



Llywodraeth Cymru  
Welsh Government

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# Progress of schools and local authorities in supporting pupils with additional learning needs

What we plan to do in response to Estyn's report on the new additional learning needs system.

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## Report details

The report is written in response to a request for advice from the Welsh Government in the Minister for Education and Welsh Language's annual remit letter to Estyn 2022 to 2023. It provides an overview of how well the maintained primary and secondary schools that participated in the review are implementing key aspects of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (ALNET) and the accompanying ALN Code. It also considers how well participating local authorities have supported schools.

## Summary of main findings

### Additional learning needs (ALN) and additional learning needs provision (ALP)

Many schools that participated in the review have a generally secure understanding of the definition of ALN. However, a few local authorities and schools state that they are unclear of the legal definitions and what this means in practice. These local authorities and schools admit to using their own definitions and wait for clarification from tribunal outcomes.

A very few schools advise that their local authority has not provided clear enough advice on the legal definitions, and that guidance has been limited. In addition, a few local authorities, and a few schools, state that the ALN code does not provide clear enough practical guidance on how to apply the definitions.

ALNCoS generally, have a very clear understanding of the provision for pupils in their school. Over time, this provision has normally been adapted well to meet the changing needs of pupils.

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Terms such as ‘universal’, ‘universal plus’, ‘targeted’, ‘specialist’ and ‘specialist including multi-agency support’, are being increasingly used to categorise the support and provision made by schools. However, there is not always a common understanding of the terms or what constitutes provision under each of these categories. The extent to which provision in these categories is additional learning provision is not clear.

A few of the local authorities that we engaged with are not sufficiently aware of their statutory duty to keep additional learning provision under review.

## Transitioning from SEN to ALN

Local authorities and schools are working with two different legislative frameworks at the same time until all pupils transition from the SEN system to the ALN system. This has created significant additional workload for both local authorities and schools. Both local authorities and schools welcomed and found the initial change in implementation timeframe helpful. They used the time meaningfully and continued to plan for implementation. However, most local authorities and schools included in this review are critical of the recent extension and its timing. They intend to keep to their original plans and conclude the implementation of ALN reform by August 2024.

Those ALNCos that are members of senior leadership teams influence strategic decisions and use their positions well to champion ALN across all aspects of the work of the school, including teaching, the curriculum and quality assurance. However, in a few cases, ALNCos, who may not be members of the senior management team, do not always feel well supported by senior leaders and their influence at a whole-school level is limited.

The ALNCos that took part in this review were enthusiastic and committed. They have seen considerable change to their role, not only in relation to increased

workload but also in relation to increased responsibility. It is not uncommon for ALNCoS to have other leadership and teaching roles in their school. This reduces the time that they can dedicate to overseeing the quality of provision including support for pupils with ALN.

Local authorities are not always clear on whether ALN features in school improvement plans or whether school improvement officers have discussions with schools in relation to ALN generally and plans for implementing ALN reforms more specifically.

The development of cluster working, led by cluster ALNCo, has helped to ensure that schools are well supported in implementing ALN reform through sharing practice and specialist resources. However, the sustainability of the co-ordinated approach to cluster working is unclear. In addition, many schools who participated in this review felt well supported by their local authority. However, a few secondary schools have not received support and advice from their local authorities in a timely enough manner.

Overall, local authority strategies for post-16 are at a very early stage of development. Those local authorities that have appointed dedicated post-16 officers report that they are developing stronger strategic partnerships with further education providers. The knowledge that local authorities have of independent specialist colleges is less secure, and consequently their engagement with them is more limited. As a result, local authorities are not able to make informed decisions about the full range of additional learning provision across the post-16 sector, when they know so little about the sector and what it provides.

The local authorities and schools who participated are united in their enthusiasm for person-centred practices (PCP) and planning. Overall, these schools have been creative in supporting pupils and parents well in developing their confidence to engage meaningfully in discussions. Relationships between schools and parents have been strengthened. However, the overall approach to

quality assuring PCP, including the identification of practices that are most effective, is still too inconsistent. In addition, despite the clear advantages of the PCP approach, nearly all participating providers commented on the additional workload that this creates.

Many schools are clear that local authorities will maintain IDPs for children that are looked after and those that are dually registered, for example pupils that attend pupil referral units. Beyond these groups there is a lack of clarity and transparency regarding which IDPs will be maintained by local authorities. In addition, there are clear inconsistencies in practice. For example, pupils that attend local authority specialist classes may have their IDP maintained either by the local authority or the school that they attend.

IDP champions and officers that support the development of IDPs have generally been used to good effect, and schools that have been part of cluster working have appreciated the opportunity to work with colleagues from other schools. These schools are generally more confident in implementing ALN reform but, overall, only a minority of schools visited feel secure in developing and maintaining IDPs.

Both local authorities and schools advise that there are significant pressures in meeting the statutory timescales for issuing IDPs. Colleagues in other agencies, particularly health, have greatest difficulty in providing advice and information within the given timescales. In addition, the commitment that health authorities make to additional learning provision is too variable.

Most schools in the sample have relied heavily on their local authority and, where appropriate, their regional transformation lead to provide information that is distilled and meaningful for them. Local authorities and schools who participated are generally critical of both the timeliness and usefulness of the information and guidance provided by the Welsh Government. A minority of schools advise that they have not used the ALN code and have relied on the guidance provided by their local authority. In addition, schools generally hoped

that the ALN Code would provide exemplars of practice.

Nearly all local authorities who participated have uploaded relevant information on ALN reform to their council's website. In addition, a range of information leaflets aimed at parents and carers, and children and young people have also been produced. Those that have been produced by clusters of schools, or regionally, help to ensure a consistent message across a region. However, the quality and accessibility of information for parents on both council and school websites are too variable. It is reported, through third sector organisations, that some families are being incorrectly advised that the ALN system does not apply to their child.

Overall, most local authorities and schools in the sample report that, because of strengthened working relationships with parents, challenge has been low. The sensitive work between school ALNCoS and parents, particularly where pupils are considered not to have ALN where previously they would have had SEN, has generally resulted in parents being reassured that the provision made meets the needs of the pupil. An exception to this has been in relation to challenge from parents regarding the lack of clarity about arrangements and future provision for post-16 learners. However, the majority of the appeals lodged with the Education Tribunal are either conceded by local authorities or withdrawn by the appellant, which suggests that there is still much work that needs to take place between local authorities, its schools, and parents in avoiding disputes at an earlier stage (Education Tribunal Wales, 2022).

Overall, improved collaboration and information sharing between agencies is too variable. Many schools are positive about the collaboration that exists between themselves and their local authorities. Local authorities have welcomed the DECLO role. However, the ability of health services to provide information and advice in a timely enough manner, and within statutory timeframes, is a concern.

Both local authorities and schools continue to note that accessing support from speech and language services, neurodevelopmental teams and child and

adolescent mental health services remains a very pressing challenge. These difficulties are ongoing and not necessarily related to the introduction of ALNET.

Local authorities are gradually improving Welsh-medium specialist provision for pupils with additional learning needs. This is achieved largely through establishing local authority specialist classes in Welsh-medium mainstream schools. However, challenges remain in relation to meeting the needs of children and young people with ALN through the medium of Welsh. These challenges include a lack of Welsh-medium resources and assessments, staffing and sufficiency of provision.

## Funding and resourcing

The funding for SEN/ALN has increased year-on-year for at least the past eight years (Welsh Government, 2022b). However, there is a lack of transparency, and understanding of senior leaders in schools in the sample, as to how local authorities determine their budgets for ALN, including those allocated to schools. Since the outbreak of the pandemic, the Welsh Government has allocated £67 million to support ALN reform (Welsh Government, 2022d, 2022c, f, h). Senior leaders in participating schools are generally unclear how these additional funds have been used in their authority. Approaches to evaluate the impact that funding has had on supporting the implementation of ALN reform are variable and weak overall.

## Professional development

The Welsh Government has produced very informative online e-learning materials but the extent to which these have been used and shared by local authorities and schools is too variable. As a result, professionals and parents are not as aware as they could be of the rationale and implications of ALN reform.

Mainstream schools can access comprehensive training programmes and support from their local authorities, including where such arrangements exist, support and guidance from special schools. Many participating schools speak confidently about the positive impact that professional learning has on both staff and pupils. However, the extent to which professional learning impacts on the quality of teaching for all pupils is less evident.

Much of the recent focus on professional development has been in relation to supporting the understanding of changes to the ALN system. Supporting the professional development of all school staff, including those entering the profession, in teaching and meeting the needs of pupils with ALN, is less well developed.

## Effective practice

The report contains many features of effective practice including:

- the clarity, consistency and timeliness of advice, support and guidance provided by local authorities and regional transformation leads
- the development of cluster working
- the role of PCP and IDP champions
- the commitment and dedication of local authority officers and school ALNCoS

## Recommendations

A total of ten recommendations are presented in the report, of which three are for Welsh Government, three for schools and four for local authorities.

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# Schools

Schools should:

## Recommendation 1

Improve the quality of information provided to for example, parents, and clearly state what the school regards as additional learning provision.

## Recommendation 2

Ensure that ALNCoS have sufficient time and resource to carry out their duties.

## Recommendation 3

Ensure that the professional learning of school staff has a sufficient focus on high quality teaching for pupils with ALN.

## Welsh Government Response to recommendations 1 to 3

Welsh Government welcomes these recommendations as they support the statutory functions and strategic duties placed upon schools as set out in the ALN Code. The ALNCo role is critical, and the ALN implementation grant to schools underpins support around the ALNCo's during this period of transition. Furthermore, the expectations are consistent with the role of schools as learning organisations, the importance of high-quality teaching and central to our school improvement agenda that underpins both curriculum and ALN reform.

Partnership and collaboration are central to the success of the ALN reforms and

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we will continue to work with the sector to address the recommendations through continued discussions and engagement.

## **Local authorities**

Local authorities should:

### **Recommendation 4**

Ensure that all schools are aware of their duties under the ALNET Act.

### **Recommendation 5**

Provide clear, accurate and up-to-date information to stakeholders, in particular in relation to:

- what constitutes additional learning provision in its schools
- those IDPs that are to be maintained by the local authority and those to be maintained by schools

### **Recommendation 6**

Continue to quality assure and review practice and additional learning provision to ensure funding and professional learning supports roll out effectively for:

- person centred practices
- individual development plans
- Welsh-medium services, resources and provision

## **Recommendation 7**

Develop and publish their strategy for post-16 learners with ALN.

## **Welsh Government Response to recommendations 4 to 7**

Welsh Government welcomes these recommendations as they support our expectations and the strategic duties placed upon local authorities set out in the ALN Code.

Our partnership and collaboration with local authorities is central to the success of the ALN reforms and we will work with local authorities to address recommendations contained in this report.

The Minister for Education and Welsh Language will be writing to Local authorities to ask that they carefully consider and take forward the four recommendations relating to the statutory functions and strategic duties that include: establishing and publishing a set of principles that will apply when determining whether it is reasonable for a school to secure the ALP or whether the authority should do so; and reviewing arrangements for children and young people with ALN.

Local authorities are also invited to a communications event this autumn to share key messages on the implementation of the ALN System, including the recommendations within this report. We will work collaboratively with local authority partners to ensure implementation of the ALN system is fully and effectively realised.

## Welsh Government

Welsh Government should:

### Recommendation 8

Ensure that all settings have a clear understanding of the legal definitions contained in the ALNET Act and the ALN Code and provide practical examples to aid understanding.

### Recommendation 9

Fully evaluate the impact of additional funding allocated to local authorities.

### Recommendation 10

Ensure that future guidance and funding is provided in a timely fashion to allow both local authorities and schools to plan sufficiently.

## Welsh Government Response to recommendations 8 to 10

The Welsh Government welcome the insights and recommendations in Estyn' report.

In reference to recommendation 8, the statutory duties are on local authorities, education settings and health to put the ALNET Act and ALN Code into practice, the Welsh Government are unable to provide specific legal advice to these relevant bodies, this can be provided by legal advisors instructed by the relevant body. Welsh Government are discussing with the Education Tribunal for Wales

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and exploring the possibility of publishing additional documentation that may help settings further understand the law. In addition, the Welsh Government will consider how to facilitate the sharing and promotion of effective practice to ensure any interpretation is consistent with policy intent. Any material provided by the Welsh Government will solely be for illustrative purposes and should be treated as such, ultimately each individual case will be considered on its sole facts.

In reference to recommendation 9, The Welsh Government has commissioned Arad Research to undertake a formative evaluation of the Additional Learning Needs System. This will include assessing the effectiveness of the implementation of the system, identifying any barriers or facilitators to implementation and interventions that could be put in place to support implementation.

Arad will undertake several area studies to explore with the sector the assumptions around the impact of resources, including implementation funding provided to support implementation of the ALN system. The Welsh Government will write to local authorities to ensure they are communicating transparently with schools on how implementation funding is being used.

In reference to recommendation 10, The Welsh Government continue to develop information on the ALN reforms/ALN framework that will support, advise and guide partners. We will endeavour to ensure where appropriate and possible, that future guidance or similar documents will be available in a timely and effective manner.

## Publication details

The report will be published on or after 29 September and may be [accessed on the Estyn website](#).

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