

# **Role of the Additional Learning Needs Co-ordinator**

Non-statutory guidance

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# Role of the Additional Learning Needs Co-ordinator

- Audience** This guidance is for governing bodies of maintained schools in Wales (that are not special schools) and governing bodies of institutions in the further education sector in Wales.
- Overview** This document contains non-statutory guidance for governing bodies about the duty to designate an Additional Learning Needs Co-ordinator and about the role itself.
- Action required** The guidance is intended to assist governing bodies in understanding their legal duty in relation to the designation of an Additional Learning Needs Co-ordinator and to give guidance about the role before the ALN system begins to commence in September 2021.
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This document is also available in Welsh.

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## Introduction

The following Welsh Government guidance is for governing bodies of maintained schools (that are not special schools) and governing bodies of institutions in the further education sector in Wales. The guidance relates to a governing body's duty to designate an Additional Learning Needs Co-ordinator ("ALNCo") under section 60 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 ("the Act"). The guidance is also about the role itself.

It is non-statutory guidance although it is intended that this guidance will be broadly reflected in the statutory Additional Learning Needs Code<sup>1</sup> in due course.

## The Act

The Act provides for the new statutory support system for children and young people aged 0 to 25 in Wales with additional learning needs ("ALN system"). The ALN system is to replace the current special educational needs ("SEN") system (provided for in Part 4 of the Education Act 1996) and the assessment of children and young people with learning difficulties and/or disabilities (LDD) for the purposes of post-16 education and training (provided for under section 140 of the Learning and Skills Act 2000) and introduces the new term 'additional learning needs' ("ALN"). Under the ALN system, children with ALN and young people with ALN in further education or training, regardless of the severity or complexity of their needs, will be entitled to a statutory support plan called an 'Individual Development Plan' ("IDP"). Children and young people with ALN will receive support called additional learning provision ("ALP") which will be set out in their IDP.

Welsh Government aims to commence the new system on a phased basis from 1 September 2021.<sup>2</sup> In order for this to happen, regulations and a Code made under powers in the Act are required, which are subject to Senedd procedures. The regulations and ALN Code are currently being prepared, following consultations in 2019 and 2020, with a view to laying them in draft before the Senedd in early 2021.

## ALN Code

It is intended that the ALN Code impose requirements on local authorities and governing bodies of maintained schools in Wales and of institutions in the further education sector ("FEIs") in Wales and contain statutory guidance for the various public authorities that have functions under the Act.<sup>3</sup>

In preparation for the ALN system commencing from September 2021, sections 60 – 62 of the Act commence on 4 January 2021.<sup>4</sup> These are the requirements on governing bodies, local authorities and Local Health Boards to designate persons to the new statutory ALN co-ordinating officer roles; namely (respectively) the additional learning needs co-ordinator

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<sup>1</sup> To be issued by the Welsh Ministers under section 4 of the Act.

<sup>2</sup> References in this guidance to when the new system commences or comes into force refer to when functions in the Act about identifying and meeting the needs of individual children or young people come into force. Prior to then, some aspects of the new system (including the duties to appoint the statutory officers) are being brought into force in preparation for the new system coming into force.

<sup>3</sup> Section 4 of the Act. Indeed, there are certain requirements and guidance that must be included in the Code.

<sup>4</sup> The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Commencement No 1) Order 2020 (S.I. 2020/1182).

("ALNCo"), the early years additional learning needs lead officer ("Early Years ALNLO") and the DECLO.

## **The Regulations**

In preparation for the ALN system commencing from September 2021, the Additional Learning Needs Co-ordinator (Wales) Regulations 2020 will come into force on 4 January 2021. The regulations set out the necessary qualifications or experience that an ALNCo must have. They also set out an ALNCo's functions.

## **Non-statutory guidance**

This document contains non-statutory guidance for governing bodies of maintained schools and further education institutions in Wales about their duties to designate an ALNCo. The guidance is intended to assist them in understanding their legal duty in relation to the designation. The guidance also sets out information on the role of an ALNCo, including an ALNCo's duties and other responsibilities. Broadly, it reflects the guidance about these matters that is intended to be in the draft ALN Code that the Welsh Ministers will lay before the Senedd for it to decide whether to approve it and indicates potential requirements that are being considered for inclusion in that draft Code.

All of the duties and other responsibilities of ALNCos which the Welsh Government considers it likely will be included in the ALN Code are included in this guidance. It will be possible for ALNCos to carry out or oversee some of the duties and other responsibilities set out below ahead of the ALN system coming into force. For example, working strategically with the senior leadership team and governors to ensure the education setting is meeting its responsibilities under the Act, this Code and the Equality Act 2010.

However, some of the duties and other responsibilities of ALNCos will not be capable of being performed until the ALN system comes into force. These duties and other responsibilities are included in this guidance to give a full picture of what the ALNCo role is likely to entail when the ALN system comes into force.

## Using this guidance

Where “**must**” is used, this reflects that it is a legal requirement to do the thing described. The source of the legal requirement is given in a footnote to the **must**.

Where “**should**” is used, the guidance is suggesting that the matter ought to be done unless the governing body has a good reason not to do it. In due course, these matters may be included in the Code as statutory guidance. Where that happens, it will mean that the public authority to whom the guidance is addressed must consider the statutory guidance and follow it unless it can demonstrate that it is justified in not doing so. The public authority may be expected to explain any departure from the statutory guidance.

Pending the commencement of the new ALN system, the SEN system and the learning difficulties and/or disabilities (LDD) law continues to apply in full and will continue to apply in some cases after September 2021 as the new system is gradually phased in. Public authorities must continue to comply fully with their duties in the SEN system prior to the ALN system starting to apply and after that where duties under the SEN system continue to apply.

## Definitions of key terms used in this guidance

**“Additional learning needs” (“ALN”)** has the meaning given by section 2 of the Act, namely:

- (1) A person has additional learning needs if he or she has a learning difficulty or disability (whether the learning difficulty or disability arises from a medical condition or otherwise) which calls for additional learning provision.
- (2) A child of compulsory school age or person over that age has a learning difficulty or disability if he or she—
  - (a) has a significantly greater difficulty in learning than the majority of others of the same age, or
  - (b) has a disability for the purposes of the Equality Act 2010 (c. 15) which prevents or hinders him or her from making use of facilities for education or training of a kind generally provided for others of the same age in mainstream maintained schools or mainstream institutions in the further education sector.
- (3) A child under compulsory school age has a learning difficulty or disability if he or she is, or would be if no additional learning provision were made, likely to be within subsection (2) when of compulsory school age.
- (4) A person does not have a learning difficulty or disability solely because the language (or form of language) in which he or she is or will be taught is different from a language (or form of language) which is or has been used at home.

**“Additional learning provision” (“ALP”)** has the meaning given by section 3 of the Act, namely:

- (1) “Additional learning provision” for a person aged three or over means educational or training provision that is additional to, or different from, that made generally for others of the same age in—
  - (a) mainstream maintained schools in Wales,
  - (b) mainstream institutions in the further education sector in Wales, or
  - (c) places in Wales at which nursery education is provided.
- (2) “Additional learning provision” for a child aged under three means educational provision of any kind.
- (3) In subsection (1), “nursery education” means education suitable for a child who has attained the age of three but is under compulsory school age.

### Children and young people

A “child” is anyone not over compulsory school age and a “young person” means a person over compulsory school age, but under the age of 25.

# Role of the Additional Learning Needs Co-ordinator (ALNCo)

## *The duty on schools and FEIs to designate an ALNCo*

- 1.1. From 4 January 2021, all maintained mainstream schools and FEIs in Wales **must**<sup>5</sup> designate a person, or more than one person who will have responsibility for co-ordinating provision for learners with ALN. That person (or persons) will be known as an ALNCo.
- 1.2. It may be appropriate in certain circumstances for some education settings to share an ALNCo. This could apply, for example, in circumstances where there is a maintained nursery attached to a mainstream school; where there are a number of small settings in a local area; or where there is a federation of schools under the responsibility of a single governing body. It is not the expectation for large settings, such as FEIs, to share an ALNCo. Where a sharing arrangement is in place, the relevant governing body (or bodies) **should** ensure that in undertaking its duty to appoint an ALNCo, the governing body continues to meet its responsibilities as set out within this Code. The governing body **should** ensure that the ALNCo will fulfil their duties in a way that suits the structure and the needs of the education setting and its learners.
- 1.3. Under their duty to designate a person to act as an ALNCo, schools and FEIs **should** consider the skill set and experience of the individual to ensure they can deliver the functions prescribed in law. ALNCos **should** (in addition to the qualification and experience prescribed in law as a prerequisite – see “Prescribed experience and qualifications of ALNCos” in paragraphs 1.23 – 1.25) be highly qualified and **should** have expertise in person centred practice and dealing with a broad spectrum of ALN. ALNCos **should** actively undertake training to support their continuing professional development. They may choose to specialise in specific types of ALN and share this expertise beyond their particular education setting.
- 1.4. The designation of an ALNCo does not remove the responsibilities of the wider workforce; all staff who work with children and young people with ALN have a responsibility for ensuring that their learners’ needs are identified and provided for.
- 1.5. It is vital that the ALNCo has sufficient time and resource to undertake their responsibilities effectively, including dedicated time away from teaching. The head of the education setting **should** ensure that the ALNCo is supported in this way. Clear and sufficient time allocation will ensure that the ALNCo is able to undertake their duties effectively. When determining sufficient time, consideration **should** be given to the numbers of role at the education setting who have ALN and the severity of ALN that cohort of learners has.
- 1.6. If an individual’s ALNCo role is combined with other non-teaching responsibilities, it is important that these other responsibilities are compatible with the duties individual is expected to perform as an ALNCo, and do not impinge on their ability to undertake the ALNCo role.

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<sup>5</sup> Section 60 of the Act.



## ***The role of the ALNCo***

- 1.7. While all teachers and education staff are educators of children and young people with ALN, the ALNCo is the individual who at a strategic level ensures the needs of all learners with ALN within the education setting are met. The role is a strategic one within the education setting and **should** therefore, either form part of the senior leadership team **or** have a clear line of communication to the senior leadership team<sup>6</sup>. This will support the setting to plan, manage and deliver its duties and responsibilities in identifying and meeting the needs of children and young people with ALN.
- 1.8. To support the ALNCo, the senior leadership team should advise, support and challenge the systems and processes of the education setting to identify and meet the needs of the learners. The local authority may support the role of the ALNCo, including providing guidance where appropriate.
- 1.9. The ALNCo will need to be involved in the strategic co-ordination of ALN resources, such as in deploying and supporting staff and working with colleagues on the senior leadership team to plan and decide on the appropriate resources required to support staff within the setting. ALNCoS **should** be actively involved in decisions around budgets and resources to help plan appropriate provision.
- 1.10. ALNCoS are not expected to be directly involved with the day to day process of supporting every learner with ALN. This is the responsibility of the class teacher, however learning support staff can aid the ALNCo in ensuring that teachers are supported and the needs of all learners are met.

## **Duties on ALNCoS**

- 1.11. In addition to their overarching responsibility for co-ordinating ALP for students or pupils with ALN, the ALNCo is responsible for ensuring that tasks set out under this heading of the guidance, are carried out. ALNCoS may choose to undertake these tasks themselves or arrange for tasks to be undertaken by others.
- 1.12. The ALNCo will not be required to develop every IDP – but they have overall responsibility for ensuring that all learners who have ALN across the education setting have an IDP. ALNCoS **must**<sup>7</sup> arrange for identifying the learners' ALN and co-ordinate the making of ALP that meets those needs.
- 1.13. To deliver this duty, ALNCoS **should** ensure that whenever their setting has a duty to decide whether a pupil or student has ALN, a person has been designated to coordinate the actions required to make this decision, and, if an IDP is subsequently required, to be responsible for preparing it.
- 1.14. ALNCoS **must**<sup>8</sup> ensure that they keep records of decisions about ALN. Consideration is being given to including within the Code requirements on

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<sup>6</sup> Senior leadership team refers to the headteacher and senior managers who share collective responsibility of all aspects of school leadership and management. Some education settings may use different terminology when referring to senior leadership team.

<sup>7</sup> Regulation 5(a) and 6(a) of the Additional Learning Needs Co-ordinator (Wales) Regulations 2020.

<sup>8</sup> Regulation 5(c) and 6(c) of the Additional Learning Needs Co-ordinator (Wales) Regulations 2020.

governing bodies to record the date on which it is first brought to the education settings' attention, or otherwise appears to it that a child or young person may have ALN and making this part of an ALNCo's tasks. If this is done in the draft Code and it is approved by the Senedd, then the ALNCo's tasks would extend to this.

- 1.15. Consideration is also being given to including requirements in the Code about ALNCos ensuring documents and notifications are sent to a child's case friend, or a representative for a young person or for a child's parent, when applicable. Where a child has a case friend, the duties<sup>9</sup> to notify and inform the child and the duties<sup>10</sup> to give a copy of a plan or a revised plan will apply so that it is to be given to the case friend rather than the child. The Act requires there is to be regulations about giving effect to the Act for instances where a young person or a child's parent lacks capacity and, following consultation in Autumn 2020, regulations are being prepared about the involvement of representatives for young people and parents lacking capacity.
- 1.16. ALNCos **must**<sup>11</sup> secure relevant services that will support the learner's ALP where it is agreed such a service is required. Some learners with ALN will need the support of external agencies and professionals. It will be the responsibility of the ALNCo to liaise with these specialist services and when there is agreement to provide such services, ensure that these are secured.
- 1.17. ALNCos **must**<sup>12</sup> promote the learner's inclusion in the school/FEI community and access to the setting's curriculum, facilities and extra-curricular activities. In doing so, (as with the exercise of all their functions) the ALNCo **must**<sup>13</sup> have regard to the views, wishes and feelings of the child, the child's parent or the young person.
- 1.18. ALNCos **must**<sup>14</sup> monitor the effectiveness of any ALP. To do so, the ALNCo may wish to make effective use of management information systems used by the education setting to monitor the impact of interventions and to assess progress achieved against planned outcomes for all learners with ALN. Where progress is not meeting expectations, interventions **should** be reviewed by the ALNCo and staff and adjusted accordingly.
- 1.19. ALNCos **must**<sup>15</sup> advise teachers at the school/FEI about differentiated teaching methods appropriate for individual pupils with ALN.
- 1.20. ALNCos **must**<sup>16</sup> supervise and arrange for the training of learning support workers who work with learners with ALN. Learning support workers can be an important resource to the ALNCo when co-ordinating provision of support across the education setting. Learning support workers can provide specialist skills to support learners with ALN, and will offer both practical and administrative support to the ALNCo. However, the use of learning support workers may not be appropriate in all

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<sup>9</sup> Sections 11(4), 13(3), 18(3), 22(2), 23(10), 24(9), 27(4), 28(4), 28(7), 31(7), 31(8), 31(9), 32(3), 40(4) and 42(6) of the Act.

<sup>10</sup> Sections 22(1), 23(11), 24(10) and 40(5) of the Act.

<sup>11</sup> Regulations 5(b) and 6(b) of the Additional Learning Needs Co-ordinator (Wales) Regulations 2020.

<sup>12</sup> Regulations 5(d) and 6(d) of the Additional Learning Needs Co-ordinator (Wales) Regulations 2020.

<sup>13</sup> Section 6 of the Act.

<sup>14</sup> 5(e) and 6(e) of the Additional Learning Needs Co-ordinator (Wales) Regulations 2020.

<sup>15</sup> Regulations 5(f) and 6(f) of the Additional Learning Needs Co-ordinator (Wales) Regulations 2020.

<sup>16</sup> Regulations 5(g) and 6(g) of the Additional Learning Needs Co-ordinator (Wales) Regulations 2020.

cases. They are just one of a number of resources that ought to be available to support learners with ALN.

- 1.21. ALNCoS **must**<sup>17</sup> contribute to in-service training for teachers at the education setting to assist the ALNCo with carrying out the tasks set out in paragraphs 1.12 to 1.14 and 1.16 to 1.18. The ALNCo will play an important role in advising on and contributing to the broader support provided within the education setting, as well as the professional learning for other staff members. Therefore, it is essential that they keep up to date on the latest guidance, support and evidence of best practice available for ALN.

### Other ALNCo responsibilities

- 1.22. In addition to the mandatory tasks, the key responsibilities of the ALNCo **should** include:
- overseeing the day-to-day operation of the education setting's arrangements for ALN;
  - overseeing the ALP across the education setting to meet the needs identified within IDPs. The ALNCo **should** ensure that regular reviews of the ALP made for learners in their setting are undertaken and, where appropriate, lead the review process to ensure provision continues to meet identified needs;
  - ensuring IDPs are developed and reviewed appropriately;
  - supporting learners with an IDP with their transition between education settings or into adulthood, further study or work;
  - overseeing the appropriate transfer of information between education settings about the learner's ALN and ALP;
  - liaise with exams officers and specialist teachers when seeking reasonable adjustments for examinations;
  - contributing to the development and implementation of appropriate ALN procedures and systems within the education setting, including strategic financial planning, effective deployment of resources and data collection and analysis, with a view to improved outcomes for learners with ALN;
  - becoming a source of expertise on ALN by developing specialist skills and knowledge;
  - keeping up-to-date on the latest guidance and support available for ALN;
  - enhancing their own professional learning by liaising with the local network of ALNCoS (which local authorities **should** consider establishing and facilitating) and,

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<sup>17</sup> Regulations 5(h) and 6(h) of the Additional Learning Needs Co-ordinator (Wales) Regulations 2020.

where appropriate, special schools to develop and share experience and best practice;

- ensuring the record of their roles and professional learning as part of their registration with the Education Workforce Council is up-to-date record in respect of ALN;
- providing professional support to all staff to enable the early identification, assessment and planning for learners with ALN, this might include supporting staff to undertake whole school/FEI tracking and supporting staff to manage good target setting;
- ensuring that the arrangements put in place by the local authority in relation to avoiding and resolving disagreements are fully utilised as appropriate;
- acting as the key point of contact with the relevant local authority's inclusion and support services, external agencies, independent/voluntary organisations, health and social care professionals, educational psychologists, etc.;
- liaising with careers specialists to ensure that learners with ALN receive appropriate careers advice;
- working strategically with the senior leadership team and governors to ensure the education setting is meeting its responsibilities under the Act, this guidance and the Equality Act 2010.

### ***Prescribed qualifications and experience of ALNCoS***

- 1.23. The ALNCo in a school **must**<sup>18</sup> (with the exception of the circumstances set out at paragraph 1.25) be registered as a school teacher with the Education Workforce Council (EWC). Likewise, an ALNCo working in an FEI will need to be registered as a further education teacher with the EWC.
- 1.24. The ALNCo in a school **must**<sup>19</sup> have completed a period of statutory induction as set out in law.<sup>20</sup> In summary, this statutory induction period prescribed for an individual employed on a full time basis is 3 academic terms. For those employed on a part time basis, this is 380 sessions, the equivalent of 3 academic terms. Although FEI teachers are not obliged to complete a statutory induction, governing bodies of FEIs **should** consider whether the individual has the requisite experience to carry out the role of an ALNCo.
- 1.25. Individuals can be designated by the governing body of a school as an ALNCo without meeting the requirements at paragraphs 1.23 and 1.24, but only if they were acting as a special educational needs co-ordinator (SENCo) at that school immediately prior to the coming into force of the Additional Learning Needs Co-ordinator (Wales) Regulations 2020<sup>21</sup>.

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<sup>18</sup> Regulations 3(a) and 4 of the Additional Learning Needs Co-ordinator (Wales) Regulations 2020.

<sup>19</sup> Regulation 3(a) of the Additional Learning Needs Co-ordinator (Wales) Regulations 2020.

<sup>20</sup> Education (Induction Arrangements for School Teachers) (Wales) Regulations 2015.

<sup>21</sup> Regulation 3(b) of the Additional Learning Needs Co-ordinator (Wales) Regulations 2020.