

P-06-1342: Fund more specialist school places and staff for children with additional learning needs in Wales

Y Pwyllgor Deisebau | 3 Gorffennaf 2023
Petitions Committee | 3 July 2023

Reference: SR23/5997-4

Petition Number: P-06-1342

Petition title: Fund more specialist school places and staff for children with additional learning needs in Wales

Petition text

To look at funding provided for specialist provisions in Wales for children with additional needs it's far from acceptable children with a high level of need being forced to stay in a mainstream environment due to spaces in schools and schools being underfunded and understaffed!

More details

Specialist schools and unit base provisions throughout Wales are already full to capacity and the ones who aren't yet will not be far behind. Schools are understaffed, staff are overworked already, ALN children are unable to receive the education and support they so rightfully deserve from the start, in many cases early intervention is extremely important and these chances are being taken away from children due to the crisis we are facing within our education system



1. Additional Learning Needs reform

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 established a new system to meet children and young people's Additional Learning Needs (ALN), as is now the legal term, to replace the existing/previous system for Special Educational Needs (SEN).

The new ALN system is being introduced on a phased basis over four years (September 2021 to August 2025). All learners newly identified with ALN come under the new system, while those already supported with SEN are transferring over in different years, depending on their year group and level of intervention (whether or not they have a statement of SEN).

As such, both the existing/previous SEN system and new ALN system are operating side by side, until August 2025.

The definition of ALN is materially the same as that for SEN. Learners judged to have ALN are eligible for a statutory Individual Development Plan (IDP).

2. Placement of learners in specialist provision

The 2018 Act requires a presumption of placement of learners with ALN in mainstream education, unless certain criteria apply. This is the same as in the case of the existing/previous SEN system. However, a further criterion added by the 2018 Act was whether placement in specialist provision would be in the best interests of the learner.

The Additional Learning Needs Code provides statutory guidance to those implementing the ALN system. Chapter 23 of the ALN Code concerns the preparation and maintenance of an IDP and its content. Paragraph 23.97 restates section 51(1) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018, which places a duty on local authorities to place a child in a mainstream school, rather than a special school, unless one of the following applies:

- (a) where educating the child in a mainstream maintained school is incompatible with the provision of efficient education for other children;
- (b) where educating the child otherwise than in a mainstream maintained school is appropriate in the child's best interests and compatible with the provision of efficient education for other children;

(c) where the child's parent wishes the child to be educated otherwise than in a mainstream maintained school.

However, just because a child's parent(s) wishes for their child to be educated in a special school, the local authority does not have to comply with that preference although they must have regard to those wishes of the parent(s) (section 51(4) of the Act and para 23.102 of the Code). The local authority would take its decision based on the criteria set out above.

In addition, under section 55 of the Act (and stated in para 23.113 of the Code), the local authority may only place a child in a special school if:

- (a) the school is included in the register of independent schools in Wales, and
- (b) the local authority is satisfied that the school can make the additional learning provision described in the child's or young person's IDP.

3. Capacity in specialist provision

The Minister for Education and Welsh Language's response to the petition acknowledges there are capacity issues in specialist education provision:

We know that schools are facing an unprecedented on-going demand to cater for a much wider than usual range of need across all age groups, particularly in relation to social and emotional well-being of learners, and in some areas the current increased demand for specialist placements exceeds current capacity.

This reflects what the Minister told the Children, Young People and Education Committee (para 2.56) in May 2023:

A reduction in school budgets is believed to have exacerbated the situation as schools report that they no longer have the capacity to meet such increased demands. All LAs report that there is an increased demand for specialist placements which far exceeds current capacity.

In his letter to this Committee, the Minister points to additional funding the Welsh Government has provided local authorities for ALN provision, including £20 million in 2022 to support the improvement and creation of inclusive spaces and facilities in schools to enable learners' needs to be met. He also refers to the Sustainable Communities for Learning Programme, through which the Welsh

Government funds major improvements to education estates, including new special school and specialist resource base provision.

4. Scrutiny and debate in the Senedd

The Children, Young People and Education Committee is scrutinising the implementation of the new ALN system. Budget pressures have been cited as a risk to the successful delivery of the ALN reforms.

There was a Plenary debate on 14 June 2023 about implementation of the ALN reforms, which included a focus on the availability of specialist provision. In response to a call for an urgent review of implementation of the ALN reforms, then Minister pointed to a thematic review Estyn is undertaking, which is due to report in September 2023.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.