

# Local Authority's arrangements for resolution of disagreements and right to appeal

## What should I do if I disagree with a decision made by a school regarding additional learning needs (ALN) or School Individual Development Plan (IDP)?

If the school does not agree that your child has ALN, or you are not happy with the content of your child's IDP. In the first instance you will need to discuss this with the school. If you are still dissatisfied, then you can request the local authority reconsider the decision made by the school.

### Referring to the Local Authority for Reconsideration

If you would like the Local Authority to reconsider a school decision, please email: [alnenquiries@valeofglamorgan.gov.uk](mailto:alnenquiries@valeofglamorgan.gov.uk)

### Further information

For further information on ALN including Dispute Resolution please see our website:

<https://www.valeofglamorgan.gov.uk/en/living/schools/Additional-Learning-Needs/Additional-Learning-Needs.aspx>

## What should I do if I disagree with a decision in relation to additional learning needs (ALN) or an Individual Development Plan (IDP) made by a FEI or a local authority?

We encourage the child, the child's parent or young person to raise any concerns as soon as possible. The school should consider any problems and address them appropriately, for example, explain any other decisions or issues or, if appropriate, revise an IDP.

You can contact the school's Additional Learning Need Coordinator (ALNCo) or the Headteacher. The relevant contact details can be found in the ALN Notice(s) that you will have received from the school and on the school's website.

In the case of children under compulsory school age who are not at school you can **discuss the matter with the Early Years Additional Learning Needs Lead Officer**. You can e-mail the Early Years Additional Learning Needs Lead Officer using the e-mail address noted in the table below, or telephone 01446 709180

Early Years Additional Learning Needs Lead Officer	Contact Details
Kirsty Gamlin	<a href="mailto:klgamlin@valeofglamorgan.gov.uk">klgamlin@valeofglamorgan.gov.uk</a>

For young people (Post-16) you can **discuss the matter with the ALN Post 16 IDP Officer**. You can contact the ALN Post 16 IDP Officer using the e-mail address noted in the table below, or telephone 01446 709180

ALN Quality Officer (Post-16)	Contact Details
Jennifer Dunstan	<a href="mailto:jdunstan@valeofglamorgan.gov.uk">jdunstan@valeofglamorgan.gov.uk</a>

You can also **contact the Additional Learning Needs Information and Support Service, SNAP Cymru** on 0808 801 0608 for independent advice or assistance. They may also put you in touch with the informal arrangements available to resolve or prevent any disagreement between you and the local authority.

You can also use the local authority's arrangements for resolving disagreements. You can email [alnenquiries@valeofglamorgan.gov.uk](mailto:alnenquiries@valeofglamorgan.gov.uk) with your concerns and a Local Authority officer will respond and provide advice regarding next steps.

The Local Authority will ask for further details on the issues or amendments requested. This information will be reviewed through the Local Authority Panel process and consultation with professional involved and actioned if needed depending on the individual issues highlighted. Meetings with a Local Authority officer will then be arranged to consider the highlighted issues which could involve the Local Authority issuing a revised IDP.

SNAP Cymru provide an [Independent Disagreement Resolution Service](#) to help resolve disputes. These specialist services are free and independent of the Local Authority. To initiate the process you can complete a [referral form](#) or contact SNAP (0808 801 0608 or [DRS@snapcymru.org](mailto:DRS@snapcymru.org)). Entering into disagreement resolution arrangements does not affect any rights to appeal to the Education Tribunal of Wales (ETW).

Using the local authority arrangements for resolving disagreements is not compulsory and entering into disagreement resolution arrangements does not affect any rights to appeal to the Tribunal

## Clear and consistent rights to appeal

**Clear and consistent rights to appeal** is one of the aims of the Additional Learning Needs and Education Tribunal (Wales) Act 2018. If disagreements regarding decisions made in relation to ALN or IDP cannot be resolved locally, the Act ensures that children and young people (and carers/parents of children under 16 years old), have the right to appeal to a tribunal.

The ALN Notification(s) that you have received from the FEI or local authority also included information about the right to appeal to the Tribunal against decisions made in relation to ALN or about particular aspects of the IDP.

### What does the Education Tribunal for Wales do?

The Tribunal listens and decides upon appeals and applications relating to children and people who have ALN or who could have ALN. Specifically, it listens and decides on appeals on decisions made by further educational institutions or local authorities in Wales.

All children, their parents or carers and young people have the right to appeal to the Education Tribunal of Wales (ETW) against decisions. Their job is to hear and decide appeals about children with additional learning needs. Appeals can be made by you the parent/carer or the young person themselves. The ETW is independent of government, local authorities, schools and Further Education Institutions (FEIs). Its decisions are legally binding.

Although there is no right to appeal to the Education Tribunal in relation to ALN decisions made by a school, it is possible to appeal against a local authority decision when reconsidering a decision by a maintained school on ALN or an IDP.

The Tribunal will also listen to cases where it is claimed there is disability discrimination in relation to schools.

The Education Tribunal is independent of government, local authorities, schools and higher education institutions; and its decisions are enshrined in law.

The Tribunal can make decisions regarding a child's ability to understand matters relating to the ALN system, including what submitting an appeal to a Tribunal means. If it states that a child does not have sufficient capacity to understand, the Tribunal can appoint a case friend to the child upon request. A case friend can be appointed to support the child or young person through the tribunal process.

The Tribunal can also insist that an NHS body provides evidence about the elements of an appeal that involve health, and can make recommendations to an NHS body about the exercise of its functions under the ALN Act. If a Tribunal makes a recommendation to an NHS body, that body must report back to the Tribunal noting the steps that have been taken or that it intends to take in response to the tribunal's recommendation; or why they have not been implemented and that it does not intend to take any steps in response to the recommendation.

## **Which matters can be appealed?**

A child, a child's parent or a young person can appeal to the Tribunal about the following matters:

- a decision by a FEI or local authority as to whether a child or young person has ALN;
- in the case of to a young person, a decision by a local authority about whether it is necessary to prepare and maintain an IDP;
- description of the person's ALN in an IDP;
- the ALP in an IDP, or the fact that ALP is not in an IDP, including whether the plan specifies that ALP should be provided in Welsh.
- the provision included in an IDP by a local authority under sections 14(6) or 19(4) or the fact that provision under those sections is not in a plan
- the school named in an IDP for the purpose of admitting a child into a named institution, or if a school has not been named in an IDP for the purpose of admission;
- a decision by the local authority not to revise an IDP when a child, the child's parent or young person requests the local authority to reconsider an IDP that is maintained by a maintained school
- a decision by a local authority not to take over responsibility for an IDP, which is maintained by a school, when it is asked to do so by a child or parent, a young person or the governing body of that school;
- a decision to cease to maintain an IDP;
- a refusal to decide a matter on the basis that there is no material change in needs or no new information that materially affects the decision<sup>13</sup>

## **If I use the local authority's disagreement resolution arrangements, do I retain my right to appeal to the Tribunal?**

Using the local authority arrangements for resolving disagreements is not compulsory and entering into disagreement resolution arrangements does not affect any rights to appeal to the Tribunal

## **Who can appeal to the Tribunal?**

The ALN Act 2018 gives the right to a child or young person (and the carers/parents of children under 16 years old), to appeal to a Tribunal against the decision of a further education institution or local authority regarding decisions made in relation to ALN or IDP.

## Can children submit their own appeal?

Children can submit their own appeals to the Tribunal if they have sufficient capacity (or understanding) to do so. Where required, the Tribunal can make decisions regarding a child's ability to understand matters relating to the ALN system.

Children who lack the capacity can still bring an appeal to the Tribunal in their own name, with a case friend to represent and support them and to make decisions on their behalf if they do not have a parent who is willing or able to bring an appeal to the Tribunal for the child.

## When can I appeal to the Tribunal?

There is a time limit of 8 weeks for appealing to the Education Tribunal for Wales. The Education Tribunal for Wales must receive your appeal application and the supporting case statement (evidence) **in writing** no later than the first working day after the expiry of 8 weeks beginning with the date when the notice given.

If a child, child's parent or young person decides to use disagreement resolution arrangements, the 8 week period is extended by a further 8 weeks.

## How do I make an appeal to the Tribunal?

The Education Tribunal for Wales provides advice and guidance on its website on the appeals process and the procedures to be followed.

[www.educationtribunal.gov.wales](http://www.educationtribunal.gov.wales)

The contact details for the Education Tribunal for Wales are:

Education Tribunal for Wales Welsh Tribunals Unit  
PO Box 100  
Llandrindod Wells LD1 9BW  
Telephone: 0300 025 9800  
E-mail: [educationtribunal@gov.wales](mailto:educationtribunal@gov.wales) or [tribunal.Enquiries@gov.wales](mailto:tribunal.Enquiries@gov.wales)  
Website: [www.educationtribunal.gov.wales](http://www.educationtribunal.gov.wales)

## Where can I find assistance with the appeals process?

The Education Tribunal for Wales provides advice and guidance on its website [www.educationtribunal.gov.wales](http://www.educationtribunal.gov.wales) on the appeals process and the procedures to be followed.

You can **contact the parent partnership service, SNAP Cymru** on 0845 1203730 for independent advice or assistance.

## **What decisions can the Education Tribunal for Wales make, after hearing an appeal?**

- dismiss the appeal;
- order that a person has, or does not have, ALN of a kind specified in the order;
- order a FEI or local authority to prepare an IDP;
- order a FEI or local authority to revise an IDP as specified in the order;
- order a school, FEI or local authority to continue to maintain an IDP (with or without revisions);
- order a local authority to take over responsibility for maintaining an IDP development plan;
- order a FEI or local authority to review an IDP development plan;
- remit the case to an FEI that is responsible for the matter, or to the local authority responsible to the matter, for it to reconsider whether, having regard to any observations made by the Tribunal and it is necessary for a different decision to be made or different action to be taken.

## **What should I do if I am unhappy with the health provision within the Individual Learning Plan (IDP) or Individual Health Care Plan?**

If it is an NHS matter (Health Board), i.e. a concern about care, a service or treatment provided by an NHS body (either described in section 2C of the IDP, or other care or treatment), speak to the relevant NHS staff as soon as possible. If you do not feel comfortable speaking to them directly, or if you feel that the matter has not been resolved please access the below Putting Things Right process.

The Welsh Government has put in place arrangements for the management of concerns and complaints relating to the NHS in Wales: [Putting Things Right](#). Putting Things Right is based upon an integrated approach, bringing together the management of complaints, incidents and claims and is based upon the principle 'investigate once, investigate well.' If your concern is related to a service provided by the NHS or lack of service, it is expected that you will use the Putting Things Right Process.

### **Designated Education Clinical Lead Officer (DECLO)**

(the officer responsible for co-ordinating the functions of Cardiff and Vale Health Board in relation to children and young people with ALN)

As part of the role, the Designated Education Clinical Lead Officer is responsible for supervising any complaint or dispute that relates to the implementation of Cardiff and Vale Health Board's functions under the ALN Act 2018. This could include taking direct steps to resolve the complaint or dispute, or ensuring that there is a robust system in place to bring the parties together in an attempt to resolve the problem at an early stage.

Designated Education Clinical Lead Officer (DECLO) Cardiff and Vale Health Board: Natalie Vanderlinden

## **Information about other means of challenge**

In addition to appeals to the Education Tribunal for Wales, there are several other means by which learners and their families can challenge a public body if they feel that that body has failed to carry out their public duties, including those duties made under the ALN Act 2018.

### **The school's complaints procedure**

Refer to your child's School Complaints Procedure regarding the school's complaints procedure on the school's website.

### **Local authority's complaints procedure**

You can submit a complaint to the Council if you are unhappy with the standard of the service that you have received from the Council, or if you are unhappy about something that the Council or a member of its workforce may or may not have done.

Website: Submitting an online complaint:

[https://www.valeofglamorgan.gov.uk/en/our\\_council/We-are-listening-and-learning.aspx](https://www.valeofglamorgan.gov.uk/en/our_council/We-are-listening-and-learning.aspx)

### **Public Services Ombudsman for Wales**

The Public Services Ombudsman for Wales can consider procedural complaints about a public service provider in Wales, including local authorities and NHS bodies.

Website: [www.ombudsman.wales](http://www.ombudsman.wales)

E-mail: [ask@ombudsman.wales](mailto:ask@ombudsman.wales)

Telephone: 0300 790 0203

### **Children's Commissioner for Wales**

The Children's Commissioner for Wales has a free investigation and advice service that can provide assistance with complaints and issues relating to the ALN system.

Website: [www.childcomwales.org.uk](http://www.childcomwales.org.uk)

E-mail: [post@childcomwales.org.uk](mailto:post@childcomwales.org.uk)

Telephone: 01792 765600 / Freephone: 0808 801 1000

### **The Welsh Language Commissioner**

The Welsh Language Commissioner can consider complaints about organisations in Wales how fail to adhere to the appropriate Welsh language standards.

Website: [www.welshlanguagecommissioner.wales](http://www.welshlanguagecommissioner.wales)

E-mail: [post@cyg-wlc.cymru](mailto:post@cyg-wlc.cymru)

Telephone: 0345 6033 221