

Equality Impact Assessment (EIA)

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| Policy title and purpose (brief outline): | Implementing the Additional Learning Needs and Education Tribunal (Wales) Act 2018 A guide to the timeframes for implementing individual development plans for children of compulsory school age and under |
| Department: | Education and Public Services Group |
| Date: | July 2018 |
| Name of Branch: | Support for Learners Division |

PART 1

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

The guide is the first in a series of guides which set out how specific aspects of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 will be implemented.

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 ('the Act') will create a new statutory framework for children and young people aged 0 to 25 with Additional Learning Needs (ALN). This new framework will replace the existing statutory special educational needs (SEN) framework and the assessment and planning for young people with learning difficulties and/or disabilities (LDD) in post-16 education and training.

The objectives are to achieve:

- A unified legislative framework to support children of compulsory school age or below with ALN, and young people with ALN up to the age of 25 who are in school or pursuing further education (FE);
- An integrated, collaborative process of assessment and planning, which facilitates early, timely and effective interventions; and
- A fair and transparent system for providing information and advice, and resolving concerns and appeals.

In order to achieve these three overarching objectives, the Welsh Government has established eleven core aims within which the Act's provisions have been developed.

These aims are as follows:

- The introduction of the term ALN
- A 0 to 25 age range
- A unified plan
- Increased participation of children and young people
- High aspirations and improved outcomes
- A simpler and less adversarial system
- Increased collaboration
- Avoiding disagreements and earlier disagreement resolution
- Clear and consistent rights of appeal
- A mandatory Code
- A bilingual system.

The implementation guide sets out how the unified plans – individual development plans (IDPs) – will generally be implemented for children of compulsory school age and below. The guide does not address arrangements for IDPs for young people over compulsory school age or the arrangement for exceptions to how IDPs will generally be implemented. These arrangements will be set out in guides which will be published separately.

The Welsh Government intends to adopt a phased approach to implement the new statutory framework, which will run alongside delivery of the wider ALN Transformation Programme, in order for institutions and practitioners to understand the new system and effectively manage and transfer learners from the existing to the new system.

A full public consultation on the options for implementing the new system took place between February and June 2017. A summary of responses was published in December 2017.

The phased approach has been informed by the views of stakeholders responding to the public consultation on how the Act should be implemented. The consultation found strong support for mandating a phased approach to implementing the ALN system. Most stakeholders agreed that national timeframes for transferring specific cohorts of children and young people to the new system would be the most manageable and consistent approach.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

There has been continued engagement with all key stakeholders, including children, parents/carers, young people, delivery partners, practitioners and the third sector in the development of the policies underlying the Act.

In June 2012, the Welsh Government consulted publicly on a broad vision of a reformed system in our document *Forward in Partnership for Children and Young People with Additional Needs*. A summary of responses to the consultation was published in 2013¹.

The Welsh Government also held a series of workshops in autumn 2013 and has continued to exchange ideas with a range of external stakeholders and professional groups, in order to identify practicable and realistic ways in which effective and lasting reform can be taken forward².

Building on the outcome of this consultation, the Welsh Government issued a White Paper in May 2014 outlining legislative proposals for ALN. A series of engagement events with children and young people (including those with SEN/LDD) were held during the consultation period to ensure that their views were captured. An easy read version of the consultation document was published for children, young people and those with learning difficulties.

The consultation closed on 25 July 2014 and a summary of responses was published on 14 October. This can be accessed on the Welsh Government's website, alongside a summary of the outcome of the events with children and young people:

<https://beta.gov.wales/legislative-proposals-additional-learning-needs-white-paper>

The Third Sector Additional Needs Alliance (TSANA) and the Welsh Government formed a Task and Finish Group in autumn 2014 to support the development of the ALN reforms. TSANA are a collection of third sector groups who represent/support children and young people with a range of ALN. The group ran until summer 2015. These meetings were used to inform policy and provide further clarity and details on our proposals.

A draft Additional Learning Needs and Education Tribunal (Wales) Bill, which built upon the White Paper as well as including new provisions, was published for consultation on 6 July 2015. To support the consultation, which ended on 18 December 2015, a draft version of the ALN Code and outline timescale for implementation of the new system were also published.

¹ A copy of the consultation and the two summary response documents can be requested from SENReforms@gov.wales

² A summary of the workshop discussions can be requested from SENReforms@gov.wales

A consultation document for children and young people was published along with an easy read explanation of the draft Bill. These documents were used by a contractor, as commissioned by the Welsh Government, to assist with the delivery of bespoke participation workshops with children, young people and their parents/carers. A total of 23 workshops took place.

The views of children, young people and their parents/carers were used, along with feedback received through wider consultation, to inform the refinement of the Bill and wider package of reforms (including, but not exclusively, the draft ALN Code and the wider ALN Transformation Programme). A summary of responses is available on the Welsh Government's website:

<https://beta.gov.wales/draft-additional-learning-needs-and-education-tribunal-wales-bill>

In addition, during the periods of consultation on the White Paper and draft Bill, the Support for Learners Division carried out a series of meetings and targeted consultation events with a wide range of stakeholders who are responsible for children and young people with ALN or who represent their interests, including (but not exclusively):

- The Association of Educational Psychologists
- The Welsh Local Government Association (WLGA)
- The Association of Directors of Education in Wales (ADEW) and its sub-group on Inclusion
- NATSPEC (the association of independent specialist colleges)
- Learning Disability Advisory Group
- School Practitioner Panel
- Colegau Cymru Colleges Wales
- SENCO Groups
- British Association of Teachers of the Deaf (BATOD)
- The South and North Wales Associations of Special School Headteachers
- Union Partnership Group
- Estyn
- The Children's Commissioner for Wales
- The Special Educational Needs Tribunal for Wales (SENTW)
- The Welsh Language Commissioner
- Two national consultation events in North and South Wales
- The UK Government's Department for Education Post-16 settings.

The responses to the consultation, the feedback gathered during wider stakeholder engagement along with the findings of the Children, Young People and Education Committee from their pre-legislative scrutiny of the draft Bill were used to inform the refinement of the Bill and the development of the wider package of reforms.

Following introduction of the Bill, an 'easy read' explanation of the Bill was produced by Learning Disability Wales on behalf of the Welsh Government and published on the Welsh Government's website in February 2017:

<https://beta.gov.wales/sites/default/files/consultations/2018-01/151019-easy-read-explanation-en.pdf>

The publication of the easy read explanation attempts to extend understanding of the reforms to children, young people and families with ALN. It also gives them the right to express their views on matters affecting them.

On 27 February 2017, the Welsh Government launched a public consultation on options for implementation of, and transition to, the new system. The consultation closed in June and a summary of responses was published in December. A summary of responses is available on the Welsh Government's website:

<https://beta.gov.wales/options-implementing-additional-learning-needs-and-education-tribunal-wales-bill>

During February and March the Welsh Government also held eight regional stakeholder events in relation to the Bill and its implementation. These events were open to anyone with an interest in this legislative reform and were attended by parents, local authorities, third sector organisations, head teachers, teaching staff, further education institutions, special educational needs coordinators, early years practitioners, SEN Tribunal panel members, social workers and health professionals. Feedback from these events is being used to further develop the ALN transformation programme and plans for implementation to the new system.

An Equality Impact Assessment was published at the same time as the draft Bill (<https://consultations.gov.wales/consultations/draft-additional-learning-needs-and-education-tribunal-wales-bill>) and a further version was published upon introduction of the Bill into the National Assembly for Wales on 12 December. The impact assessment was revised in light of stages 2 and 3 amendments and further policy developments. It is available on the Welsh Government website:

<http://gov.wales/topics/educationandskills/schoolshome/additional-learning-special-educational-needs/transformation-programme/legislation-and-statutory-guidance/>

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The decision to reform the current SEN system is based on a wide range of evidence from a series of reports and reviews as well as previous consultation and engagement with stakeholders outlined under question 2 of this impact assessment.

Between 2003 and 2007, a three-part review of SEN was undertaken by the former Education, Lifelong Learning and Skills (ELLS) Committee of the National Assembly for Wales and associated reports were published in the following order:

- a) *Early Identification and Intervention*, November 2004
- b) *Statutory Assessment Framework (Statementing)*, May 2006
- c) *Transitions*, March 2007.

The evidence presented in the Committee reports was informed by earlier reports from the Audit Commission (*Special educational needs: A mainstream issue, 2002*) and Estyn (*Support for Children with Special Educational Needs: An Estyn Overview, 2003*). Taken together, these reports concluded that in relation to the current system of SEN:

- the assessment process associated with statements is inefficient; bureaucratic, costly and insufficiently child-centred or user-friendly;
- needs are often identified late and interventions are not sufficiently timely or effective; and
- families feel that they often have to battle to get the right support for their child and do not know where to turn for information and advice.

In response to the Committee report, the then Welsh Assembly Government conducted a wide-ranging preliminary consultation on possible reforms to the existing system of support for SEN and LDD (*Statements or Something Better, 2007*). Subsequently, a number of projects were set up to develop and trial new systems and approaches to help shape future policy and legislation. These included:

- four reform pilot schemes involving eight local authorities aimed at developing and trialling a person-centred approach to planning (using an IDP) for children and young people with SEN together with a new quality assurance system and an on-line planning and assessment tool; and
- a 'right of appeal for the child' pilot scheme involving two local authorities.

The evaluation of the pilot schemes can be accessed on the Welsh Government website:

<http://wales.gov.uk/statistics-and-research/programme-action-research-additional-learning-needs-pilot/?lang=en>

The responses to the Welsh Government consultations on the *Forward in Partnership for Children and Young People with Additional Needs* (2012), the White Paper (2014) and the draft Bill (2015), in addition to the wider engagement with stakeholders (as outlined above in question 2), have supported the development of the Bill, the draft ALN Code and the wider ALN Transformation Programme.

The responses to the consultation on options for implementation of, and transition to, the new system supported the development of the implementation guide.

Impact

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

| Age | Positive | Negative | None / Negligible | Reasons for your decision (including evidence) / How might it impact? |
|--|----------|----------|-------------------|---|
| Younger people <i>(Children of compulsory school age and under)</i> | Positive | | | <p>The implementation guide All children and young people with ALN will have IDPs and associated rights, regardless of the complexity of their needs.</p> <p>IDPs will be created through collaborative meetings in which practitioners use person-centred practice (PCP) to ensure the views, wishes and feelings of the child and/or the child's parent, are at the centre of decisions relating to their child's ALN.</p> <p>The implementation guide sets out how IDPs will be implemented over a three year period. The phased implementation approach has been informed by the views of stakeholders responding to the public consultation on how the Act should be implemented. The consultation found strong support for mandating a phased approach to implementing the ALN system. Most stakeholders agreed that national timeframes for transferring specific cohorts of children to the new system would be the most manageable and consistent approach.</p> <p>To minimise any adverse impacts of phasing implementation, the approach adopted prioritises the youngest children, to facilitate early and effective intervention and those children nearing points of progression, to facilitate effective transition planning. In addition, children with statements of SEN must have IDPs within</p> |

| Age | Positive | Negative | None / Negligible | Reasons for your decision (including evidence) / How might it impact? |
|-----|----------|----------|-------------------|--|
| | | | | <p>two years, in recognition these learners are likely to have the most severe and complex needs.</p> <p>The Act The Act focuses on early and timely identification of ALN, planning and delivering additional learning provision (ALP) necessary to meet the child or young person's ALN.</p> <p>The Act supports early identification of ALN, which is key to early intervention. The new requirement on local authorities to have an Early Years ALN Lead Officer to coordinate its functions under the Act in relation to children under compulsory school age (who are not yet in maintained setting) reflects this. Early identification and timely intervention should result in more effective outcomes for learners with ALN.</p> <p>The Act will help children and young people with ALN realise their educational potential.</p> <p>The Act places duties on local authorities and National Health Service bodies to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) when exercising functions in relation to the Act, and in accordance with the ALN Code.</p> |

| Age | Positive | Negative | None / Negligible | Reasons for your decision (including evidence) / How might it impact? |
|---------------|----------|----------|-------------------|---|
| People 18- 50 | Positive | | | <p>The Act This Act applies to young people over statutory school age up to the age of 25 years when they are attending a, school or further education setting.</p> <p>Currently young people being educated in further education settings are not entitled to statutory development plans to support them with their ALN and do not receive the associated rights of appeal to the SENTW.</p> <p>The guide The guide sets out the arrangements for converting the plans for children support through early years action, early years action plus, school action and school action plus from non-statutory individual education plans to statutory IDPs. This will take place over three years.</p> <p>Future implementation guides This implementation is the first in a series of guides. A guide setting out the implementation arrangements for IDPs for young people with ALN who are in post-16 education will be published separately.</p> |

| Age | Positive | Negative | None / Negligible | Reasons for your decision (including evidence) / How might it impact? |
|--------------------|----------|----------|-------------------|--|
| Older people (50+) | | | None | <p>The Act will support learners with ALN aged between 0-25 years to achieve their educational potential prior to and as they transition into adulthood. It is about preparing children and young people for their future lives and careers. Consequently, the Act does not provide rights and entitlements beyond the age of 25 – a point at which we consider the individual will have passed the first formative stages of their lives. For that reason, the Act’s provisions do not apply to older people and would have no specific impact on them.</p> |

4.2 Do you think this policy / decision / practice will have a positive or negative impact on people because they are disabled?

| Impairment | Positive | Negative | None / Negligible | Reason for your decision (including evidence) / How might it impact? |
|--------------------------|----------|----------|-------------------|--|
| Visual impairment | Positive | | | <p>The Act The Act is based upon ensuring all children and young people who have ALN have their needs met. A person has ALN if they have a learning difficulty or disability that calls for ALP. Whilst not every child or young person with the impairments listed opposite would be considered to have ALN, where they have ALN as a result of, or in addition to their impairment, the proposals would have a positive effect.</p> <p>The Act also places duties on local authorities and National Health Service bodies to have due regard in relation to the UNCRC and the UNCRPD when exercising functions in relation to the Act. This means that having due regard for children's rights is placed at the centre of the Act, so that local authorities and NHS bodies' strategic decision making will have regard to the conventions in accordance with the ALN Code.</p> <p>Implementation of the Act will provide statutory protection for a wider range of learners. Currently children and young people in schools who have less severe or complex needs receive a non-statutory plan. Learners in further education settings who have LDD also receive a non-statutory plan from the individual setting. The Act will ensure that all learners aged 0 to 25 with ALN will be entitled to a statutory plan, the Individual Development Plan (IDP), irrespective of the severity or complexity of their needs. As a result, transition of learners between</p> |
| Hearing impairment | Positive | | | |
| Physically disabled | Positive | | | |
| Learning disability | Positive | | | |
| Mental health problem | Positive | | | |
| Other impairments issues | Positive | | | |

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| | | | | <p>school and post-16 education should be improved to allow greater equity in terms of support and rights for this group of learners.</p> <p>The approach to implementing IDPs prioritises the youngest children, to facilitate early and effective intervention and those children nearing points of progression, to facilitate effective transition planning. In addition, children with statements of SEN must have IDPs within two years, in recognition these learners are likely to have the most severe and complex needs.</p> |
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4.3 Do you think this policy / decision / practice will have a positive or negative impact on people because of their gender (man or woman)?

| Gender | Positive | Negative | None / Negligible | Reason for your decision (including evidence)/ How might it impact? |
|--------|----------|----------|-------------------|---|
| Male | | | None | The Act is not gender specific and no indirect impact on a particular gender has been identified. It is intended to help children and young people with ALN to achieve their educational potential. |
| Female | | | None | |

4.4 Do you think this policy / decision / practice will have a positive or negative impact on people because they are transgender?

| Transgender | Positive | Negative | None / Negligible | Reason for your decision (including evidence) / How might it impact? |
|-------------|----------|----------|-------------------|---|
| | | | None | The Act is based on helping all children and young people with ALN to achieve their educational potential, including people who are transgender. The proposals are not gender specific. |

4.5 Do you think this policy / decision / practice will have a positive or negative impact on people because of their marriage or civil partnership?

| Marriage and Civil Partnership | Positive | Negative | None / Negligible | Reason for your decision (including evidence)/ How might it impact? |
|---------------------------------------|-----------------|-----------------|--------------------------|---|
| Marriage | | | None | The Act is based on helping all children and young people with ALN to achieve their educational potential. This will not affect the institution of marriage or civil partnership or affect people because of their marriage or civil partnership. |
| Civil Partnership | | | None | |

4.6 Do you think this policy / decision / practice will have a positive or negative impact on people because of their pregnancy or maternity?

| Pregnancy and Maternity | Positive | Negative | None / Negligible | Reason for your decision (including evidence) / How might it impact? |
|------------------------------------|-----------------|-----------------|--------------------------|--|
| Pregnancy | | | None | The Act is based on helping all children and young people with ALN to achieve their educational potential. This will not affect people because they are pregnant or have recently given birth. |
| Maternity (the period after birth) | | | None | |

4.7 Do you think this policy / decision / practice will have a positive or negative impact on people because of their race?

| Race | Positive | Negative | None / Negligible | Reason for your decision (including evidence) / How might it impact? |
|---|-----------------|-----------------|--------------------------|--|
| Ethnic minority people e.g. Asian, Black, | | | None | The Act is not race specific and no indirect impact on a particular race has been identified. The Act is based on helping all children and young people with ALN to achieve their educational potential. |
| National Origin (e.g. Welsh, English) | | | None | |
| Asylum Seeker and Refugees | | | None | |

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|------------------------|--|--|------|--|
| Gypsies and Travellers | | | None | |
| Migrants | | | None | |
| Others | | | None | |

4.8 Do you think this policy / decision / practice will have a positive or negative impact on people because of their religion and belief or non-belief?

| Religion and belief or non – belief | Positive | Negative | None / Negligible | Reason for your decision (including evidence)/ How might it impact? |
|---|-----------------|-----------------|--------------------------|---|
| Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify) | | | None | The Act is based on helping all children and young people with ALN to achieve their educational potential. There is no evidence it will have an impact on children and young people because of their religion and belief or non-belief. |
| Belief e.g. Humanists | | | None | |
| Non-belief | | | None | The Act requires that the views, wishes and feelings of the child or young person must be considered. |

4.9 Do you think this policy / decision / practice will have a positive or negative impact on people because of their sexual orientation?

| Sexual Orientation | Positive | Negative | None / Negligible | Reason for your decision (including evidence)/ How might it impact? |
|---------------------------|-----------------|-----------------|--------------------------|--|
| Gay men | | | None | The Act is based on helping all children and young people with ALN to achieve their educational potential. There is no evidence it will have an impact on children and young people because of their sexual orientation. |
| Lesbians | | | None | |
| Bi-sexual | | | None | |

4.10 Do you think that this policy will have a positive or negative impact on people's human rights?

| Human Rights | Positive | Negative | None / Negligible | Reason for your decision (including evidence) / How might it impact? |
|--|-----------------|-----------------|--------------------------|---|
| Human Rights including Human Rights Act and UN Conventions | Positive | | | <p>The Act is based upon every child and young person in school or further education with ALN achieving their educational potential. A separate Children's Rights Impact Assessment has been completed and has found that these proposals will have a positive impact.</p> <p>The Children's Rights Impact Assessment has, along with this impact assessment, been revised and updated to reflect the impact of Stage 3 amendments and the final approved Act.</p> <p><u>Human rights</u></p> |

| Human Rights | Positive | Negative | None / Negligible | Reason for your decision (including evidence) / How might it impact? |
|--------------|----------|----------|-------------------|--|
| | | | | <p><u>We have considered Convention rights and consider that the Act is compatible with them.</u></p> <p><u>For example:</u></p> <ul style="list-style-type: none"> Article 2, protocol 1 and 2 is engaged. It is considered that the right not to be denied education or to be discriminated against is properly incorporated into the Act. The Act will enable improved planning and support to be provided for children and young people in school or further education, with ALN. It is noted that in the second sentence of A2 P1 that the rights given to parents includes a right to have their religious/philosophical convictions respected by the state. We consider that this parental right (which is secondary to the child's right to education above) is reflected in the proposed Act regime. The right not to be discriminated against through disability is also engaged in the Act through the due regard that Local Authorities and NHS bodies must have the UNCRCDP in their decision making in accordance with the ALN Code. Article 6 is also engaged. There is a right to appeal to an impartial tribunal established under the Act. In the determination of their civil rights, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. The right to have an appropriate IDP in place, for example, is one of the rights protected under the Act. It affords a right of appeal to children, their parents and young people. |

| Human Rights | Positive | Negative | None / Negligible | Reason for your decision (including evidence) / How might it impact? |
|--------------|----------|----------|-------------------|---|
| | | | | <ul style="list-style-type: none"> • Where it is considered that any parental article 2, protocol 1 right is engaged, it is properly respected by the appeal system that the Act establishes. Parents' and children's views can be communicated to the independent tribunal. This strikes the correct balance between article 2, protocol 1 and article 8. • The Act places duties on local authorities and National Health Service bodies to have due regard in relation to the UNCRC and the UNCRPD when exercising functions in relation to the Act. |

Equality Impact Assessment – Part 2

1. Building on the evidence you gathered and considered in Part 1, please consider the following:

1.1 How could, or does, the policy help advance / promote equality of opportunity?

The guide is the first in a series of guides which sets out how specific aspects of the Act will be implemented. This guide sets out how IDPs will generally be implemented for children of compulsory school age and below.

The Act

The Act aims to ensure that every child or young person with ALN achieves their educational potential. This is based on a wider policy within the Education and Public Services Group that every child or young person should be able to achieve their potential and have equality of opportunity no matter what the challenges and barriers to that might be. Having ALN is not itself a relevant protected characteristic.

However, many children or young people with ALN have a disability for the purposes of the Equality Act 2010 – having a disability is one part of the definition of ALN and the other part (significantly greater difficulty in learning than the majority of others of the same age) may in some cases amount to a disability. The Act ensures that local authorities and National Health Service bodies must have local authorities and National Health Service bodies to have due regard to the UNCRC and the UNCRPD when exercising functions in relation to the Act. Therefore, we consider that measures to advance equality of opportunity for children and young people with ALN would also help advance equality of opportunity for some children and young people who have a disability.

The Act applies in relation to children and young people (aged up to 25) ordinarily resident in Wales who are of compulsory school age or below, or are in further education, and have ALN. This includes children and young people who attend an independent setting (whether funded by the parents or otherwise), who are educated at home, who are looked after by a local authority and those who are detained. Some of the duties in the Act also apply in relation to English resident children and young people who attend maintained schools or further education institutions in Wales.

The Act is fundamentally designed to meet the additional learning needs of children with learning disabilities (and other learning difficulties) in education and young persons with such difficulties who are in further education. In turn, this should contribute to removing or minimising the disadvantages that these people would otherwise face. There are inclusion provisions within the Act that are aimed at maximising inclusion of learners with ALN in mainstream education and ultimately, through meeting their ALN, seeking to improve participation in public life in the long term.

The details and processes within the new system should, therefore, be more effective at meeting children's and young people's needs. Furthermore, extending appeal rights to young people up to the age of 25, and providing children who lack capacity to challenge a decision with the means of taking forward an appeal via a 'case friend', helps to promote equality of opportunity for these learners.

The Act will support children, their parents and young people to take a more active role in any decisions that affect them. This includes when a child, young person or parent faces particular barriers in expressing their opinions. To support learners and their parents to take an active role, the Act places a duty on local authorities to make arrangements to provide people with information and advice about ALN and the ALN system. Local authorities would also be required to make arrangements for the provision of independent advocacy services for the children and young people for whom it is responsible.

The Act makes provision for children with ALN who lack capacity to understand their IDP and other documents and information presented to them, or what it means to exercise their rights under the system, to have a 'case friend' appointed for them where the Tribunal considers it appropriate. A 'case friend' may represent and support the child and take decisions on the child's behalf in relation to matters concerning their ALN and ALP. Children who lack sufficient understanding will be able to have a 'case friend', where appointed by the Education Tribunal, to exercise their rights under the Act. This gives children the opportunity to express their views and make appeals.

The guide

The guide sets out a phased approach to implementing IDPs for children of compulsory school age and below with ALN. The approach taken priorities those children with ALN who are most vulnerable: the youngest, those with the most severe and complex needs, and those who are nearing key transition points in their education.

1.2 How could / does the policy / decision help to eliminate unlawful discrimination, harassment or victimisation?

- Using ALN as a single term that encompasses children and young people aged 0 to 25 years will help to avoid some of the stigma associated with the existing terms 'special educational needs' and 'learning difficulties and/or disabilities'.

The right not to be discriminated against through disability through the due regard that local authorities and NHS bodies must have for the UNCRDP in their strategic decision making in accordance with the ALN Code, this will ensure that conventions articles are placed at the centre of decision making and given full consideration.

Furthermore, the Act ensures that children, their parents, and young people are provided with a right of appeal if they feel their needs are not being met.

1.3 How could/does the policy impact on advancing / promoting good relations and wider community cohesion?

The Act supports children and young people with ALN to have their needs addressed in an education setting. It will create a unified system that will support children and young people moving between different educational settings (such as nursery, school and further education settings). It also supports children and young people to make a smooth transition into adulthood – this could include independent living and supporting young people making a smooth transition into the wider community.

The Act requires and supports the inclusive education of children and young people with ALN alongside their peers thus helping to foster good relations between them.

As the child or young person with ALN will be supported to achieve their educational potential, this should enable them to become an active member of the community, which will enhance wider community cohesion.

2. Strengthening the policy

2.1 If the policy is likely to have a negative effect ('adverse impact') on any of the protected groups or good relations, what are the reasons for this?

What practical changes/actions could help reduce or remove any negative impacts identified in Part 1?

No negative impacts have been identified.

2.2 If no action is to be taken to remove or mitigate negative / adverse impact, please justify why. (Please remember that if you have identified unlawful discrimination (immediate or potential) as a result of the policy, the policy must be changed or revised.)

Not applicable.

3. Monitoring, evaluating and reviewing

How will you monitor the impact and effectiveness of the policy?

List details of any follow-up work that will be undertaken in relation to the policy (e.g. consultations, specific monitoring etc).

The Welsh Government has appointed ALN regional transformation leads. Working with bodies with duties under the Act, the transformation leads will draft an implementation plan to support local authorities, education providers, health boards and others to shape and prepare for implementation of the new legislative system and wider transformation. The transformation leads will have a role in monitoring and reviewing arrangements during the implementation of the Act.

A monitoring and evaluation approach has been developed which will consider implementation in stages, specifically:

- readiness – which is already underway and will assess the extent to which delivery agents are prepared for the changes;
- compliance – to assess how effectively organisations are adhering to the new legislative requirements once they take effect; and
- impact – to monitor the extent to which the legislative and wider policy changes are being embedded and making an impact on outcomes for learners. A baseline study, against which future impact can be assessed, is currently being undertaken.

The monitoring and evaluation approach will include a post implementation review.

4. Declaration

The policy does have a significant impact upon equality issues

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|---|
| Official completing the EIA Karen Bathgate |
| Department: Additional Learning Needs Transformation Branch, Education and Public Services Group |
| Date: June 2018 |
| Head of Division (Sign-off) |
| Job title and department: Deputy Director, Support for Learners Division, Education and Public Services Group |
| Date: June 2018 |