

**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 51**

**Ymateb gan: Llamau**

**Response from: Llamau**

### **About Llamau**

Llamau is a specialist in working with vulnerable young people and women and has been doing so for over 30 years. The people we work with are homeless, or at risk of homelessness and have multiple and complex needs including educational & financial deprivation and emotional wellbeing problems. Other challenges they face include substance misuse, learning difficulties, family relationship breakdown, domestic abuse and offending.

Llamau's expertise is engaging with the most vulnerable and hard to reach young people and women and providing high intensity support to enable them to take control of their lives and make positive changes. Learning 4 Life is Llamau's prevocational, informal training programme which seeks to overcome the multiple challenges faced by our service users, as well as build confidence and self-esteem to facilitate progress towards further education and employment.

Llamau's service users are, almost universally, NEET, socially excluded and existing on the peripheries of their communities. A significant percentage are homeless, all are at risk of future homelessness. Many of our service users have left school early (aged 13 or 14) and have few or no qualifications and significant gaps in their education. Sometimes this has arisen from being in care and moving placements repeatedly; sometimes this is due to an undiagnosed learning difficulty; other young people have so many responsibilities at home and personal challenges to overcome that school is simply the least of their worries. All the young people and women that Llamau support are in need of significant support to overcome their personal hurdles and move forward positively, in control of their own lives.

Learning 4 Life is our own prevocational learning programme, designed to work with the most vulnerable individuals, those furthest from the labour market and most in need of support to achieve employment.

We have structured our response with responses to the committee's specific questions.

## **Llamau's response to the Committee's questions**

### *1. Whether the three overarching objectives are the right objectives and if the Bill is sufficient to meet these.*

The three overarching objectives in the Bill are stated in the explanatory memorandum as being:

- The creation of a unified legislative framework to support all children of compulsory school age or below with ALN, and young people with ALN in school or further education
- An integrated, collaborative process of assessment, planning and monitoring which facilitates early, timely and effective interventions and
- A fair and transparent system for providing information and advice, and for resolving concerns and appeals.

We believe that the unified legislative framework proposed in the ALN bill will benefit those young people with ALN who currently experience difficulties between school and post-16 education.

Llamau works with young people who have been in the education system and, for whatever reason, have exited the current statutory systems, to find themselves homeless or at serious risk of homelessness. A good proportion of the young people that we work with have serious support needs that would be covered by the proposed ALN framework. However, we find that by the time a young person comes to Llamau, from the age of 16 onwards, they have many other barriers to learning, such as substance misuse, dealing with living independently, family breakdown, domestic abuse and offending behaviour.

Llamau would argue that the best response at the earliest age is to take a much more holistic approach to additional learning needs and to consider **all** barriers to learning, in order to improve outcomes. This includes social and economic barriers to learning, not just learning difficulties. While this is a more expansive approach to additional learning needs, we believe that a truly preventative approach to homelessness by the Welsh Government involves addressing these issues as early as possible.

*2. Whether the WG's ten core aims for the Bill are the right aims to have and if the bill is sufficient to achieve these:*

- *The Introduction of the term "Additional Learning Needs"*

We agree that the current SEN legislation is outdated and doesn't reflect the experiences of many young people today. The changing of the name of Special Educational Needs to Additional Learning Needs is welcomed by Llamau; however, we note in the legislation that the term, by definition, retains its medicalised and narrow approach to additional learning needs:

*"A person has additional learning needs if he or she has a learning difficulty or disability which calls for additional learning provision."*

As outlined above, we would argue that the aim of the bill should recognise a broader range of ALN and allow for appropriate statutory interventions in the most appropriate settings.

This broader approach would enable earlier intervention to respond to Adverse Childhood Experiences, thereby reducing their impact on the individual later in life.

The young people we work with have often experienced multiple Adverse Childhood Experiences which impact on their lives in different ways. These experiences overlap with each other, are deep rooted, and are increasingly difficult to deal with in later life. For example, we know from our work, that young people in care with ALN have poorer outcomes compared to young people with ALN who are not in care.

This broader approach, which keeps the needs of children and young people with learning difficulties and disabilities at its heart, would go some way to helping the Welsh Government achieve outcomes under the Wellbeing of Future Generations Act.

- *A 0–25 age range and a unified plan*

We welcome the approach to consider a young person's additional learning needs from 0–25, and the introduction of a unified single statutory plan for a young person's educational needs.

We would note anecdotally that many young people who have been in care and are accessing our Learning 4 Life provision or in our accommodation services, are unaware that they have a Personal Education Plan. Therefore, we would urge the committee, when scrutinising the legislation, to be realistic about how these plans are engaged with on a practical level, while reducing the types of statutory plans which are created. This engagement will determine the success of the legislation. It is critical that young people are better engaged in their futures, especially for those who have no family support or encouragement around them.

It is not clear in the explanatory memorandum or the legislation about how post-care planning will interact with this, especially as there is a 9-year period between when children may leave formal care settings (age of 16) and the end of this legislative framework (age of 25). We would also ask at this stage about the relationship between Welsh legislation and legislation of the other UK nations, as there is little information about how the different systems of support will interact and support those young people who move between the nations of the UK.

- *Increased participation of children and young people*

As stated above there are currently issues with engagement. It is not simply enough to create the duty to involve and support children, their parents and guardians, but we need to ensure that both children and parents / guardians know about it and interact with it regularly. We would ask the committee to consider how this element of participation is monitored and reported on (as there isn't currently any provision in the legislation to do so) and also for the committee to consider this as an important part of post-legislative scrutiny.

While it may not be appropriate to build particular methods of or approaches to participation into the body of the legislation, the Code of Guidance must introduce models of best practice for delivering the legislation.

- *to heighten aspirations and improve outcomes*

We have particular concern over the mechanism to heighten aspirations and improve outcomes through the legislation. The legislation does not currently require IDP's to have "tangible outcomes," as stated in the explanatory memorandum, although it does state in Part 2 Chapter 1 (4)(4)(b)(ii) "that the code *may* impose requirements on the preparation, content, form, review and revision of Independent Development Plans"

We would argue that the code *must* impose requirements on the form of the IDPs to ensure that children and young people across Wales are assessed in a uniform manner, to deliver tangible outcomes for them.

- *A simpler and less adversarial system / Avoiding disagreements and earlier disagreement resolution / Clear and Consistent rights of appeal.*

Llamau welcomes the proposals to simplify the system, and to improve the ease of revision of Individual Development Plans as and when needed. We welcome the focus to resolve disagreements earlier and in a more informal manner and also to ensure that young people and children with ALN and their parents / guardians are better informed. Llamau welcomes all of these elements to simplify the process and to make it easier to navigate complex and bureaucratic structures.

Currently, we do not have any views on the Educational Tribunal for Wales and how it should function as part of the ALN system.

- *Improved Collaboration*

We welcome the new approach to collaboration between Education and Health and its statutory footing. We would welcome further development of

this collaborative approach to bring a truly unified system around the needs of a child or a young person to ensure they have support for a much broader approach to “additional learning needs”. This would involve a larger number of public / statutory bodies discussing wider issues earlier on, and resolving issues which would affect educational outcomes and attainment later in childhood.

As far as we can tell, the legislation does not touch on the type of educational provision that is on a non-statutory footing, such as Llamau’s Learning 4 Life. Therefore, it is unclear how post-16 education, vocational and employability training centres, which currently sit outside the SEN framework, would be involved in IDP planning and / or delivery of outcomes. It would be appropriate to build in references to the youth progression framework, as providers of education and training within this framework may be cited within IDPs as an appropriate place to seek support or to provide education.

- *A mandatory code*

We welcome the introduction of the mandatory ALN code and we look forward to its publication. We will comment on it when it is ready for consultation, as this may provide more clarity to some of the issues we have raised in this document.

*3. The provision for collaboration and multi-agency working, and to what extent these are adequate.*

We welcome the proposals to encourage greater collaboration and multi-agency working. However, we would suggest the committee seek detailed comment from those organisations and bodies who will be directly involved with delivering the new system.

We note that there is likely to be an administrative burden on providers to ensure that the development, delivery and review of IDPs. The impact analysis suggests that there will be an unfunded cost of c.£2.3 million, which will have to be funded from existing budgets. Clearly, though, greater

collaboration, earlier in the process will ensure better outcomes for young people, and savings later on for other agencies.

*4. Whether there is enough clarity about the process for developing and maintaining IDPs and whose responsibility this will be.*

We welcome the focus on process, and on ownership of and responsibility for IDPs.

We would welcome more information and clarity within the legislation about the type of information that an IDP will contain, other than what is contained in Chapter 2, Section 8 of the legislation. We expect this to be covered in the code of guidance that is due to be published.

*5. Whether the bill will establish a genuinely age 0–25 system*

As the bill stands, there will be a unified system from 0 to 25 years for young people with ALN, and we welcome this. However we would repeat issues raised previously in the consultation, including the connection to the care system, and post-care support, and how post-16 education and employability training would align with this new system to achieve genuine change for young people with additional learning needs.

*6. The capacity of the workforce to deliver the new arrangements*

We are unable to offer an opinion about the capacity of the workforce to deliver the new arrangements.

*7. The proposed new arrangements for dispute resolution and avoidance*

Again, we have no view on this and we would suggest the committee look at other submissions around dispute resolution and avoidance.

We would like to thank the committee for the opportunity to contribute to the consultation, and we look forward to the publication of the code of guidance for additional learning needs.