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Llywodraeth Cymru
Welsh Government

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Jack Sargeant MS
Chair - Petitions committee
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Dear Jack

Thank you for your letter of 18 May regarding issues raised in a petition received by the Petitions Committee from Zoe Beasley.

The Welsh Government is fully committed to creating an inclusive education system and to helping ensure all pupils, including those with additional learning needs (ALN) and/or healthcare needs, can achieve their full potential.

As part of our reforms of the education system in Wales the current special educational needs (SEN) system is gradually being replaced by the ALN system which is underpinned by the ALN and Education Tribunal (Wales) Act and accompanying [ALN Code for Wales](#). Phased implementation of the new ALN system began in September 2021 and will continue until August 2025. Learners with SEN are moving to the new ALN system in groups.

The ALN Act and the ALN Code create a unified legislative framework which helps ensure each individual, has their views, wishes and feelings identified early and placed at the heart of the process to identify and meet their needs. This should help make the new system fairer and less adversarial. The new system also ensures that learners aged 0-25 who require additional support to meet an ALN have that support properly planned for and protected in a single statutory plan called an Individual Development Plan (IDP). We have also strengthened children's rights with clear routes to take if there are disputes. The ALN Code for Wales includes a chapter on preparing and maintaining IDPs.

As part of our work to implement the ALN system we have developed and delivered an extensive package of training, core skills development and ongoing professional development for all practitioners. This includes a specific professional learning offer for ALN Co-ordinators who provide a strategic leadership role and act as the first port of call for teachers looking for ALN advice and guidance. We have also produced guidance for parents and young people which includes [guidance on rights](#) under the new system.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Under the ALN Act, a child has ALN if they have a learning difficulty or disability that calls for additional learning provision (ALP) (which is itself defined as provision that educates or trains). The ALN Act states that a learning difficulty or disability which amounts to ALN (because it called for ALP) could arise as a result of a medical condition, but this does not mean that medical conditions equate to ALN. The provisions of the ALN Act are only relevant to a child with a healthcare need such as diabetes, where that child's healthcare need gives rise to an ALN as defined by the ALN Act, or where they also have an ALN that is unconnected to their healthcare needs. Therefore, the provisions of the ALN Act are only relevant to a child with healthcare needs if those needs give rise to a learning difficulty or disability, or they otherwise have a learning difficulty or disability, that calls for ALP.

In 2017 the Welsh Government published '[Supporting Learners with Healthcare Needs](#)' guidance to assist governing bodies, education settings, education and health professionals and other organisations to support learners with healthcare needs and ensure minimal disruption to their education. Local authorities and school governing bodies must have regard to this statutory guidance when carrying out their duties under the Education Act 2002 in promoting the welfare of children who are learners at the education setting, including meeting their healthcare needs.

The Supporting Learners with Healthcare Needs document contains both statutory guidance and non-statutory advice. It includes a requirement for local authorities and education settings in Wales to create and maintain a healthcare needs policy which should seek to ensure that pupils with any medical condition, including diabetes, are properly supported. It includes advice on training and raising awareness of common conditions and emphasises the need for a collaborative approach from education and health professionals, placing the learner at the centre of decision making.

Some learners with healthcare needs will need an Individual Healthcare Plan (IHP). This is essential where healthcare needs are complex, fluctuating, long term or where there is a high risk that an emergency intervention will be needed. The Supporting Learners with Healthcare Needs guidance sets out the process for deciding if an IHP is needed and explains roles and responsibilities in the creation and management of IHPs.

Education settings have access to support from a health advice service which may include:

- offering advice on the development of IHPs;
- assisting in the identification of the training required for the education setting to successfully implement IHPs; and
- supporting staff to implement a learner's IHP through advice and liaison with other healthcare, social care and third sector professionals.

Health advice and support can also be provided by specialist health professionals such as GPs, paediatricians, speech and language therapists, occupational therapists, physiotherapists, dieticians and diabetes specialist nurses. Third sector voluntary bodies can also provide advice and practical support. Proactively engaging with specialist services can provide practical help when writing and implementing IHPs and they can also provide training and awareness-raising resources, including video links.

The Supporting Learners with Healthcare Needs guidance states that IHPs should be reviewed at least annually or more frequently should there be new evidence that the needs of the learner have changed. Where a learner with healthcare needs also has an ALN the IHP should be linked or attached to the learner's IDP. The ALN Code explains that where a learner with ALN has more than one plan that requires review, the preparation or review

could be undertaken simultaneously to facilitate a more holistic approach to the planning of care and support for the child or young person.

The Children and Young People Wales Diabetes Network has several projects ongoing as part of its work in education, including an all-Wales School Guideline to help schools improve staff confidence, understanding and safe management of Type 1 Diabetes in children and young people. The Network has developed staff training materials including: 'Introduction to Type 1 Diabetes in School'; 'Testing Blood Glucose Levels in School'; 'Carbohydrate Counting Practice for School Staff'; 'Introduction to Diabetes Technology for School Staff'; and 'Exercise and Exams'.

As regards funding, local authorities are responsible for ensuring suitable education provision for all learners in their area, including learners with healthcare needs, and should work with their schools to ensure their school funding arrangements are effective in supporting and raising the achievement of all children. Local Health Boards are responsible for planning and delivering NHS services in their areas, which includes the health advice service available to education settings.

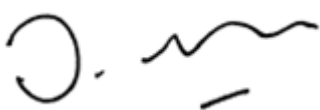
If parents/carers of learners with healthcare needs and/or ALN are not satisfied with the actions of the school after trying to resolve matters informally with them, they can consider making a formal complaint to the school. If they are not satisfied with the outcome at school level, they can approach the local authority to see if they are able to assist. If they remain dissatisfied following these discussions, they can make a complaint to the local authority. Complaints about NHS services can be made via ['Putting Things Right'](#).

Learners with ALN may also have a right to appeal to the Education Tribunal for Wales (ETW) which hears and decides parents' appeals against the decisions of local authorities regarding learners' ALN, where parents cannot reach agreement with the local authority. Children with diabetes, or their parents, can appeal to the ETW against a decision in relation to whether or not they have ALN, or in relation to the ALP with which they are provided. They do not, however, have right of appeal to the Tribunal solely because they have diabetes or because they are not given an IHP. The ETW also deals with claims of disability discrimination in school. Further information about the ETW is available on its [website](#).

Stakeholders played an essential part in the development of the Supporting Learners with Healthcare Needs guidance. Following further engagement with relevant stakeholder groups in 2018 we published three quick healthcare needs guides for teachers and support staff, parents, and young people. These [guides](#) are available on our website.

As part of our work to update a wide range of guidance following implementation of the ALN Act, we will be ensuring the Supporting Learners with Healthcare Needs guidance appropriately uses the terminology used by the ALN Act. We will also continue to keep it under review in light of any new information that may emerge that could impact on this policy area.

Yours sincerely,



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