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**Ymateb i Ymgynghoriad / Consultation Response**

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<b>Dyddiad / Date:</b>	14.12.20
<b>Pwnc / Subject:</b>	<b>Code of practice on provision of autism services</b>

**Background information about Estyn**

Estyn is the Office of Her Majesty's Inspectorate for Education and Training in Wales. As a Crown body, Estyn is independent of the Welsh Government.

Estyn's principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Learning and Skills Act 2000 and the Education Act 2005. In exercising its functions, Estyn must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by education and training providers in Wales;
- Quality of leadership and management of those education and training providers;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Estyn's remit includes (but is not exclusive to) nurseries and non-maintained settings, primary schools, secondary schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and teacher education and training.

Estyn may give advice to the Assembly on any matter connected to education and training in Wales. To achieve excellence for learners, Estyn has set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

## Response

### Introduction

Estyn welcomes the proposals and recognises that the consultation is primarily aimed at social care and health. However, the consultation documents do not reflect well enough the valuable role that colleagues in education play. The code would be further strengthened by making clearer references, where appropriate, to the Additional Learning Needs and Education Tribunal [Wales] 2018 Act and the role of education practitioners.

The Welsh Government is in the process of developing draft regulation and codes of practice to support the implementation of the new Liberty Protection Safeguards scheme. It would be helpful to consider whether any adjustments need to be made to future proof this code in relation to the work on Liberty Protection Safeguards.

## Consultation Questions

### Q1 – Do you agree with the definition of autism used within this Code and guidance?

**Is the proposed definition accurate for service providers and acceptable to autistic people?** If you think there is anything missing or unnecessary, please explain in the box below.

Agree <input checked="" type="checkbox"/>	Tend to Agree <input type="checkbox"/>	Tend to Disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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#### Please explain:

Based on the rationale provided in the consultation documents, the change in definitions and terminology is appropriate, and based on the views of autistic people. The use of the term autistic spectrum condition does appear to be more appropriate and less stigmatising than autistic spectrum disorder.

A challenge for all services both directly and indirectly affected by this code is to understand the definition and to use the terminology consistently.

### Q2 - Do you agree that the Code should focus on autism services or could be expanded to cover other neurodevelopmental conditions?

Autism only	All neurodevelopmental conditions <input checked="" type="checkbox"/>	No opinion
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#### Please explain:

The consultation documents make a general reference to co-morbidity. Providing a code that articulates duties on bodies clearly in relation to autistic people but does not cover co-existing neurodevelopmental conditions, could lead to co-existing conditions being considered as less important.

**Q3 – SECTION 1: Arrangements for Assessment and Diagnosis.**

**Q3a - Are the proposed requirements in this section of the Code right for both service providers and autistic people?** If you think there is anything missing or unnecessary, please explain in the box below.

Agree <input type="checkbox"/>	Tend to Agree <input type="checkbox"/>	Tend to Disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Please explain:**

The draft code also uses the term practitioners rather than referring to individual professionals. The code is targeted at practitioners predominantly in social care and health.

The draft code is clear that where autistic children and adults have additional educational support needs, the proposed Additional Learning Needs and Education Tribunal [Wales] Act 2018 and the associated additional learning needs code will apply.

Notwithstanding the duties arising from the Additional Learning Needs and Education Tribunal [Wales] Act and the additional learning needs code, it is important that any strategy or actions consider the views of educational professionals and include the education community in the development of strategy and any resultant actions. For example, strategy or actions should focus on improving the ability of practitioners to support the identification process, providing information on referral and assessment services and supporting autistic children and adults.

The number of autistic children of statutory school age has been increasing in recent years. Currently, just under 9,000 children have autism and around one fifth of these have been identified as having more complex needs and are supported, in schools, by a statement of special educational needs.

In our thematic report, [Pupils with special educational needs in mainstream schools, a good practice report \[January 2020\]](#), we noted the importance of multi-agency working as an essential part of the schools' day-to-day support for pupils with special educational needs. The report highlights the positive impact of completing referral documentation promptly and effectively although the range of external agencies and specialist services that schools work with varies considerably between schools. In the most effective schools, the services these

agencies provide are co-ordinated very effectively to ensure school staff have the understanding, skills and strategies to support pupils' complex needs.

**Q3b - Does the guidance provide enough clarity and information for this section?** If you think there is anything missing or unnecessary, please explain in the box below.

Agree	Tend to Agree	Tend to Disagree	Disagree
<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>

**Please explain:**

It is clear that support, following a diagnosis, must be offered within six weeks, but no other timelines are provided. This lack of clear timelines is at odds with the statutory duties contained in the Additional Learning Needs and Education Tribunal [Wales] Act 2018. It would be helpful to include the duties of health against those timelines stated in the ALN legislation.

Reference is made to waiting time standards. It would be useful to include these in the final published documentation.

We welcome the information in the guidance to ensure that children and young people in the secure estate have access to assessments, diagnosis and support.

**Q4 - SECTION 2: Arrangements for Accessing Health and Social Care Services**

**Q4a - Are the proposed requirements in this section right for both service providers and autistic people?** If you think there is anything missing or unnecessary, please explain in the box below.

Agree	Tend to Agree	Tend to Disagree	Disagree
<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>

**Please explain:**

In general, the provision of both preventative services and advocacy align with the principles and requirements of the Additional Learning Needs and Education Tribunal [Wales] Act. There is a need for statutory and non-statutory bodies to, at least, be aware of services being provided and ideally provide them in a co-ordinated and unified manner.

**Q4b - Does the guidance provide enough clarity and information for this section?** If you think there is anything missing or unnecessary, please explain in the box below.

Agree <input type="checkbox"/>	Tend to Agree <input checked="" type="checkbox"/>	Tend to Disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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**Please explain:**  
 Further guidance is needed to provide leaders in schools, PRUs and colleges with support to make all reasonable adjustments for autistic people. It will be challenging for them to ensure staff who are involved in meeting the needs of autistic children have appropriate experience and understanding of autism.

**Q5– SECTION 3: Arrangements for Awareness Raising and Training on Autism**

**Q5a - Are the proposed requirements in this section right for both service providers and autistic people?** If you think there is anything missing or unnecessary, please explain in the box below.

Agree <input type="checkbox"/>	Tend to Agree <input checked="" type="checkbox"/>	Tend to Disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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**Please explain:**  
 Further guidance is needed to ensure that schools and colleges understand how to access the necessary professional learning opportunities to ensure that they have a specific person with the right level of training to meet the needs of autistic people.

**Q5b - Does the guidance provide enough clarity and information for this section?** If you think there is anything missing or unnecessary, please explain in the box below.

Agree <input type="checkbox"/>	Tend to Agree <input checked="" type="checkbox"/>	Tend to Disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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**Please explain:**  
 This section would be strengthened by making explicit reference, where appropriate, to education services, including schools and PRUs. This would be particularly helpful in relation to awareness raising and workforce learning and development.

In our report [Pupils with special educational needs in mainstream schools, a good practice report \[January 2020\]](#), we identified that over time, most schools make careful use of the close collaboration with specialist staff to upskill and enhance the professional learning of their own staff. For the guidance to be understood and implemented effectively, we believe that awareness raising and training on autism is essential to develop the capacity of learning support teams to administer

programmes planned by specialist staff. Section 7. Educational Establishments, while referencing the Additional Learning Needs and Education Tribunal [Wales] Act 2018, should be closely aligned with the draft additional learning needs code.

**Q6 – SECTION 4: Arrangements for Planning of Autism Services**

**Q6a - Are the proposed requirements in this section right for both service providers and autistic people?** If you think there is anything missing or unnecessary, please explain in the box below.

Agree <input type="checkbox"/>	Tend to Agree <input type="checkbox"/>	Tend to Disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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**Please explain:**

Assessments will help local authorities better understand the needs of autistic children and decide the best way of supporting them through a support plan. It is important that the care plan is reviewed regularly to check if it is working for each individual. Making sure that autistic children, their parents and professionals are involved in autism training if key when planning the services required.

Effective multi-agency working is key to ensure that regional partnerships boards work together to plan support.

**Q6b - Does the guidance provide enough clarity and information for this section?** If you think there is anything missing or unnecessary, please explain in the box below.

Agree <input type="checkbox"/>	Tend to Agree <input checked="" type="checkbox"/>	Tend to Disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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**Please explain:**

Generally, the stated intentions are appropriate. It would be useful to make it clear that population assessments include children and that regional partnership boards, in working with local authorities, need to use available data to keep special education provision / additional learning provision under review.

**Q7 – SECTION 4: Arrangements for Monitoring of Autism Services**

**Q7a - Are the proposed requirements in this section right for both service providers and autistic people?** If you think there is anything missing or unnecessary, please explain in the box below.

Agree <input type="checkbox"/>	Tend to Agree <input checked="" type="checkbox"/>	Tend to Disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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**Please explain:**

The proposed population assessments identify clearly the extent to which there are autistic people who need advice, care or support and carers of autistic people who need support in their region. The need for local authorities, local health boards and their partnership board partners to work together effectively to respond to the population assessments and implement the area plans could be strengthened.

**Q7b - Does the guidance provide enough clarity and information for this section?** If you think there is anything missing or unnecessary, please explain in the box below.

Agree <input type="checkbox"/>	Tend to Agree <input checked="" type="checkbox"/>	Tend to Disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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**Please explain:**

Generally, the stated intentions are appropriate. It would be useful to make it clear that population assessments include children and that regional partnership boards, in working with local authorities, need to use available data to keep special education provision / additional learning provision under review.

**Q8 – SECTION 4: Arrangements for Stakeholder Engagement**

**Q8a - Are the proposed requirements in this section right for both service providers and autistic people?** If you think there is anything missing or unnecessary, please explain in the box below.

Agree <input type="checkbox"/>	Tend to Agree <input checked="" type="checkbox"/>	Tend to Disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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**Please explain:**

We agree that regional partnership boards, local authorities and local health boards must ensure autistic people and their parents and carers have the opportunity to be involved in the development and monitoring of autism services. The guidance could be strengthened by providing examples of how this can be achieved.

**Q8b - Does the guidance provide enough clarity and information for this section?** If you think there is anything missing or unnecessary, please explain in the box below.

Agree <input type="checkbox"/>	Tend to Agree <input checked="" type="checkbox"/>	Tend to Disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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**Please explain:**

The autism champion must work closely with colleagues in education and the newly created designated education clinical lead officer. The guidance could be strengthened by providing a steer on the experiences, knowledge and understanding required of an autism champion.

**Q9 – GLOSSARY: Do you agree with the definitions within the glossary?**

**Are the proposed definitions accurate for both service providers and autistic people?** If you think there is anything missing or unnecessary, please explain in the box below.

Agree	Tend to Agree	Tend to Disagree	Disagree
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The term ‘multi-disciplinary’ is too narrow and does not include educational professionals who provide a valuable service to autistic children, young people and their families on a daily basis.

**OTHER QUESTIONS**

**Q10 - The Welsh Government is interested in understanding whether the proposals in this consultation document will have an impact on groups with protected characteristics. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation.**

**Q10.1 - Do you think that the proposals in this consultation will have any positive impacts on groups with protected characteristics? If so, which and why?**

**Please explain:**

**Q10.2 - Do you think that the proposals in this consultation will have any negative impacts on groups with protected characteristics? If so, which and why?**

**Please explain:**

**Q11 - We would like to know your views on the effects that these proposals would have on the Welsh language, specifically on**

- i) opportunities for people to use Welsh and
- ii) treating the Welsh language no less favourably than English.

**Q11.1 - What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?**

**Please explain:**



**Q12 – Please also explain how you believe that these proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh Language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language on treating the Welsh language no less favourably than the English language.**

**Please explain:**

This is an important issue. All autistic people should be able to communicate through their first and most comfortable form of communication, be that Welsh or sign language if preferred. The guidance however does not ensure that support for autistic people should be available through the medium of Welsh if required and that professionals should take all reasonable steps to secure that provision.

**We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to tell us about them.**

The Welsh Government is also in the process of developing draft regulation and codes of practice to support the implementation of the new Liberty Protection Safeguards scheme. It would be helpful to consider whether any adjustments need to be made to future proof this code in relation to the work on Liberty Protection Safeguards

**Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:**