

ALN13

Our Ref/Ein Cyf:

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Date/Dyddiad:

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14th September 2007

Daisy Seabourne

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WLGA • CLILC

Eleanor Burnham AM
National Assembly for Wales
Cardiff Bay
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Dear Eleanor,

Additional Learning Needs LCO Committee

I am writing to you in your capacity as the Chair of the Additional Learning Needs LCO Committee. Firstly, I would like to thank you for inviting the WLGA to give evidence to the Committee. The Association is pleased to be involved in the consultation at this very early stage and it is hoped that the consultation will be ongoing throughout this new legislative process. It is particularly important that if the process moves into a discussion regarding measures that this thorough, wide ranging consultation approach is continued.

WLGA officers will be attending the Committee on the 20th of September 2007 and will provide more detailed evidence however I have outlined some initial comments below.

In the explanatory note supporting the LCO letter a number of areas were identified:

- Thresholds for statutory assessment: it has been the position of the Association for a number of years that a high level of statementing can be costly, bureaucratic and inefficient. Ideally the Association would like to reduce statementing to 1% or less of the population specifically for those who:
 - (i) Require a multi disciplinary assessment;
 - (ii) Require an alternative placement to their community school.

This is not to say that other informal assessments should not take place both under the auspices of the CAF and through educational psychologists' regular visits to schools, however these do not need to be multi disciplinary nor use an expensive array of assessment tools.

- Expecting compliance with the code of practice: Whilst it is a

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positive move to expect compliance, rather than simply expect authorities to have regard to it, it is difficult to see how this could be enforced or monitored anymore than is currently the case through Estyn inspections. What would be important is for young people with behavioural difficulties to be always treated under the code of practice both at school action and school action plus stages before recourse to exclusion. Audit and regulation through Estyn may be a better approach.

- Changes to the structure of the statementing system: this would need to reflect the widespread consultation undertaken on the statementing process and the work done by the ELL Committee on alternative statementing.
- Children having rights of appeal to the tribunal: Under the Children Act 2004 and in the spirit of the Children and Young Peoples Plan, the involvement and engagement of young people and their entitlement to have a say in decisions which affect them is crucial. Allied to it must be the need to provide appropriate advocacy services to make the rights to appeal of children more effective and realistic.
- Requiring that dispute resolution processes be concluded before recourse to tribunal: - The Association would broadly agree with a move to ensure this but some form of time limit would have to be put on dispute resolutions so that there is a clear cut off point only after which it would be reasonable to have recourse to a tribunal. Part of the problem at the moment is that the two processes tend to overlap and this can be confusing.
- Creating a legal requirement for local authorities to provide advocacy services: If this proposal is agreed adequate funding to provide such services needs to be made available.
- A general power to confer additional duties on local authorities in respect of SEN: Again it is essential that with any new duties comes the appropriate funding.

Further comment will be made at the evidence session at Committee on 20th September 2007. If a more detailed written response is required please contact Daisy Seabourne at the WLGA.

Yours sincerely,

Cllr John Davies
Spokesperson for Lifelong Learning