

Jeremy Miles MS  
Minister for Education and Welsh Language

Julie Morgan MS  
Deputy Minister for Social Services

17 July 2023

## **Implementation of education reforms: outcome of our summer 2023 check-in**

Dear Jeremy and Julie,

Thank you, Jeremy, for appearing before Committee on 10 May as part of our second 'check-in' on progress in implementing the Curriculum for Wales and the new Additional Learning Needs system.

As you may know, alongside the written and oral evidence you gave as part of our second check-in we:

- sought written evidence from a range of stakeholders about any issues relating to the implementation of either education reform;<sup>1</sup>
- visited three secondary schools across Wales to talk to school leaders, teaching staff and pupils; and,
- via our Citizen Engagement Team, carried out focus group discussions with school staff across Wales.<sup>2</sup>

We set out the conclusions we have drawn based on the evidence we received below. This correspondence is directed primarily at the Minister for Education and Welsh Language, apart from

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<sup>1</sup> Welsh Parliament, '[Implementation of education reforms](#)'. For responses received since our letter to you dated 8 August 2022, see IER 13 from the Equality and Human Rights Commission onwards.

<sup>2</sup> Welsh Parliament, '[Implementation of educational reforms: Children, Young People and Education Committee summary note](#)', May 2023

the final section ('Joint working between local government and health'), which is directed primarily at the Deputy Minister for Social Services.

We would be grateful for a joint response to our conclusions and requests for further information (set out in grey boxes) no later than 31 August 2023.

## General issues

### Workload pressures facing staff implementing the reforms

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It is clear there are substantial pressures facing the education workforce and professionals from other sectors supporting schools in implementing both sets of reforms, at a time when the system is still managing the lasting impact on children and young people from the pandemic. We have identified a particular pressure on ALNCoS. We note that you have established a Task and Finish Group to look at issues regarding the role. We also note your statement in Plenary on 16 May and the Welsh Government's work with stakeholders through the Managing Workload and Reducing Bureaucracy Group.<sup>3</sup>

We urge that workload pressures, particularly the viability of the ALNCo role, are kept closely under review. Please could you keep us informed about the outcomes of the Task and Finish Group?

### The amount and quality of professional learning provided

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We note that the National Professional Learning Entitlement has been in place since September 2022 and the amounts of money the Welsh Government has spent on professional learning for school staff in relation to both education reforms. However, some of the evidence we received suggested the quality of professional learning available remains variable. The NASUWT reported that a survey of its members indicated lower levels of professional learning in Wales than England, despite the level of reform being undertaken here.<sup>4</sup>

We believe that professional learning for the education workforce is vital to both the successful roll out of the Curriculum for Wales and the new ALN system. We urge you to continue to engage with the sector to ensure that all schools across Wales have access to all the high-quality professional learning they need to implement these reforms successfully.

## Curriculum

### Children and young people's mental health – whole school approach

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<sup>3</sup> [Plenary, 16/05/2023, Record of Proceedings](#), from paragraph 250

<sup>4</sup> [Written evidence, IER.23.NASUWT.Cymru](#)

Schools and local authorities have a duty under the Curriculum and Assessment (Wales) Act 2021 to have regard to the mental health and emotional well-being of learners in the delivery of the curriculum.<sup>5</sup> However, it is unclear to us how this is being met practically and the extent to which the Welsh Government provides guidance and undertakes monitoring to ensure this happens effectively.

The wider matter of the implementation of the whole-school approach to emotional and mental well-being merits scrutiny in its own right; we are in the process of considering how to take that forward. However, the curriculum provides the framework for how schools interact with children, including about their mental health, not least through the Health and Well-being AoLE and the overarching duty in Section 63 of the 2021 Act.

To what extent do you believe that the implementation of the Curriculum to date has changed how schools support learners with their mental health? How does the Welsh Government support and monitor schools to ensure that schools are delivering this area of the Curriculum effectively?

## Welsh in education workforce

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You acknowledged during the scrutiny session that there are not yet enough Welsh speaking teachers to deliver the education system's role in equipping young people with Welsh language skills, on the scale envisaged by the Welsh Government's Cymraeg 2050 agenda and the single continuum of learning under the Curriculum for Wales.<sup>6</sup> We have noted the Welsh Government's ten-year Welsh in Education workforce plan<sup>7</sup> and the ongoing consultation on proposals for a Welsh Language Education Bill,<sup>8</sup> which will also impact on how successfully the Welsh Government is able to meet its commitments in relation to the Cymraeg 2050 agenda.

We urge that continued attention is given to this area, to ensure that insufficient workforce capacity does not undermine the impact of the Curriculum for Wales on learners' Welsh language skills.

## Importance of cluster working

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Our predecessor Committee argued during scrutiny of the legislation that, while there will not be uniformity amongst schools' curricula, there must be adequate consistency.<sup>9</sup> Effective cluster working seems to us to be a good way of ensuring this and striking an optimum balance between school autonomy and necessary national and local consistency.

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<sup>5</sup> Legislation.gov.uk, '[Curriculum and Assessment \(Wales\) Act 2021: Section 63](#)'

<sup>6</sup> [Children, Young People and Education Committee, 10/05/2023, Record of Proceedings](#), paragraphs 55-59

<sup>7</sup> Welsh Government, '[Welsh in education workforce plan](#)', 24/05/22

<sup>8</sup> Welsh Government, '[Welsh Language Education: white paper](#)', 16/06/2023

<sup>9</sup> Welsh Parliament, '[New 'Curriculum for Wales' must be delivered consistently across Wales – Senedd committee](#)', 04/12/20

We urge the Welsh Government to continue to promote cluster working and other collaborative working initiatives to share best practice, reduce workload and improve consistency between schools.

## Additional learning needs

Implementation of the ALN system and eligibility for IDPs

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It is clear to us that the ALN system is being implemented differently to what was anticipated, or at least publicly stated, when the legislation and subsequent regulations were originally being scrutinised by the Senedd.<sup>10</sup> Significant numbers of learners previously identified as having SEN are not being recognised as having ALN, despite the definition remaining materially the same.

The latest school census data shows the number of children with SEN or ALN has decreased again, to 63,100 in 2022/23, from 74,661 in 2021/22 and 92,668 in 2020/21. The number recognised as having SEN/ALN has therefore reduced by a third (32%) during the first two years of the new system.<sup>11</sup>

You told us in Committee that the lower numbers of SEN/ALN do not mean there is a reduction in need. You added that you expect numbers to increase again as the new system beds in.<sup>12</sup>

However, in your letter of 13 June you state that you expect more learners who were previously at the SEN school action level to be supported as part of differentiated teaching and inclusive education practice.<sup>13</sup>

We understand some of the reasons why significant numbers of learners previously identified as having SEN are not being recognised as having ALN. We heard positive evidence about how the new ALN system can empower ALNCoS to use their judgement to decide that, in some cases, a child's needs can be met through universal provision, and do not warrant Additional Learning Provision (ALP) and an Individual Development Plan (IDP).

However, we also heard that many ALNCoS are struggling with the workload associated with reviewing the learning needs of each child formerly identified as having SEN and preparing IDPs where they are required.

Whilst we recognise that some low-level needs may now be able to be met through universal provision, we are concerned that the steep drop in numbers of children recognised as having ALN

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<sup>10</sup> Welsh Government, ['Letter from the Minister for Lifelong Learning and Welsh Language to the Chair of the Children, Young People and Education Committee'](#), 11/04/17

<sup>11</sup> For 2020-21 figures, see Welsh Government, ['Schools' census results: February 2022'](#), 31/08/22. For 2021-2022 and 2022-23 figures see Welsh Government, ['Schools' census results \(headline statistics\): January 2023'](#), 25/05/23

<sup>12</sup> [Children, Young People and Education Committee, 10/05/2023, Record of Proceedings](#), paragraphs 83-87

<sup>13</sup> Reference to letter when published

under the new system, compared to the numbers of children identified as having SEN in the old system, indicates that some children's needs might be going unmet.

How confident are you that decisions about whether a child has ALN and requires ALP and a IDP are being taken in the best interests of the learner and are not related to resource, capacity, and/or workload pressures?

How will you ensure that decisions not to provide a child with an IDP who was previously identified as having SEN is in the best interests of the child, and not an unintended consequence of the ALN reforms?

It is also not clear to us whether you believe that numbers of children eligible for SEN/ALN will rise as the system beds in, or whether differentiated and more inclusive approaches to teaching as promoted by the Curriculum for Wales mean that numbers are likely to remain lower than they were before the implementation of the reforms. Please could you clarify your views on this matter, and outline your expectations for the future trajectory of SEN/ALN numbers?

#### Intermediate categories of learners between universal provision and Additional Learning Provision

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The way in which the ALN system is being implemented means many schools are effectively holding lists of learners that require more than universal provision, but whose needs are not on a level that require ALP and IDPs. You have referred us to the work Estyn is carrying out to review implementation, which will include consideration of how schools are supporting this group of learners.<sup>14</sup>

We urge the Welsh Government to consider whether additional guidance is required on how these learners should be supported, following Estyn's evaluation of the implementation of the ALN reforms, given that they presumably fall outside the scope of the ALN Code.

#### Responsibility for IDPs between local authorities and schools

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Evidence we have received suggests that there can be disagreement and ambiguity about when a local authority, rather than a school, should be responsible for deciding whether a pupil has ALN, and preparing and maintaining IDP that is required. We have raised this important issue with the WLGA in correspondence.

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<sup>14</sup> Children, Young People and Education Committee, 10/05/2023, Record of Proceedings, paragraph 90

You said around half of local authorities have, in line with the ALN Code, published a set of principles setting out how they will apply the legal parameters on where responsibility should lie. You have indicated that the other local authorities will publish these in advance of the 2023-24 academic year.<sup>15</sup>

We believe it is imperative that these are published in advance of the new academic year. What action will you be taking if any local authorities miss that timescale?

We urge the Welsh Government to closely monitor the balance of responsibility between local authorities and schools in relation to preparing and maintaining IDPs. What action are you taking now, and will you take in future, to ensure that the balance of responsibility between local authorities and schools is appropriate?

Joint working between local government and health

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**To the Deputy Minister for Social Services:**

As you will be aware, the Additional Learning Needs and Education Tribunal (Wales) Act 2018 requires NHS bodies to consider whether there is a relevant treatment or service that is likely to be of benefit in addressing a child's or young person's ALN, where a local authority asks it to do so. Where the NHS body concludes there is such a treatment or service, they are required to secure it for the child or young person.<sup>16</sup> The ALN Code requires NHS bodies to respond to a request to consider whether there is a treatment or service that is likely to benefit the child, or a request for information or help in deciding how to meet a child or young person's ALN, within six weeks. There is an exception to the six-week timescale where it is impractical for an NHS body to do so due to circumstances beyond its control.<sup>17</sup>

One of the main aims of the reforms was improved collaboration between education and health. The Designated Education Clinical Lead Officer (DECLCO) role was intended to improve the situation. However, it is clear from the evidence that we have gathered that challenges remain in ensuring that health professionals – including the DELCO – support all the schools that need it. The issue of long waiting times for health assessments, predominantly autism and ADHD assessments, has been raised with us regularly as a major concern which could undermine the successful delivery of the reforms.

We are aware of the Neurodivergence Improvement Programme and the £12 million you have announced over three years to reduce the pressures in the system to improve waiting times for assessment and to address gaps in current provision in both children and adult services.<sup>18</sup> We also

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<sup>15</sup> [Children, Young People and Education Committee, 10/05/2023, Record of Proceedings](#), paragraphs 96-97

<sup>16</sup> [Legislation.gov.uk, 'Additional Learning Needs and Education Tribunal \(Wales\) Act 2018: Section 20'](#)

<sup>17</sup> [Welsh Government, 'The Additional Learning Needs Code for Wales 2021'](#), paras 21.11 & 21.32

<sup>18</sup> [Welsh Government, 'Oral Statement: Neurodivergence Improvement Programme'](#), 02/05/23

note the comments of the Minister for Education and Welsh Language that a diagnosis is not required to access educational support.<sup>19</sup>

Collaboration between education and health appears to remain a considerable obstacle to supporting learners with additional needs. While we note the Welsh Government's position that schools should not always wait for a diagnosis, we believe that the absence of input from health professionals is, at times, delaying and undermining support being put in place for learners. We have written to the WLGA and the NHS Confederation to gain their perspectives of how this aspect of ALN reform is working.

We would be grateful for your assessment on how adequately health services are complying with their duties under the 2018 Act and the ALN Code. We would also appreciate your perspective on how health services, particularly those involved in the identification of ALN and the required provision to support these needs, are supporting the implementation of the ALN system.

We urge you and the Minister for Education and Welsh Language to work closely together to ensure that challenges associated with the collaboration between health and education do not undermine the successful delivery of the new ALN system.

Yours sincerely,



Jayne Bryant MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

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<sup>19</sup> Children, Young People and Education Committee, 10/05/2023, Record of Proceedings, paragraph 124