



Cynghrair Anghenion  
Ychwanegol y Trydydd Sector  
Third Sector Additional  
Needs Alliance



## From SEN to ALN

# An overview of the Additional Learning Needs Act and its Implementation



Ariennir gan  
**Lywodraeth Cymru**  
Funded by  
**Welsh Government**

Delivered by **SNAP Cymru**



## **The Additional Learning Needs and Education Tribunal (Wales) Act 2018 imposes requirements on local authorities and governing bodies of maintained schools and education institutions (“FEIs”) in respect of specific functions under the Act.**

Together these support the three overarching Welsh Government objectives of the 2018 Act which are:

- a unified legislative framework that supports all children of compulsory school age or below with ALN, and young people with ALN in in school or further education;
- an integrated, collaborative process of assessment, planning and monitoring which facilitates early, timely and effective interventions; and
- a fair transparent system for providing information and advice, and for resolving concerns and appeals.

**It places the learners’ views, wishes and feelings at the heart of the process of planning the support required to enable them to learn effectively and achieve their full potential.**



# The new system aims to

- bring together all existing systems into one single system for all children and young people with ALN, regardless of their level of need
- improve the planning and delivery of support for learners, placing learners' needs, views, wishes and feelings at the heart of the process (person-centred)
- focus on the importance of identifying needs early
- create a fair and clear system for providing information and advice, and for resolving concerns and appeals



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**The Additional Learning Needs  
Code for Wales 2021**





## **The Welsh Government hopes that these changes will mean that children, their parents and young people will**

- have their needs identified early and the right support put in place
- be more involved in making decisions about their lives and the support they need
- be able to find information more easily than before
- be supported if they disagree with decisions
- be able to appeal decisions to the education tribunal



**There are a number of persons and bodies whose contribution will facilitate the development of IDPs and delivery of ALP to meet the needs of children and young people with ALN.**

## **Non-maintained nursery education providers**

Local authority funded non-maintained providers of nursery education have a role in supporting local authorities to identify ALN and in helping local authorities to fulfil their statutory obligations.

Where a child receives nursery education funded by a local authority at a non-maintained provider, the provider should, where requested, help the local authority in the exercise of its ALN functions in relation to that child, including in instances where a child receives nursery education from both maintained and non-maintained providers.





# The ALN System

Chapter 2 of the Code  
Section 2 of the Act

***'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'***

If it comes to the attention of a school or local authority, that a child may have **ALN**, then they **must** decide if the child needs extra support with learning.

If a child has **ALN** and it has been decided that they need additional support known as additional learning provision, (**ALP**) a plan called an Individual Development Plan (**IDP**) will be made.

The local authority, school or college will write the plan. But everyone will be part of contributing towards it.





# Deciding and Identifying ALN

## Assessing learner progress

- Children make progress at different rates and have different ways in which they learn best
- All education settings are expected to put in place **differentiated teaching** or other **targeted interventions** to make sure all learners make better progress
- Settings can help most children and young people succeed with some changes to how they do things or extra support, such as help with reading. This is a fundamental element of high quality, but routine, teaching. In some settings this can be called **universal provision** or support to close learning gaps.







- Differentiated teaching or support to close learning gaps is available to all learners with or without ALN
- Additional learning provision (ALP) is additional to, or different from, the provision which most other children of the same age would receive in mainstream schools in Wales
- Because a child or young person requires a differentiated approach does not mean that they have ALN.
- Differentiated teaching, itself, does not constitute additional learning provision (ALP)



# How will parents know if their child has ALN?

- high-quality teaching including differentiation, and standard, routine interventions or reasonable adjustments may not be enough to meet the needs of the learner
- It might be necessary to take some additional or different action to secure progress in the form of additional learning provision (ALP)
- Additional learning provision encompasses additional or different educational or training provision, which goes beyond that generally made available for children or young people of the same age in mainstream schools or colleges in Wales.

## What questions could parents be asking?

- Tell me about my child's progress, is it significantly slower than that of their peers?
- Has their progress slowed down, stopped or regressed?
- Has the attainment gap between my child and their peers failed to close, or is it widening despite the support being provided?
- Is the support currently provided, also given to other children as part of a differentiated teaching approach? Or with universal provision.
- Is the support my child receives significantly more than their peers, or does it differ from support that is given to other pupils?





# An example...

Cerys is in year 8 and has recently been diagnosed with ASD, Cerys also has learning difficulties. She is not able to cope in mainstream classes without the support of a teaching assistant. Cerys spends most of the day in the Hwb with a small group of children and two teachers where she receives additional help with literacy and numeracy. Cerys also receives support with her social and communication difficulties through a program provided by an Educational Psychologist.

**YES - ALP in place**

Llinos has a diagnosis of Cerebral Palsy, she is 12 years old and attends a mainstream secondary school. She is able to navigate the school well in her electric wheelchair. She is doing very well academically

**NO ALN/NO ALP**

I'm currently having trouble with getting Jacob into school he has been diagnosed with ADHD and CAMHS also involved. School say he gets on with his work at school, but at home his behavior is very challenging

**NO ALN/NO ALP**





# Contents of an IDP

The plan, (IDP) will say what a child or young person needs to be able to learn and what will be done so that a child or young person is properly supported in school or college.

The individual development plan is a legal document, so everyone involved **must** do what it says.

The ALN Code sets out the information that **must** be included in an IDP. This includes:

- Biographical information and contact details
- The child's, child's parents or young person's views, wishes and feelings (**Profile – About me**)
- A clear and comprehensive description of the child or young person's ALN





# Contents of an IDP

A description of the ALP to be provided, with as much detail as is possible and appropriate, including :

- who is responsible for providing
- description of any ALP to be provided by the NHS, where applicable
- details of any placement, transition or transport arrangements, where applicable
- a record of discussions, advice and evidence
- frequency and duration of provision, where applicable

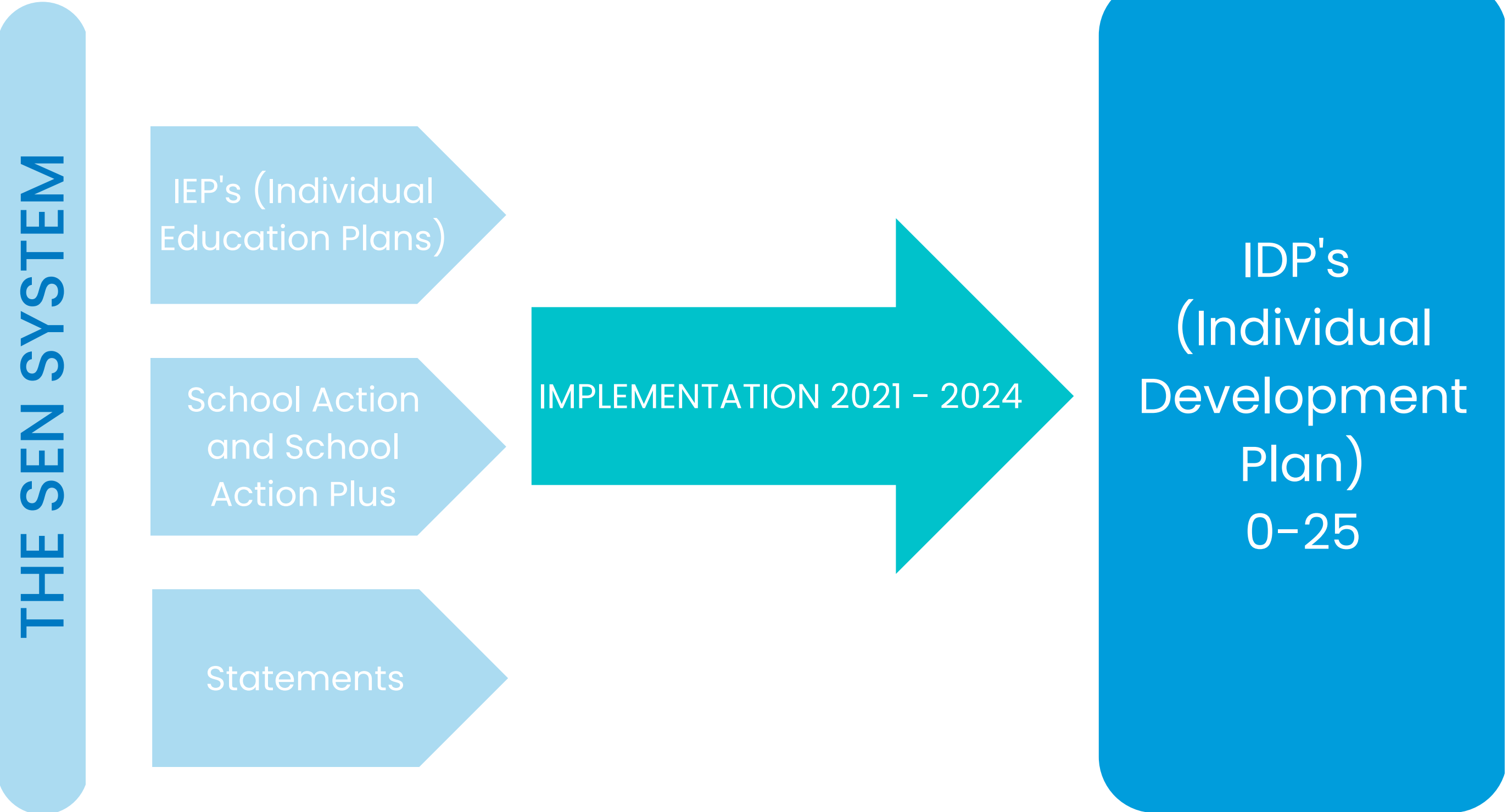
The plan will be checked:

- at least every 12 months or
- when someone asks for it to be checked or
- when there are any changes in the child or young person's circumstances





# From SEN to ALN – Implementation





# From SEN to ALN – Implementation

When are the changes taking place?

From **1 September 2021** children who were newly identified as having additional learning needs, (that is, those without already identified special educational needs (SEN), or were not awaiting or undergoing an SEN assessment), were put on the new system, the ALN system.

From **1 January 2022** children who attended a maintained (local authority) school (including a PRU) and who have already identified special education needs via school action or school action plus, began to move to the ALN system.





**Spring and summer terms of the school  
year 2021 to 2022**

**Nursery (N1, N2), Year 1, Year 3, Year 5,  
Year 7 and Year 10**

**School Year 2022 to 2023**

**Meithrin, Derbyn, Year 2, Year 4, Year 6,  
Year 8, Year 10 and Year 11**

**School Year 2023 to 2024**

**Meithrin, Year 2, Year 4, Year 6, Year 8  
and Year 10**



# The following groups of children and young people will move to the ALN system between September 2022 and August 2024:

- children who have SEN and do not go to a local authority nursery, local authority school or PRU
- children who are in Year 11
- children who have a statement of SEN or an education and healthcare plan (EHCP)
- children who are involved in an SEN statement process





# Moving to the ALN system

When children move to the ALN system the child's nursery, school, PRU or in some cases the local authority will say how and when this will happen.

Most children will move from the SEN system to the ALN system when their local authority nursery, local authority school, PRU or local authority gives them an IDP notice.

An **IDP notice** means that it has been decided that a child has ALN and an IDP will be made.

No **No IDP notice** means that it has been decided that a child does not have ALN.

When an IDP notice is given, the decision has been made that the child has ALN, and the school has **35 school days** from the date of the notice to prepare an IDP.

A local authority has **12 weeks** from the date of an IDP notice to prepare an IDP.



# Requesting to move to the new system

Children in the first group moving from the SEN system to the ALN system, and their parents, can ask to move to the ALN system at any time after 1 January 2022.

Children and their parents can do this by asking the local authority nursery, local authority school, PRU or local authority to move them to the ALN system by issuing a notice.

This can be done in writing (such as in an email or message) or verbally (such as in person or in a phone call).

The local authority nursery, local authority school or PRU **must** issue an IDP notice or a no IDP notice within **15 school days**.

A local authority **must** issue an IDP notice, or a no IDP notice within **15 working days**.

Sometimes a local authority will issue an ALN notice to move a child to the ALN system. The local authority **must** do this in **10 working days**.

(An ALN notice does not make a decision about whether the child has ALN. It simply moves the child to the new system, so the ALN Code and Legislation will apply from the date of the notice.)





# Transition to Further Education

For learners **in year 9, 10 or 11**, the school or local authority undertaking a review of their IDP which is to consider transition from compulsory education **may** wish to involve a careers adviser in the review to discuss career options.





## When a child with an IDP is approaching the end of compulsory schooling

A maintained school or local authority that maintains an IDP for the child should explain to the child what may happen to their IDP when the child becomes a young person.

This includes who will maintain it (in cases where the IDP might transfer, e.g. from a school to an FEI at which the child is expecting to enrol) and explaining the rights of young people to consent or object to ALN decisions and IDPs.

The maintained school or local authority should seek the child's view on consenting to the IDP continuing to be maintained once the child becomes a young person.

It could be useful to do this during a review in year 11 (or earlier) and could form part of transition planning.

Where the child wishes to consent to the IDP being maintained, the child should be given an appropriate opportunity to confirm that decision after the child has become a young person.

Where the child objects or does not indicate consent, then the maintained school or local authority will need to check the matter further when the child becomes a young person.

Where a young person lacks capacity, the person's representative can consent and exercise other rights on the young person's behalf.





## Circumstances when an FEI has not been involved in the transition process BEFORE a young person enrolls.

- An FEI should provide young people at the time they are enrolling as students at the FEI, with an opportunity to raise any ALN they may have and state whether they have or have had an IDP.
- This provides an opportunity for discussion between the young person and the FEI about their needs and the support that may be required and to discuss any issues about the young person's consent.
- If the young person does not have an IDP, the FEI may be under a duty to decide upon ALN. **Section 11 of the Act – Chapter 16 of the Code**
- If the young person has an IDP, it is important that the FEI knows this: the FEI may be required to maintain it. **Section 35 (4) (6) of the Act – Chapter 28 of the Code**
- If the IDP is maintained by a local authority, the FEI is under a duty to help the local authority secure the ALP. **Section 47(4) – (5) of the Act – Chapter 16 of the Code**
- If the FEI is required to maintain the IDP, it is an opportunity for the FEI to consider whether it requires a review.



# Start of academic year transfers from a school to an FEI

Where a young person becomes enrolled as a student at an FEI before the end of September in an academic year, the FEI **MUST** maintain the young person's IDP,

(For these transfers, "academic year" means any period from 1 August to 31 July):

## **Section 35(5) of the Act. Section 35(4) and (6) of the Act (maintain) IF:**

- the young person was a registered pupil at a maintained school during the previous academic year, and
- that school was maintaining an IDP for the young person on the last day of education or training provided for them at the school.



# Transfers from a local authority to an FEI

Where a local authority maintains an IDP for a young person who is or becomes an enrolled student at an FEI, the local authority may request transfer of responsibility for maintaining an IDP – that the FEI becomes responsible for maintaining the IDP.

## **Section 36(1) and (2) of the Act**

Such requests should only be made where the local authority believes that it would be reasonable for the FEI to secure the ALP set out in the IDP and the local authority **MUST** have regard to the views, wishes and feelings of the young person.

The request **MUST** be made in writing and be accompanied by a copy of the IDP unless the FEI already has a copy.

In most cases, the FEI will be familiar with the young person's IDP, even if the young person has only just enrolled, as it is likely to have been invited to be involved in the young person's IDP review during their final year of compulsory education.



# What if an FEI fails to agree to a request to maintain an IDP?

If the FEI fails to agree to the request before the end of the period of **20 term time days** (that period starts with the day after the FEI receives the request), the local authority may refer the matter to the Welsh Ministers, within the following four weeks.

## Section 36(3) of the Act and regulation 14 of the Additional Learning Needs (Wales) Regulations 2021.

- The local authority **MUST** make the referral in writing and at the same time also give the Welsh Ministers a copy of the sections of the IDP containing the description of the ALN and the description of the ALP, together with a copy of any other information in the IDP which the local authority considers is necessary to determine the matter.

## Regulation 14 of the Additional Learning Needs (Wales) Regulations 2021.

- Where a referral has been made to them by a local authority, the Welsh Ministers **MUST** determine whether the FEI should maintain the IDP.  
**Section 36(4) of the Act.**





# What to do if you don't agree with something?

The views of children and families are very important.

If you are not happy or do not agree with a decision made you can say so.

Talking about your worries might help sort out any concerns or differences of opinion.

If your child goes to a local authority nursery, school or PRU it would be good to talk about your concerns with the ALNCo. If you cannot reach an agreement with your child's education setting, you can ask the local authority for help.





# What to do if you don't agree with something

If your child does not go to a local authority nursery, school or PRU you can contact the local authority for help. They will have people to support families to work out something that everyone is happy with.

You can also contact **SNAP Cymru** for information and support at any time.

All local authorities in Wales **must** make arrangements and provide access to independent disagreement resolution services (DRS) to help resolve disagreements. The service does this by helping all involved to discuss the disagreement and work towards a solution.







# The aims of disagreement resolution are to

- help bring together the relevant parties.
- support the needs of the child and young person.
- help to achieve early resolution of disagreements through discussion and agreement
- discuss the full range of options

Using a disagreement resolution service does not stop a child, their parents or a young person from making an appeal.

Even if an appeal has been made, children, their parents and young people can continue to talk to the local authority to try to reach agreement.



# Rights of appeal to the tribunal

Children, their parents and young people have a right to appeal to the Education Tribunal for Wales.

Appeals to the Education Tribunal for Wales cannot be made about decisions made by nurseries, schools or PRUs. If you are unhappy about decisions made by your child's nursery, school or PRU, you would first need to speak to the local authority and ask them to **reconsider** the decision.

If you remain unhappy with the local authority's decision, you can appeal to the Education Tribunal.







## **An appeal can be made on the following:**

- a decision by a local authority or college about whether a child or young person has ALN
- a decision by a local authority that it is not necessary to make an IDP for a young person
- the way a child or young person's ALN is described in their IDP
- the ALP that has been included in an IDP
- the ALP that has not been included in an IDP
- a decision about if additional learning provision (ALP) should be provided in Welsh

- not including a particular nursery, school, PRU or college in an IDP
- not including other provision that is needed – such as not including board and lodging to attend a particular nursery, school, PRU or college
- a local authority decision not to change an IDP that the nursery, school or PRU is responsible for
- a local authority or college refusing to decide if a child or young person has ALN because it has decided this before and does not think that anything has changed
- a decision to end an IDP





# Questions?

We hope to get through all the questions today but if not - please do send us any further questions by email to [fromsentoal@snapcymru.org](mailto:fromsentoal@snapcymru.org)



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# The **4** Welsh Government Objectives

- **Children and Young People get the support they need earlier**
- **Children, Young People and Parents are more involved in making decisions about their lives and the support they need**
- **Children, Young People and Parents are able to find information more easily than before**
- **Children, Young People and Parents are supported if there is disagreement with decisions**



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# Local Authorities **MUST** make provision for:

- Impartial Advice and Information for families and young people
- Avoidance and Resolution of Disagreements
- Independent Advocacy services



# Arrangements for providing advice and information

A local authority may choose to provide advice and information about ALN and the ALN system itself.

Alternatively, the local authority could work with external service providers, including the third sector, to provide information and advice about ALN and the ALN system.

However local authorities decide to provide the information and advice, in making their arrangements to do so, they must have regard to the principle that the information and advice about ALN and the ALN system must be provided in an impartial manner.

It is important that it is provided impartially because the purpose of providing it is to facilitate children, their parents and young people understanding the ALN system and exercising their rights under it, including to challenge decisions of, amongst others, the local authority.

**Details of Local Authorities arrangements can be found on individual Local Authority websites, including each Local Authorities Individual Advocacy and Disagreement Resolution arrangements.**





## **Snap Cymru provides the Information and Advice Service to 20 Local Authorities in Wales.**

Swansea and Pembrokeshire Local Authorities provide this service themselves.

### **Disagreement Resolution Service:**

Snap Cymru provides this service to 20 Local Authorities in Wales.

Swansea and Pembrokeshire Local Authorities provide this service themselves, but where issues cannot be resolved, both these Local Authorities then refer to Snap Cymru.





# What can SNAP Cymru do?

- Talk through concerns with families
- Provide understanding of 'the system'
- Bring families into our Disagreement Resolution Specialist Casework service for more specialist support
- Support families at meetings with professionals
- facilitate formal mediation
- Provide independent advocacy for children and young people
- Holds the Legal Aid Agency specialist quality mark for providing legal advice in Education







# The role of SNAP Cymru in Disagreement Resolution

- **We are the leading provider of ALN disagreement resolution services in Wales**
- Impartial **FREE** practical support for parents/carers, children and young people
- Work with professionals and parents to support their dialogue
- Understand realities, resources and responsibilities
- Bridge to other agencies & services
- Ensure the parents perspective in local and national planning, & development



# How does SNAP Cymru work?

**1. Information and Advice (IAS) - Helpcentre**

**2. Avoidance of disagreements (ALN Specialist Casework)**

**3. Disagreement Resolution (ALN Specialist Casework)**

**4. Disagreement Resolution (Formal Mediation from ALN Casework)**





# Keep up to date with all things SNAP Cymru

Our SNAP Cymru website has lots of helpful information and resources that you can access and share at any time :

[snapcymru.org](https://snapcymru.org)



You can follow us on social media to keep up to date with legislation and events:



[www.facebook.com/SNAPCymru](https://www.facebook.com/SNAPCymru)



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**Cynghrair Anghenion  
Ychwanegol y Trydydd Sector  
Third Sector Additional  
Needs Alliance**

TSANA is a coalition of third sector organisations working with, supporting and representing a broad range of children and young people with additional learning needs.

This Alliance is facilitated by Children in Wales

To learn more about what we do and who our members are, visit our [web pages](#)

Clymblaid o gyrff trydydd sector yw TSANA, sy'n gweithio gydag ystod eang o blant a phobl ifanc sydd ag anghenion dysgu ychwanegol, yn eu cefnogi ac yn eu cynrychioli.

Caiff y Gynghrair hon ei hwyluso gan Plant yng Nghymru

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