

## **TSANA Response to the Children, Young People and Education Committee on the Implications of COVID 19**

The Third Sector Additional Needs Alliance (TSANA) is a group of voluntary organisations which seek to protect and promote the rights of children with additional needs in Wales. Our call to action highlights what must occur as part of the Statutory Reform process to ensure that children with additional needs can access the support they need to reach their full potential.

TSANA welcomes the opportunity to submit evidence to the Committee's inquiry. While the Covid-19 pandemic has presented difficult times for everyone, families of children with additional learning needs are facing particular challenges. Children and young people represented by our organisations can be more vulnerable to feelings of isolation and to experience accessibility issues with learning. We know that many of our families are also finding this period difficult as, particularly for those with children who have very complex needs, school can provide a form of respite.

More detail on these points and others have already been submitted by the members of TSANA within our organisational responses to the inquiry. As such, this collective TSANA response seeks to focus on the broader next steps that the Welsh Government is taking in relation to SEN with regards to the Covid Act

### **1) Reasonable Endeavours**

We are collectively aware of the Welsh Government's intention to utilise powers under the Coronavirus Bill to temporarily suspend Statements and bring in Reasonable Endeavours in relation to meeting the additional learning needs of pupils with Statements. We wish to highlight the following points as raised in our recent meeting with representatives from Welsh Government:

- There must be clear guidelines outlining what is meant by 'reasonable endeavours'.
- There must be a fully accessible and publicised route of appeal.
- We **stress** that, where possible, Local Authorities should seek to maintain the same support previously received by the child. Suspending the statement and moving to reasonable endeavours should be a last resort.
- If maintaining the same support plan is not possible, families should be given the reasons for this in writing, along with an explanation of what reasonable endeavours the local authority have used to ensure that the required support is still, as much as possible, provided, along with details of what will be provided instead. Education settings and local authorities should work with families as much as possible to agree any changes. Families may have their own suggestions and ideas for how things could be done differently.

- Guidance in England reaffirms ‘the ongoing importance of co-production with children and young people with SEND and their parents’ - as outlined below: *“At this challenging time, it is even more important that local authorities, health services, education settings and all those involved in the processes relating to EHC needs assessments and plans work with families to identify appropriate ways forward. It is a fundamental principle of the SEND system that children and young people with SEND and their parents need to be fully involved in decisions about their support. Co-production and effective communication remain key, both at the strategic level and in relation to individual cases.”* - <https://www.gov.uk/government/publications/changes-to-the-law-on-education-health-and-care-needs-assessments-and-plans-due-to-coronavirus/education-health-and-care-needs-assessments-and-plans-guidance-on-temporary-legislative-changes-relating-to-coronavirus-covid-19#the-importance-of-co-production>

We would like to see the Welsh Government encourage Local Authorities and education providers to follow the same principle in this regard.

- There should be no ‘blanket’ policies or wholesale cancellation of support, plans or statements that impacts one group of children with a certain protected characteristic/ additional learning need, or all children with additional needs as a whole. Specific levels of need or vulnerability should be taken into account. It’s important to recognise that the needs of children with ALN will vary – what’s suitable for a child with autism or learning disabilities or is deaf, for example, may not be suitable for another. In light of this, education settings and local authorities must look at each case individually.
- We know of cases where local authorities have found innovative ways to ensure they are keeping in touch with families and we would wish to ensure that such established systems that are working well continue following the Welsh Government’s notification.
- A consideration of how to respond to the individual needs of children in creative and flexible ways, as many education settings and local authorities already are. This includes drawing on the wider skills of other staff or other families as appropriate.
- We seek reassurance that there will be consistency as to how Local Authorities interpret ‘reasonable endeavours’ to prevent discrepancies between provisions for groups of children across Wales.
- We would welcome an emphasis on the use of these powers as temporary and a continual review of the situation. As third sector organisations, we would welcome engagement with the Welsh Government on the matter and on how the suspension of Statements is affecting things on the ground.

## **Reasonable Endeavours and Individual Development Plans (IDPs)**

TSANA has historically and emphatically raised concerns with Welsh Government that, in moving towards IDPs as part of the ALN reforms, some Local Authorities have been encouraging families to take up non-statutory IDPs as opposed to statements. We are concerned that, with the implementation of reasonable endeavours and the legal emphasis being on Statements, these families could be left without adequate support. We seek clarification and reassurance as to how the needs of these children will be met. In particular, we believe there should be a clear message to local authorities and education settings that any IDP should be considered as having the same legal status as if it was a statement, and that the same process around reasonable endeavours should be followed.

## **Special Educational Needs (SEN) children and School Returns**

The First Minister announced that children with SEN will be amongst the group of learners prioritised for a return to school. Many families may welcome this as we know that there are concerns among our members about their children missing out on valuable support and falling behind in their studies, as well as concerns around a lack of respite in the current situation. However, we are also mindful that some families with SEN children may not feel comfortable in sending their children back earlier, be that due to personal issues or underlying health conditions of the child or family members. We seek reassurance that these families will be presented with informed choice and still be able to access a strong and suitable level of remote support should they chose not to send their child back with the priority cohort. We would also welcome the opportunity to be part of discussions around potential social distancing measures when children are asked to return to school, as there may be particular considerations for ALN learners, particularly if they are normally in receipt of specialist support or equipment in the classroom.

## **ALN reforms**

We appreciate that the Welsh Government is directing a lot of energy and resources into their Covid-19 response. However, we are mindful that the Welsh Government intends to adhere to the planned timeframe for the implementation and laying the code before the Senedd in the autumn. We are, as a group, concerned that we are yet to receive information on how the Welsh Government will respond to the concerns raised in both the public consultation and the Children and Young People's Education committee recommendations.

## **Planning for the future**

As identified within our organisational responses, we are mindful that the health, education and social service support our families rely on will face challenges as the lockdown eases and services start to resume. We are aware that, in many cases there will be backlogs to address in order to support our children. We would encourage the Welsh Government to play its part (financial and otherwise) in supporting service leads to develop costed plans for when lockdown measures subside to ensure services build back stronger.

Thank you for considering our submission.

Catherine M. Lewis

Chair of TSANA