

## **PACEY Cymru response to the Children, Young People and Education Committee consultation on the general principles of the Additional Learning Needs and Education Tribunal (Wales) Bill – March 2017**

### **1. Background**

This is PACEY Cymru's response to the Children, Young People and Education Committee consultation. PACEY Cymru are grateful for the opportunity to put forward information for consideration under this consultation. This response is provided in relation to our area of expertise, which is from the perspective of the childcare and early years sector. PACEY Cymru have not commented on areas where it is felt that other organisations may be better placed to provide a response.

We have also given some key points for consideration where there are links between the Bill and the Draft Additional Learning Needs Code though we are aware this will be consulted on separately.

PACEY Cymru would like to suggest consideration of the following in order to support the capacity of the workforce within the childcare and early years' sector to prepare for and deliver the new arrangements from the ALN Bill.

### **2. Comments and key points for consideration on the Bill**

#### **2a. Identification of ALN in pre-school settings**

PACEY Cymru welcome the step this Bill provides to ensure there is consistency in support for all learners from 0 – 25 years with ALN. This includes recognition of the importance of early identification of ALN, timely support and flexibility to adapt plans promptly in order to meet individual needs. PACEY Cymru also welcomes the recognition that the Bill gives to the role that childcare providers, along with other professionals, have in identifying needs and concerns in the early years. The role of the Additional Learning Needs Coordinator (ALNCo.) within each childcare and early years settings is, and will continue to be, key in relation to liaison. The draft Additional Learning Needs Code clearly defines the role that the ALNCo has in supporting and facilitating links and smooth transitions between these, other settings, schools and other services.

PACEY Cymru wish for this to be further strengthened within the Draft Additional Learning Needs Code under section 9.1.5 that professionals working in childcare and early years setting with children of pre-school age are listed as those who can bring individual's cases to the attention of a Local Authority in line with their role in identifying and reporting ALN.

#### **2b. Parental choice and child centred-approach**

PACEY Cymru feels strongly that the child should be central to the planning of any arrangements and this comes across strongly in the Bill and the supporting Draft Additional Needs Code, on the whole, where the emphasis is on increased

participation of children and young people, partnership working, and a child-centred, holistic approach.

PACEY Cymru understand from the Bill that the duties relating to ALN provision for children under statutory school age would be with the local authority. The relationship between the local authority and settings is unclear within this Bill, although how this would work in practice should be addressed within the Draft Additional Learning Needs Code and will be covered in a separate consultation.

Section 13.2 of The Draft Additional Learning Needs Code sets out the duty Local Authorities have in favouring educating children in mainstream schools, including maintained nurseries. PACEY Cymru believe that further clarification is required to define what this means in relation to pre-school children where the definitions and use of terminology between care and education are more blurred to avoid varying interpretations of this for children before the compulsory education age.

PACEY Cymru advocates for parental choice and a child-centred approach, which places the needs of the child on an individual basis first. In this respect, the ALN Bill should allow for consideration on an individual basis of the most suitable approach, format and setting to meet the needs of a child in the pre-school years. Whilst it is extremely important that all settings are inclusive and open to children with ALN, not all children thrive in a formal education or mainstream setting specifically in the early years. Assessment of the needs of a child should be focused on their needs and interests, where children and families identify alternative options would better meet their needs, these should be available.

### **3a. Childcare regulations and standards**

PACEY Cymru would suggest consideration of whether any changes are needed to the Childminding and Daycare Regulations Wales, and the National Minimum Standards for Regulated Childcare (Wales). The National Minimum Standards sets the minimum requirements for childcare providers, Standard 4.5 makes reference to the current Code of Practice for Special Education Needs (or Additional Learning Needs). It is not clear from the Bill or Draft Additional Learning Needs Code what role childcare and early years providers will have in supporting the development of Individual Development Plans. The duty to maintain these will sit with the Local Authority but partnership working and a joined up approach is key. If this is strengthened then consideration needs to be given around review of the associated Childminding and Daycare Regulations Wales, and the National Minimum Standards for Regulated Childcare (Wales).

PACEY Cymru welcome the recent release by CSSIW of a guide to support implementation of the new inspection framework, which provides good practice guidance with a strong emphasis on meeting children's individual needs. There is good practice guidance under section 2.3 on ALN which could help to guide the childcare and early years on supporting the implementation of the new ALN Bill. The introduction of ratings should also encourage childcare providers to raise standards of care in this respect. There again needs to be a consistent approach in relation to

the Bill and Additional Needs Code within the inspection framework and this make need to be looked at more closely by CSSIW to ensure standardisation of regulation and inspection.

### **3b. Information, training, guidance and resources**

PACEY Cymru understand that there are plans for local authorities to roll out information and training to support 'core skills development' within plans for workforce development, which is welcomed. As the reach of the ALN Bill includes children younger than those in settings funded to deliver education training, information and support needs to be promoted to, available and accessible to the wider childcare and early years sector. Having not traditionally fallen within the remit of educational needs, it will be especially important to ensure that settings are aware of and understand the ALN Bill, and are able to respond to this in the service they provide.

In anticipation of implementation PACEY Cymru would suggest that information and advice is widely publicised regarding the local authority role and support available to raise awareness with both parents and professionals working with children under statutory school age. PACEY Cymru would suggest that for childcare and early years professionals, this could be supported through the provision of local training and information packs specific to the sector on the Additional Learning Needs Code. This should include clear advice on who to contact within their local authority area for further information and how to signpost families to support.

The Early Support resources developed a number of years ago, were recognised as an important source of information, guidance and support to aid childcare providers, other professionals, and parents in meeting the needs of young children with specific needs. These resources aided those working with the youngest, and possibly most vulnerable children with access to information, and guidance to support them and to signpost parents to appropriate sources of support. PACEY Cymru would welcome the development and publication of similar resources for use across Wales and would look to support in this area.

PACEY Cymru welcomes plans for consistency across Wales with regards to the assessment of development of babies and young children, which would also support the implementation of the ALN Bill, aiding the identification of early support needs (if applicable). PACEY Cymru actively promotes the Foundation Phase Profile as the first assessment tool released under the Early Years Development and Assessment Framework (EYDAF), and is keen to support the development of further tools which would provide similar consistency in the assessment of babies and younger children across Wales.

Welsh Government's 'Building a Brighter Future' and 'Early Years and Childcare Workforce Plan' includes a welcomed focus on high quality education and childcare. As an association PACEY Cymru has long understood and promoted the importance and benefits of quality education and childcare provision, especially for those children with Additional Learning Needs. High-quality childcare and early

education have been shown to play a crucial role in supporting children's development – and in narrowing the gap between the most and least disadvantaged children. At the heart of quality early years childcare is a qualified and supported workforce. PACEY Cymru therefore advocates access to quality affordable training, qualifications and continuous professional development opportunities, for all childcare and early years professionals in Wales to support this aim.

Given the timely review and development of revised childcare qualifications in Wales by Qualifications Wales and associated work with the Care Council for Wales (soon to become Social Care Wales) PACEY Cymru believe that it is imperative that consideration be given to how the learning outcomes of these are strengthened in relation to meeting the needs of ALN children in line with the ALN Bill and Code.

### **3d. Childcare for vulnerable children, children with disabilities, and poverty initiatives**

Whilst this may not be specifically relevant to this current consultation, it may be beneficial to consider how support for children with ALN fits with other policies and initiatives which are involved in funding childcare places. PACEY Cymru understands that there are a number of different funding programmes, initiatives and circumstances in Wales which currently include funded childcare, including for children with ALN. The administrative arrangements for these can vary in different local authority areas, and fall under a number of funding streams or programmes involving a variety of staff teams. In some programmes such as Flying Start there is an element of childcare expertise within the staff teams, however for others this can fall within the remit of a variety of professionals where childcare is not their area of expertise. It will be beneficial to ensure that those tasked with administering such schemes are also aware of and understand local authority arrangements according to the ALN Bill and Code of Practice.

PACEY Cymru would advocate a number of important considerations for any professionals seeking to arrange childcare. The quality of childcare setting is important, therefore registered childcare should be considered as a minimum requirement. PACEY Cymru would advocate that steps are taken to ensure that the childcare provider exceeds the minimum standards when caring for children with ALN. There are a number of quality improvement schemes, including PACEY Cymru's own award, which can demonstrate quality standards in a childcare setting. In time the further implementation of CSSIW Inspection ratings will support this. Those unaccustomed to the childcare sector could seek guidance from the local authority family information services or childcare team, or from a relevant organisation such as PACEY Cymru.

PACEY Cymru advocates parental choice, there is a wide range of different childcare providers and services available and it is important to work with families to identify which service is best suited to meeting the needs of their child. PACEY Cymru are concerned to note that some procurement processes can exclude certain types of childcare setting as they are weighted in favour of the number of children a

setting can care for and so smaller settings, including childminders, can miss out on opportunities. This can impact on continuity of care as children who are settled have to move to childcare that is funded. For more vulnerable children and children with additional learning needs this does not appear to support their well-being. PACEY Cymru would always advocate that quality of care, not quantity of children, should be the priority consideration in any process involving the arrangement of funded childcare and commissioning. PACEY Cymru would like to ensure that choice of childcare available for parents under such circumstances would include registered childminders. A quality childminder providing care with a small number of children within a home-based environment can offer a nurturing environment for vulnerable children and a flexible service to meet the needs of children and parents.

As noted transitions is an important consideration when planning childcare which is sensitive to the emotional needs of babies, young children, and children with additional learning needs. As there are a number of programmes and initiatives administered separately there is a risk that vulnerable children, including those with ALN, can pass through a number of transitions between different childcare providers in their early years. PACEY Cymru would again advocate parental choice here and the importance of enabling children to access funded childcare and early education where they are already settled, provided the setting is registered and able to meet the relevant quality requirements.

### **About PACEY Cymru**

PACEY is the Professional Association for Childcare and Early Years. Formed in 1977, we are a charity dedicated to supporting childcare professionals to deliver high quality care and early learning for children. We provide expert support, training and resources to childcare professionals across England and Wales and offer advice and peer support through our nationwide network of PACEY local groups. We represent the views and experiences of practitioners to government, regulators and decision makers and champion their vital role in helping children get the best start in life.

PACEY Cymru supports members and people working in childcare in Wales to provide the best possible standards of care for children. We work with the Welsh Government, local authorities and agencies to ensure families across Wales have access to affordable, quality childcare.

PACEY Cymru is supported by funding by the Welsh Government's Children and Families Delivery Grant (CFDG). We're one of five leading childcare organisations working together through the Welsh Government-funded consortium Cwlwm (Childcare Wales Learning and Working Mutually).

### **For further information please contact;**

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