



**IS-BWYLLGOR ANSAWDD, DIOGELWCH A PHROFIAD GWEITHREDOL  
QUALITY, SAFETY AND EXPERIENCE SUB-COMMITTEE**

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| <b>DYDDIAD Y CYFARFOD:<br/>DATE OF MEETING:</b>  | 09 April 2024  |
| <b>TEITL YR ADRODDIAD:<br/>TITLE OF REPORT:</b>  | The Additional Learning Needs and Educational Tribunal (Wales) Act 2018: QSEC Update |
| <b>CYFARWYDDWR ARWEINIOL:<br/>LEAD DIRECTOR:</b> | James Severs, Executive Director of Therapies and Health Sciences                    |
| <b>SWYDDOG ADRODD:<br/>REPORTING OFFICER:</b>    | Luke Jones, Designated Educational Clinical Lead Officer (DECLO)                     |

**Pwrpas yr Adroddiad (dewiswch fel yn addas)  
Purpose of the Report (select as appropriate)**

Er Sicrwydd/For Assurance

**ADRODDIAD SCAA  
SBAR REPORT**

**Sefyllfa / Situation**

The purpose of this report is to provide QSEC with assurance that appropriate action has been taken to ensure the Health Board is meeting its statutory responsibilities in relation to the Additional Learning Needs and Education Tribunal (Wales) Act 2018.

This is an update following a paper presented to QSEC in December 2023 in which described there had been limited progress to demonstrate compliance with the ALN Act by the Health Board over the last two years.

**Cefndir / Background**

QSEC received a paper in December 2023 which described there had been limited progress to demonstrate compliance with the ALN Act by the Health Board over the last two years. There are several factors impacting on the implementation of the ALN Act which are identified below.

**Senior leadership**

There has been less senior leadership relating to the ALN Act which has reduced the organisational visibility within the Health Board. This resulted in variable degrees of prioritisation by senior leaders within the health board.

**Governance structure**

The implementation of the ALN Act requires collaboration between senior leaders within the Health Board, and between the Health Board and Local Authorities, specifically education. These partnerships have not existed to date through the current ALN Steering Group governance structure.

**Interpretation of new legislation**

The ALN Act has been interpreted in a variety of ways by different partners (nationally) which has impacted on the implementation of the ALN Act. New national structures are now in place to address ongoing areas of uncertainty. These include Welsh Government's Additional Learning Needs Reform National Steering Group; a Health-Education Collaboration Working Group under the governance of the Steering Group; and effective collaboration between the

Designated Education Clinical Lead Officers (DECLOs) who represent the seven Health Boards of Wales.

#### Programme management support

There has been no programme management support to facilitate the delivery of workplans previously developed by the Health Board's ALN Operational and Steering Groups. This has limited both progress and accurate reporting aligned to the ALN Act.

#### Asesiad / Assessment

Since QSEC in December 2023, there has been significant progress to ensure the health board is fulfilling its statutory duties of the ALN Act.

#### Senior Leadership

The Executive Director of Therapies and Health Science is the executive lead for the ALN Act and has worked closely with the Designated Education Clinical Lead Officer to ensure the Health Board meet its statutory duties under the ALN Act.

#### Governance structure

There has been a review of the governance structure which ensures strategic oversight of ALN and operational delivery of ALN which includes representation from the health board and partners from each respective local authority for education within the health board footprint.

The terms of reference for the ALN Steering Group have been reviewed and pending consultation with local authority partners will strengthen the oversight and assurance relating to the Health Board's statutory duties under the ALN Act.

#### ALN Steering Group Work Plan 2024/25 (draft)

Following a series of workshops and engagement events with key stakeholders from health and education throughout February 2024, a new ALN Steering Group Work Plan 2024/25 (draft) (Appendix 1) has been developed, setting out the goals that need to be achieved within agreed key priority areas and timescales.

The ALN Steering Group Work Plan 2024/25 (draft) sets out key activities that needs to be progressed for the Health Board to:

- provide assurance regarding the extent to which it is fulfilling its statutory duties.
- maximise its ability to comply with its statutory duties.
- follow the statutory guidance of the ALN Code that supports the Act.

Although further work is required to formally agree action owners for the work plan, this work is scheduled to take place throughout March and early April 2024. Once agreed, the ALN Steering Group Work Plan 2024/25 will be the key mechanism to ensure the Health Board meets its statutory requirements.

There is a need to consider the overarching governance of compliance with the ALN Act from both a health and education perspective, however this is being progressed by the Executive Director of Therapies and Health Science.

More effective multi-agency 'ownership' of the workplan within an enhanced governance structure will facilitate delivery of the plan, however this is being progressed by the Executive Director of Therapies and Health Science with Directors of Education from each respective Local Authority.

It remains the case that only limited assurance regarding the Health Boards compliance with the statutory requirements of the ALN Act, however, there has been good progress over the last four months, specifically:

- Implementation of a single operational process through which key statutory duties are fulfilled is a positive step forward.
- Progress to develop a digital data solution.
- ALN Steering Group Work Plan 2024/25 that will enable significant progress over the next year, with positive engagement regarding the plan and scope to strengthen the partnership working and governance processes.

### Argymhelliad / Recommendation

The Quality, Safety and Experience Committee is asked to:

NOTE progress, since the first alerting to QSEC in December 2023.

RECEIVE assurance, there is improved executive leadership relating to the ALN Act.

RECEIVE assurance, there is improved governance which is facilitating progress Health Board compliance with its statutory duties under the ALN Act.

RECEIVE assurance, there is ALN Steering Group Work Plan 2024/25 (draft) will enable increased oversight and monitoring of progress by Health Board compliance with its statutory duties under the ALN Act.

| <b>Amcanion: (rhaid cwblhau)<br/>Objectives: (must be completed)</b>   |  |
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| Committee ToR Reference:<br>Cyfeirnod Cylch Gorchwyl y Pwyllgor:   |  |
| Cyfeirnod Cofrestr Risg Datix a Sgôr<br>Cyfredol:<br>Datix Risk Register Reference and<br>Score:                     | Risk 1414 – Risk Score = 16  |
| Safon(au) Gofal ac Iechyd:<br>Health and Care Standard(s):   | 3.1 Safe and Clinically Effective Care<br>5.1 Timely Access<br>7.1 Workforce<br>6.3 Listening and Learning from Feedback   |
| Nodau Gwella Ansawdd:<br>Quality Improvement Goal(s):  | Focus On What Matters To Patients, Service users,<br>Their Families and Carers, and Our Staff<br>Reduce Unwarranted Variation and Increase Reliability   |
| Amcanion Strategol y BIP:<br>UHB Strategic Objectives:   | 1. Starting and developing well<br>4. Improve the productivity and quality of our services<br>using the principles of prudent health care and the<br>opportunities to innovate and work with partners. |
| Amcanion Llesiant BIP:<br>UHB Well-being Objectives:<br><a href="#">Hyperlink to HDdUHB Well-being<br/>Statement</a> | Improve Population Health through prevention and<br>early intervention   |

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| <b>Gwybodaeth Ychwanegol:<br/>Further Information:</b>  |   |
|---|---|
| <b>Ar sail tystiolaeth:<br/>Evidence Base:</b>  | The Additional Learning Needs and Education Tribunal (Wales) Act 2018                           |
| <b>Rhestr Termau:<br/>Glossary of Terms:</b>  | Children and young people with additional learning needs are defined under the ALN Act as those |
| <b>Partïon / Pwyllgorau â ymgynhorwyd ymlaen llaw y Is-bwyllgor Ansawdd, Diogelwch a Phrofiad Gweithredol:<br/>Parties / Committees consulted prior to Operational Quality, Safety and Experience Sub- Committee:</b> | N/A   |

| <b>Effaith: (rhaid cwblhau)<br/>Impact: (must be completed)</b> |                            |
|---|----------------------------|
| <b>Ariannol / Gwerth am Arian:<br/>Financial / Service:</b>     | N/A                        |
| <b>Ansawdd / Gofal Claf:<br/>Quality / Patient Care:</b>        | Included within the report |
| <b>Gweithlu:<br/>Workforce:</b>                                 | Included within the report |
| <b>Risg:<br/>Risk:</b>  | Included within the report |
| <b>Cyfreithiol:<br/>Legal:</b>                                  | Included within the report |

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| <b>Enw Da:<br/>Reputational:</b>   | Included within the report |
| <b>Gyfrinachedd:<br/>Privacy:</b>  | N/A                        |
| <b>Cydraddoldeb:<br/>Equality:</b> | N/A                        |



Appendix 1: ALN Steering Group Workplan (draft)

| ID | Area   | ID  | Goal   | By when?                              | Lead/s - Health                       | Lead/s - LA |
|----|--|-----|--|---------------------------------------|---------------------------------------|-------------|
| 1  | <b>Statutory operational processes 1 / Person-centred planning Implementation</b><br>(statutory duties under ALN Act Sections 65 and 20) | 1.1 | Fully implement person-centred planning operational processes through which statutory duties under Sections 65 and 20 of the ALN Act are fulfilled                                 | Jul-24                                | TBC                                   | TBC         |
|    |  | 1.2 | Develop and ratify through ALN Steering Group 'collaboration framework' whereby schools may issue Section 20 referrals   | Jul-24                                | TBC                                   | TBC         |
|    |  | 1.3 | Establish mechanisms for collaborative quality assurance and systems refinement of the above operational processes. Develop plan to drive improvement for the 2024/25 school year. | Sep-24                                | TBC                                   | TBC         |
|    |  | 1.4 | Finalise and formally ratify (through ALN Steering Group) Standard Operating Procedure (SOP) for the above operational processes.  | Jul-24                                | DECLO + TBC                           | TBC         |
|    |  | 1.5 | Provide refresher training to all relevant staff regarding the finalised SOP.  | Jul-24                                | DECLO + TBC                           | TBC         |
| 2  | <b>Statutory operational processes 1 / Person-Centred Planning: Health Board Data</b>  | 2.1 | Develop digital infrastructure that enables the Health Board to report on its compliance with statutory duties under Sections 65 and 20 of the ALN Act.                            | TBC pending confirmation from Digital | Digital + DECLO + Tracey Humble (W&C) | N/A         |

|   |   |     |   |                                       |                                     |     |
|---|---|-----|---|---------------------------------------|-------------------------------------|-----|
|   |   | 2.2 | Develop and implement framework to ensure (1) clarity regarding roles and responsibilities for any manual data capture; (2) data quality assurance processes are in place; (3) compliance is monitored for all relevant services. | TBC pending confirmation from Digital | DECLO + Tracey Humble (W&C)         | N/A |
|   |   | 2.3 | Develop and implement framework for reporting to the ALN Steering Group on statutory compliance and key quality indicators.   | TBC pending confirmation from Digital | Digital + DECLO                     |     |
| 3 | <b>Statutory operational processes 2 / Notification of probable ALN</b> (statutory duties under ALN Act Section 64) | 3.1 | Develop, ratify and implement SOP regarding Health Board notification to LAs of probable ALN in preschool children, through which statutory duties under Section 64 of the ALN Act are fulfilled.                                 | Dec-24                                | Paula George, Health Visiting (W&C) | TBC |
|   |   | 3.2 | Develop and deliver training to all relevant Health Board staff regarding the above.  | Dec-24                                | Paula George, Health Visiting (W&C) | N/A |
|   |   | 3.3 | Establish reporting framework to ALN Steering Group to ensure the Health Board is complying with its duties under Section 64 of the ALN Act.  | Mar-25                                | Paula George, Health Visiting (W&C) | N/A |
| 4 | <b>Demand / Capacity Assessment</b>   |     | Children's Therapies Services to conduct initial analysis of the demand / capacity implications of the operational requirements of the ALN Act.   | Mar-25                                | TBC                                 | N/A |
| 5 | <b>Supporting high-quality inclusive practice in Education settings</b>   |     | Hold initial discussion between Children's Therapies Leads and appropriate Education partners to identify goal and agree next steps.  | Sep-24                                | TBC                                 | TBC |



|    |                                    |      |  |        |   |   |
|----|------------------------------------|------|--|--------|---|---|
| 6  | <b>Individual Healthcare Plans</b> | 6.1  | Develop training plan for implementation of new Individual Healthcare Plan.  | Jul-24 | W&C TBC   | TBC   |
|    |                                    | 6.2  | Provide training to all relevant Health Board and Education staff.   | Dec-24 | W&C TBC   | TBC   |
| 7  | <b>Mental health and ALN</b>       |      | Establish a clear understanding across the Education system of when mental health needs are an area of ALN. Establish framework/s to ensure a graduated response is taken in the Education system when meeting mental health needs that impact on a child's learning. This must include clarity regarding the role of relevant Health Board Services in supporting Education decision-making and planning. | Jul-25 | Alastair Wakely (MHL D)                         | TBC   |
| 8  | <b>16-Plus</b>                     | 8.1  | Provide refresher training to all relevant staff regarding the SOP (see ID 1.4).   | Jul-24 | DECLO + TBC                                     | TBC   |
|    |                                    | 8.2  | Establish a mechanism for Further Education Institutes to access consultation from relevant NHS services.  | Jul-24 | Jon Adams (Therapies)                           | FEI Leads                                     |
|    |                                    | 8.3  | Establish a multi-agency mechanism for joint decision-making, including about funding, where post-16 learners may require Independent Specialist Post-16 Institutes.   | Jul-24 | DECLO + Jon Adams, Tracey Humble, Matt Richards | Deb Livingstone, Leonie Rayner, Rebecca James |
|    |                                    | 8.4  | Develop and deliver training that ensures adult services staff have an appropriate level of awareness of the ALN Act and associated requirements.  | Sep-24 | TBC   | N/A   |
| 9  | <b>Education Tribunal</b>          |      | Agree, and ratify through ALN Steering Group, processes through which the Health Board participated in appeals to the Educational Tribunal for Wales.  | Jul-24 | DECLO   | N/A   |
| 10 | <b>Governance</b>                  | 10.1 | Establish a governance framework that enables assurance to be appropriately provided to the Board, with Executive oversight.   | Jun-24 | ADoTHS  | N/A   |

|    |   |      |  |        |        |                        |
|----|---|------|--|--------|--------|------------------------|
|    |   | 10.2 | Revise terms of reference for the Health Board's ALN Steering and Operational Groups to support the above and to align. Approve ToR at Director level for all partner organisations and ratify through appropriate mechanism/s.  | Jun-24 | EDoTHS | Directors of Education |
| 11 | <b>CYP and parent / carer voice and involvement</b> | 11.1 | Establish mechanism whereby information about the role of the Health Board under the ALN Act is available to families.   | Jul-24 | TBC    | N/A                    |
|    |   | 11.2 | Hold discussion between Health and Education partners of existing mechanisms to support the participation in decision-making of children, young people and their parents and carers. Agree next steps for the 2024/25 school year to facilitate participation and involvement, ensuring that statutory guidance in the ALN Code is being followed. | Jul-24 | TBC    | TBC                    |