

## Monmouthshire's Principles Document for Determining the Responsibility for Maintaining an Individual Development Plan (IDP)

### 1. Introduction

The ALN Code, section 12.44, indicates that 'Local authorities should, in consultation with schools they maintain and any other persons they consider appropriate, establish and publish, a set of principles they will apply when determining whether it is reasonable for a school to secure the ALP required by a pupil or whether the authority ought to do so.'

This document sets out the principles the local authority proposes to apply when determining the whether the school or local authority should hold responsibility for maintaining a child or young person's IDP. The ALN Code is a statutory document which sets out duties for local authorities, schools and settings. In the Code the term **'must'** represents where there is a requirement, whether in the Act, regulations made under the Act, imposed by the Code or in other legislation – for a person or body, to do something i.e., where the word **'must'** is used the LA, schools and settings have a legal obligation to comply. Where a person or body is prohibited in law from doing something, this will be indicated in the Code by stating a person or body **must not** take the action. The Code also includes statutory guidance, and this is denoted in the Code by the word **'should.'**

### 2. Definition of ALN (ALN Code 2.3)

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 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.

### **3. Definition of Additional Learning Provision (ALP) (ALN Code 2.4)**

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.*

*In subsection (1), “nursery education” means education suitable for a child who has attained the age of three but is under compulsory school age.*

### **4. IDPs (Individual Development Plans) that Monmouthshire Local Authority (LA) will automatically maintain**

- ✓ The LA will be responsible for identifying ALN and required ALP and if necessary, issuing IDPs for all Monmouthshire LAC. (ALN Code 14.9)
- ✓ Children/Young People who are dual-registered
- ✓ Children/Young People in independent, specialist (MCC SRB) or out of county provision

### **5. Principles for transferring an IDP from maintained schools to the LA**

The school has responsibility to determine whether a child has ALN and rather than prepare the IDP it may refer to the LA. However, the school **must not** do this unless: (see ALN Code 12.39)

- a) It considers that a child has ALN that may call for ALP it would not be reasonable for the school to secure
- b) It considers that a child has ALN the extent or nature of which it cannot adequately determine
- c) A school considers that a child has ALN for which it cannot adequately determine ALP.

### **6. When receiving requests that ALP cannot be reasonably secured by a school, the LA Panel will consider the following Principles:**

- a) the extent and duration of advice from external specialists that is likely to be unreasonable for a school to secure
- b) the equipment that is likely to be unreasonable for a school to provide (please note that specialist equipment recommended by ABUHB professionals will be considered at LA panel and provided for a child / young person for use in school)
- c) the intensity and duration of support and scale of internal engagement of staff (including the ALNCo (Additional Learning Needs Co Ordinator)) at the school, that is likely to be unreasonable for a school to provide.

Table 1 below provides examples of when the above could be applied and evidence required to support an application.

Table 1.

Referrals from a maintained school to the LA	Example of when appropriate to refer to LA (see ALN Code section 12.43)	Evidence required when making a referral
<p>1. A school considers that a child has ALN that may call for ALP it would not be reasonable for the school to secure</p>	<p>a) the child has a low incidence or rare condition which requires specialist intervention that the school cannot provide e.g., highly specialist nursing /medical care during the school day or highly complex learning / neurodevelopmental needs.            b) to meet the child’s needs, the school requires regular advice and support from external agencies which is over and above that which can be reasonably arranged and accessed by the school.            c) the child requires equipment which can only be used by one pupil or cannot be reused or is beyond the reasonable resources of the school.            d) the child requires very intensive daily support which cannot be reasonably funded or secured by the school’s budget.</p>	<ul style="list-style-type: none"> <li>• a costed provision map for the individual child</li> <li>• updated ALN evaluation form</li> <li>• external professional advice for the ALP including, health reports indicating level of medical intervention required throughout the day and where appropriate, requests for specialist equipment. Reports from Health /EPS in relation to learning / ND needs/diagnosis.</li> <li>• Tribunal direction to provide ALP that cannot reasonable be provided by the school (i.e., private/commissioned services other than those generally available to schools e.g., from ABUHB/Secom)</li> </ul>
<p>2. A school considers that a child has ALN the extent or nature of which it cannot adequately determine</p>	<ul style="list-style-type: none"> <li>• This would refer to when a child has an exceptionally rare condition or highly complex presentation where all avenues of local advice &amp; support have been explored.</li> </ul>	<ul style="list-style-type: none"> <li>• Evidence of relevant referrals to external professionals and outcomes/reports</li> <li>• Evidence that multi-disciplinary team (MDT) meetings have taken place</li> </ul>
<p>3. A school considers that a child has ALN for which it cannot adequately determine ALP.</p>	<ul style="list-style-type: none"> <li>• This would refer to cases where external professional reports do not specify or recommend interventions /approaches that could constitute ALP and evidence highlights that the needs of the child/young person, are not currently being met through current provision.</li> </ul>	<ul style="list-style-type: none"> <li>• As above (point 2) and evidence that advice from external professionals fails to provide information that could inform ALP.</li> <li>• Evidence of interventions / strategies used and outcomes (Individual Provision Map)</li> </ul>

- The school **should** be mindful of the need to make any such referral as early as possible so as to minimise delay in the IDP being prepared. Therefore, where the school becomes aware that there is a ground for referral to the local authority, it **should** act promptly to consider whether to refer the child’s case and in making any

referral. In most cases, the school ought to be able to make the referral within 20 school days (if not earlier) from the date on which it is brought to its attention, or otherwise appears to it, that the child has ALN. (ALN Code 12.40)

- Occasionally, the grounds for a referral may only emerge later in the process of deciding whether the child has ALN and preparing an IDP. For example, it might only be when some advice is received from a specialist service that the school realises that the nature of the child's ALN is more extensive than it had thought, or that the child requires ALP (Additional Learning Provision) which it would not be reasonable for it to secure. Where the grounds for referral emerge much later in the process, the school **may** still refer the matter to the local authority, but if it does so, the school **should** act promptly to do so to minimise the delay to an IDP being put in place. (ALN Code 12.41)

## **7. Principles relating to a child/young person residing in Monmouthshire who, by parental preference, wishes to attend a mainstream school in England**

- a) Child/young person with an IDP who wishes to attend an English school by parental preference (**ALN Code 18.6/18.7**)
  - The Monmouthshire school must organise an IDP review and share paperwork indicating parental preference with Monmouthshire ALN Service
  - Monmouthshire LA will then consult with the school in England and relevant LA
  - The school in England / LA must respond to indicate whether they can meet need and if it indicates it can, provide Monmouthshire LA with a costed provision map
  - Monmouthshire LA panel will consider funding and placement request.
- b) **If the request is in relation to a Y6 pupil transferring to an English school for Y7, the review and consultation MUST take place in the Autumn term of Y6.**