

Merthyr Tydfil Principles

Meeting LA Statutory Responsibilities Under the ALN Code

The ALN Code identifies 5 principles that underpin the ALN system these are:

1. **A rights-based approach** where the views, wishes and feelings of the child, child's parent/carer or young person are central to the planning and provision of support; and the child, child's parent/carer or young person is enabled to participate as fully as possible in the decision-making processes and has effective rights to challenge decisions about ALN, ALP and related matters.
2. **Early identification, intervention and prevention** where needs are identified and provision put in place at the earliest opportunity and where possible interventions are put in place to prevent the development or escalation of ALN.
3. **Collaboration and integration** where services work together to ensure ALN is identified early and appropriate co-ordinated support is put in place to enable children and young people to achieve positive expectations, experiences and outcomes.
4. **Inclusive education** where the majority of children and young people with ALN are supported to participate fully in mainstream education and a whole setting approach is taken to meeting the needs of learners with ALN.
5. **A bilingual system** where all reasonable steps are taken to deliver ALP in Welsh for children and young people who require support through the medium of Welsh, with scope for increasing the delivery of ALP in Welsh over time.

This document outlines Merthyr Tydfil's principles and expectations for educating children and young people with Additional Learning Needs (ALN). It has been developed in consultation with Headteachers and its aim is to ensure a shared understanding of how the Local Authority will ensure compliance with its new ALN statutory responsibilities under the ALNET Act 2018 and the requirements of the ALN Code.

The ALN Principles document shares the vision of the Merthyr Tydfil RARS (Raising Achievement Raising Standards) strategy:

‘Success for every child’

‘The opportunity for all children and young people in Merthyr Tydfil to access high quality education so that they develop as ambitious capable learners, enterprising and creative contributors, ethically informed citizens and healthy, confident individuals, ready to lead fulfilling lives’

Principles of Inclusion and Participation

Every school should expect, in exercising its functions under the ALNET Act and adhering to its underlying principle of inclusive education, to take all reasonable steps to secure provision to meet the needs of learners with ALN. The Local Authority recognises that schools in Merthyr Tydfil do everything they can in order to meet the needs of all their pupils.

Inclusive education is about equity for all children whatever their age, gender, ethnicity, attainment, learning difficulty, disability, language and background. It ensures particular attention to the provision made for, and the achievement of individuals and different groups of learners within the school. In fully inclusive schools, all children and young people are engaged and achieving through being present, participating and making progress with their learning. Therefore, inclusive provision and practices are essential in order to achieve equity.

Central to this is participation, listening to children, their parents and young people, and taking their views meaningfully into account. Person centred practice (PCP) is one of the main principles of the ALN Code.

‘The principles underpinning the ALN system aim to support the creation of a fully inclusive education system where all learners are given the opportunity to succeed and have access to an education that meets their needs and enables them to participate in, benefit from, and enjoy learning’. (ALN Code Ch3 (3.1) 2021)

As well as being a moral purpose for schools, inclusive practices are explicitly supported by law and the corresponding duties of the Equality Act Wales (2010) and the Additional Learning needs and Education Tribunal Act (2018) Wales (ALNET).

The Equality Act (2010) mandates schools to make reasonable adjustments and take positive actions for learners with protected characteristics to ensure equal access to education provision.

Additional Learning Needs

Identifying Additional Learning Needs (ALN)

The ALN Code explains that slow progress and low attainment do not necessarily mean that a child or young person has ALN and would not automatically lead to a decision that the learner has ALN. There will always be some learners who have lower levels of attainment and ability and who may progress at a slower but steady rate.

'The first response to inadequate progress would often be teaching targeted specifically at pupils' areas of weakness. All education settings are expected to put in place differentiated teaching or other targeted interventions designed to secure better progress where appropriate, for all pupils. This is a fundamental element of high quality-but-routine teaching'. ALN Code 2021 Ch 20.

Early Identification – Early Years

Some Early Years settings receive enhanced support to facilitate early intervention strategies, as outlined in the Early Years Graduated Response. Any enhanced support provided is carefully monitored by the Early Years & Flying Start Enhanced Support Panel, where multi-agency discussions take place regarding the progress of children.

Where appropriate, on review of the progress, the panel may decide that despite the usual interventions, it appears that a child's difficulties may be sufficiently significant that the ALN notification process should be initiated, following sensitive discussions with parents/carers.

Where it is deemed likely that a child will or may have additional learning needs, they will be brought to the attention of the LA ALN Panel via the Early Years ALN Lead Officer (EYALNLO), Early Years & Flying Start Enhanced Support Panel, Children's Services, a direct referral from a health professional or by a parent.

Identifying whether a child or young person has ALN will need to be based on a wide range of evidence gathered over time.

An Early Years IDP will always be maintained by the LA.

Early Identification – Schools and settings

Where progress is less than expected, inclusive provision, high-quality teaching, including differentiation, and standard, routine interventions or reasonable adjustments may not be sufficient to meet the needs of all learners. Such learners may well be identified as having additional learning needs (ALN) and it will be necessary for the school to take some additional or different action to secure progress.

ALP is defined as learning provision which is *'additional to, or different from, that made generally for others of the same age'*. ALN Code Ch2

For any learner identified as having an ALN, the school will need to create and maintain an Individual Development Plan (IDP) and take all reasonable steps to ensure that the necessary additional learning provision (ALP) to meet the assessed need, is secured.

Individual Development Plan (IDP)

The IDP is the document that contains a description of the ALN that acts as a barrier to the learner in achieving their educational potential and the ALP that is necessary to overcome or mitigate this barrier.

The IDP is created through collaboration with the learner and the learner's parents / carers in conjunction with any other professionals that might have involvement with the learner. The IDP is a working document which is used to inform teaching and learning.

School maintained IDP

It is expected that the majority of children and young people with ALN will have their Individual Development Plan prepared and maintained by their home mainstream school. It is hoped that with high quality, successful and evidence-based school ALP some children and young people will gradually require less rather than more ALP over time, and the child's needs will be fully met or resolved.

LA maintained IDP

In some cases depending on the circumstances, the decision regarding whether a pupil has ALN and for preparing and maintaining an IDP, may be referred to the LA ALN Panel.

Under the ALN Code there are two instances in which a maintained school **is required to refer** a child's case to the LA rather than decide for itself whether the child has ALN:

1. Where the pupil is dual registered (parag 12.37 ALN Code);
2. If the child is looked after (Ch 14 ALN Code)

In these cases, Merthyr Tydfil LA will have the duty to decide and develop the IDP and will maintain the IDP through the delegated resources to the school.

In some circumstances a maintained school can refer a child's case to the LA ALN Panel on particular grounds related to the nature of the child's apparent ALN.

The ALN Code (S12.39) states that:

*'Where a school has decided that a child at the school has ALN, rather than prepare the IDP it may refer the child's case to the responsible LA. But the school **must not** do this unless it considers that the child has ALN:*

- (a) That may call for ALP it would not be **reasonable** for the school to secure,*
- (b) The extent and nature of which it cannot adequately determine, or*
- (c) For which it cannot adequately determine the ALP'*

S12.43 of the ALN Code states:

‘The circumstances of the school (ie. its location, size, budget, experience etc) could affect the school’s view on whether it would be reasonable for it to secure the ALP. For example, any of the following circumstances might affect that view:

- (a) the child has a low incidence or rare condition which requires specialism that the school cannot provide;*
- (b) to meet the child’s needs, the school requires regular advice and support from external agencies which is over and above that which can be reasonably arranged and accessed by the school;*
- (c) the child requires equipment which can only be used by one pupil or cannot be reused or is beyond the reasonable resources of the school.*
- (d) the child requires very intensive daily support which cannot be reasonably funded or secured by the school’s budget.*

The LA ALN Panel will have the responsibility to determine what is **reasonable** when securing ALP. Under S 12.44 of the ALN Code the principles for determining whether a school or LA should secure ALP will relate to:

- (a) The extent and duration of advice from external specialists that is unlikely to be unreasonable for a school to secure;*
- (b) The equipment that is likely to be unreasonable for a school to provide;*
- (c) The intensity and duration of support and scale of internal engagement of staff (including the ALNCo) at the school that is likely to be unreasonable for the school to provide.*

The ALN Panel will apply a test as to what is ‘reasonable’ in their decision making based on the credible evidence presented by the school, guided by common sense, professional expertise and by the collective judgement of a fully represented ALN Panel. Pupil voice and parental views will also be considered. Every LA ALN Panel meeting will require the representation of at least one Headteacher, an Additional Learning Needs Coordinator (ALNCo) from LA schools (on a rolling timetable) and colleagues from Education Psychology Service (EPS), School Wellbeing Team (SWT) and Children’s Services.

Merthyr Tydfil LA will maintain IDPs for those pupils whose severity of need meets the criteria outlined above as determined by the collective decision of the LA ALN Panel.

It is agreed that the severity of the individual pupil’s additional learning need would require additional learning provision which could only be provided with intensive daily adult support for a prolonged duration of time.

Merthyr Tydfil LA will also maintain IDPs for those pupils who access a special school or learning resource base (LRB) placement, for pupils educated other than at school (EOTAS) and for pupils accessing out of county specialist placements.

Merthyr Tydfil LA will apply the requirements outlined in Ch 26 of the ALN Code when taking over the responsibility for IDPs.

The school Additional Learning Needs Coordinator (ALNCo) along with the senior leadership team will have a critical role to play in deciding if techniques and strategies normally employed have in fact been used consistently over time without exception.

Deciding if a child has ALN will be done by gathering evidence over time from a range of sources relating to progress in learning and will be based on both qualitative and quantitative information. It is an agreed expectation that all ALNCoS will be given appropriate management time to undertake their role.

LA duty to review

The ALN Code places a duty upon Merthyr Tydfil LA to review its arrangements for children and young people with ALN, as well as those of Governing Bodies of maintained schools. This includes having regard to the level of ALP in place.

The ALN Code (Ch7 para 7.10) requires each LA to gather evidence upon the extent that the following are available in maintained schools:

- (a) High quality differentiated teaching for individual children and young people.
- (b) Targeted intervention and support for learners with ALN.
- (c) Effective systems for monitoring the progress and achievement of learners with ALN and their inclusion in the everyday life of the school.
- (d) Arrangements for involving specialists in cases where it is appropriate to do so.
- (e) Arrangements for reviewing the effectiveness of interventions used to support children and young people with ALN and the skills and expertise of staff.
- (f) Arrangements for involving children, young people and parents at every stage.

Merthyr Tydfil ALN and Inclusion service in collaboration with School Improvement Officers will work with schools to ensure that they are able to fulfil their statutory obligations in relation to the above expectations.

Specialist Equipment

Under the Equality Act 2010, schools and Local Authorities have a duty to provide reasonable adjustments for learners with disabilities. The majority of specialist equipment will be provided to learners from the school's resources.

Other pieces of equipment may be more specialist and of a significant cost. These pieces of equipment will be bespoke to the individual learner's needs and will have been identified through specialist assessment by a professional such as an Occupational Therapist, Physiotherapist or Specialist Teacher of the Visually or Hearing Impaired. Such specialist equipment will be the responsibility of the LA to order and fund and will be recorded as part of the learner's ALP on their IDP.

Disagreements and Appeals

It is likely that from time to time, there may be disagreements and differences of opinion regarding the requirement for an IDP or the level of support and provision for the learner.

All educational settings should focus on providing children, young people and their parents an opportunity to raise concerns or questions at every stage of the process. In the majority of cases, early intervention and taking a person-centred approach will avoid disagreements and the potential escalation to a more formal disagreement resolution forum.

Merthyr Tydfil LA has 2 Complex Caseworkers who work collaboratively with learners, parents schools and outside agencies, using a person centred approach to seek to achieve the best outcome for learners. The LA also provides training on Dispute Resolution and Mediation training to ALNCos and Headteachers.

A formal disagreement resolution service is available through SNAP Cymru.