) \(Wales\) Regulations 2000](#)

*“(1) The governing body shall exercise their functions with a view to fulfilling a broadly strategic role in the running of the school.*

*(2) The governing body shall establish a strategic framework for the school by —*

*(a) setting aims and objectives for the school;*

*(b) setting policies for the school for achieving the aims and objectives;*

*(c) setting targets for achieving the aims and objectives.*

*(3) The governing body shall monitor and evaluate progress in the school towards achievement of the aims and objectives set and shall regularly review the strategic framework for the school in the light of that progress.*

*(4) In exercising the functions in paragraphs (2) and (3) above, the governing body shall —*

*(a) consider any advice given by the head teacher under regulation 6(2) below, and*

*(b) (subject to any other statutory provision) comply with any trust deed relating to the school.*

*(5) The governing body shall act as “critical friend” to the head teacher, that is to say, they shall support the head teacher in the performance of the functions of the post and give the head teacher constructive criticism where necessary.”*

1.8 The Bill further states at regulation 10 that “*If a governing body decides under section 9 that a child or young person has additional learning needs, it must—*

*(a) prepare an individual development plan for him or her, unless any of the circumstances in subsection (2) apply, and*

*(b) maintain the plan, unless the circumstances in paragraph (b) or (d) of subsection (2) apply.”*

As above, further clarification is needed in relation to the actual role of the headteacher (reference 1.7 above) and relevant staff members at the school, who will be involved in producing the Individual Development Plan.

1.9 Regulation 25(2) of The Bill states that “*Where a child or young person who is a registered pupil at a maintained school in Wales has an individual development plan which is maintained by a local authority, the governing body must take all reasonable steps to help the authority secure the additional learning provision which the child’s or young person’s additional learning needs call for.*”

We feel that there should be a role for the Local Authority here also, working in partnership with the headteacher and relevant staff within the school. This will be crucial.

1.10 Detailed guidance via the Code will be required for sections 1.5–1.8 above.

1.11 The demands of the Bill will however, require significant additional training for all staff required to compose and review Individual Development Plans, as well as for governing bodies. Moreover, there will be a considerable increase in the management and administrative time needed to arrange all the necessary meetings; to attend meetings and then undertake follow-up work arising from decisions taken at such meetings. This may well result in delays in both agreeing and reviewing Individual Development Plans. Workload will inevitably be increased and this is a concern.

1.12 We fully support the aim to simplify the existing system, including the distinction between those requiring a statement and those that do not. Also, it makes sense that schools should be responsible for preparing the more

straightforward Individual Development Plans, with the right to ask the Local Authority to take on that responsibility in more complex cases. The problem is likely to come in deciding and agreeing where that line is. The Code cannot prescribe that in detail, and it will be a matter of reviewing what happens in practice. Our concern is to avoid schools having to take on responsibilities in the more “complex” cases when they lack the necessary expertise, which should potentially reside in the Local Authority.

1.13 We agree that the information set out regarding dispute resolution and avoidance and cannot stress enough the importance of dealing with any concerns/disagreement as speedily as possible. A consistent approach, however, will be needed across Wales.

1.14 We are very much aware of the changes schools face with the emergence of the new curriculum, proposals for school governance, as well as significant financial constraints that both schools and Local Authorities are currently encountering. If the ALN and Education (Wales) Tribunal Bill is to be implemented successfully, there must be assurances that considerable additional resources will be available, particularly for schools throughout Wales, which have a significant proportion of pupils in programmes such as School Action, School Action Plus and Statemented children. Without these additional resources, the schools will not be able to meet the demands placed upon them by the proposed new legislation.

1.15 Resource needs and cost implications will vary between schools and may not be directly related to the total roll of the school. Demand, particularly in smaller schools, may vary year on year. Resources will be needed at school or Local Authority to train (re-train) ALNCos and other members of the workforce. It must also be recognised that, in certain circumstances, the delivery of an appropriate Individual Development Plan to one or more pupils may be beyond the capacity (or resources) of a school to deliver. Local Authorities must have the capacity to respond in this instance.

1.16 High quality training will be equally essential to meet the proposed legislative requirements. Training (and its financing) cannot be limited to training to prepare for change. Across Wales there will be new ALNCos appointed each year and support members of the workforce will also change and need support.

1.17 The process for implementation of the new requirements will need to specify a start date, once the Bill is enacted and a transition period for the changes to become fully embedded, leaving the management of change to school leaders, including governors and Local Authorities to manage.

We hope the above comments are helpful.