

Jeremy Miles MS
Minister for Education and Welsh Language

8 August 2022

Key education reforms: summer 2022 check-in

Dear Jeremy,

Thank you for appearing before Committee on 14 July to discuss the new curriculum and the ALN reforms as part of the first check-in of our Senedd-long inquiry into these key education reforms.

From this check-in, we are concerned that some of the pupils previously on schools' SEN registers are not being provided with a statutory Individual Development Plan under the new ALN system. We seek your views on the reasons for this, clarification of whether it is in line with the Welsh Government's expectations, and regular updates on the numbers of learners registered with SEN/ALN. More detail is set out below.

Background

Under the [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#) ("the 2018 Act"), the definition of Additional Learning Needs (ALN) is essentially the same as the definition of SEN under the old system.

Your predecessor, Kirsty Williams, [said in the Senedd](#) in March 2021 that "the test to decide who has ALN has not changed" (paragraph 397). The [Welsh Government's implementation guide for parents](#) also states that "Having ALN is the same as having SEN. This means that if a child or young person has SEN they are also likely to have ALN".

The 2018 Act also states that any learner who has ALN is entitled to a statutory 'Individual Development Plan'.

However, our predecessor Committee [raised concerns](#) in 2019 about whether schools had the capacity to provide an Individual Development Plan for all learners with ALN. The Committee suggested that, because of resourcing issues in schools, some learners on the SEN register under the

old system might not be recognised as having ALN, even though the definitions of SEN and of ALN are essentially the same. This Committee referred to this as a ‘raising of the bar’ effect: the threshold for learners to be considered as having ALN could be higher than the threshold for SEN under the old system.

We raised this issue with you in a [letter dated 12 January 2022](#), after the National Deaf Children’s Society Cymru contacted us with concerns about an “erroneous interpretation of NHS Additional Learning Provision (ALP) under the Additional Learning Needs and Education Tribunal Wales Act and Additional Learning Needs (ALN) Code”. [In response](#), you confirmed that “IDPs are for learners with all levels of ALN – from milder through to complex needs”.

Transferring pupils from the old SEN system to the new ALN system

Because the definition of ALN in the 2018 Act is essentially the same as the definition of SEN under the old system, we would expect that all pupils on the old SEN register would be recognised as having Additional Learning Needs, and therefore that those pupils would have an Individual Development Plan.

However, the [provisional statistical release](#) indicates that there has actually been a 20% decrease in the number of pupils who are identified as having SEN or ALN (In 2020-21, there were 92,688 pupils with SEN. In 2021-22, there are 74,595 pupils with SEN/ALN). This decrease coincides with the beginning of the implementation of the new ALN system.

The Welsh Government’s response to the decrease

The provisional statistical release gives two explanations for the decrease:

- Previous data collection included pupils with ‘general learning difficulties’ rather than specifically SEN/ALN. Those pupils are not being transferred onto the new ALN system.
- Schools have reviewed their SEN registers in readiness for implementing the new system and have removed some learners requiring the lowest level of support from their SEN/ALN registers.

During our meeting on [14 July](#), you suggested a third explanation: that schools may now be able to meet some learners’ needs through universal provision rather than meeting their needs via Additional Learning Provision. In other words: schools are adopting a more inclusive approach to teaching and learning in line with the ethos of the new curriculum, which has changed the way that schools meet the needs of pupils with less severe ALN.

Our view

It is not clear to us why there are 20% fewer children registered as having SEN/ALN system in 2021-22 than there were in 2020-21. All three of Welsh Government's explanations for the decrease imply that provision on the ground is not consistent with past or present Welsh Government policy intention:

- If previous data collection included pupils with 'general learning difficulties' rather than specifically SEN/ALN, this suggests that SEN has been historically over-reported.
- If schools have reviewed their SEN registers in readiness for implementing the new system and have removed some learners, this suggests that the reforms have raised the bar for the provision of Individual Development Plans.
- If schools are now able to meet some learners' needs through universal provision rather than meeting their needs via Additional Learning Provision, this suggests that an unintended consequence of the education reforms is that schools are fundamentally changing how they meet the needs of children with less severe Additional Learning Needs.

Having considered the three possible explanations above in the context of our scrutiny and engagement work to date, we are of the view that either:

- the definition of ALN under the 2018 Act is being interpreted and applied differently to the long-standing definition of SEN, and the needs of some pupils who were on the SEN register are not being recognised as ALN; or
- those pupils' needs are still recognised as ALN but schools are responding to them in ways not envisaged by the 2018 Act.

Request for more information

We would be grateful if you could set out what work the Welsh Government is doing to establish why there has been such a significant decrease in the number of pupils registered as having SEN/ALN, and when the Welsh Government expects to have a definitive explanation for that reduction.

We would also appreciate your views on how the 2018 Act is being implemented so far, specifically in relation to the fall in numbers of children registered with SEN/ALN and the other concerns set out in this letter.

In addition, we would be grateful if you could:

- i. provide to us updated figures on the numbers of pupils registered as having SEN/ALN as of September 2022, and at approximately six-monthly intervals thereafter (i.e. on or around April and September throughout the implementation of the ALN reforms); and
- ii. clarify whether it is still this Welsh Government's policy objective that all pupils who were registered on the SEN register under the old SEN system should be provided with an

Individual Development Plan under the new ALN system if they still meet the unchanged Additional Learning Needs test.

We would appreciate this information no later than Thursday 29 September 2022 so that we can consider it during our Committee meeting on 6 October.

Yours sincerely,



Jayne Bryant MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.