

Lynne Neagle AS/MS
Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education



Llywodraeth Cymru
Welsh Government

Buffy Williams MS
Chair
Children, Young People and Education Committee
Welsh Parliament
Ty Hywel
Cardiff Bay
CF99 1SN

18 June 2024

Dear Buffy,

Thank you for your letters of 23 April and follow up questions received on the 10 May.

I am grateful for the work of the committee to engage widely to draw together critical intelligence, scrutiny and challenge of education reforms in Wales. I should acknowledge that the extensive research and evidence published at the end of 2023 has already informed our work to date, and is consistent with the findings of the committee, and the petition on the ALN code.

The evidence session on the 8 May was an early opportunity to share my observations on progress across our education reforms and my commitment to improve the implementation of the ALN system.

I also responded to the Debate on 'Petition P-06-1392 - Reform of the additional learning needs Code of Wales 2021' setting out my immediate priorities, and have responded to your questions in Annex A.

I care passionately about delivering for all learners and I am committed to acting now to improve the reforms to the education system. I will work collaboratively with all partners to do this.

Yours sincerely

Lynne Neagle AS/MS
Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Lynne.Neagle@llyw.cymru
Correspondence.Lynne.Neagle@gov.wales

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.

Annex A: Responses to letter of 10 May

General

Question 1. In terms of how decisions are made regarding whether an IDP is the responsibility of the local authority rather than the school, can you give an update on how many local authorities, as expected by the ALN Code, have published their set of principles giving the criteria on how they will take such decisions?

Welsh Government officials have been meeting with all local authorities across Wales to monitor implementation and understand how they are implementing the ALN Act. Part of this discussion involves enquiring into local authorities' approach to the delegation and maintenance of Individual Development Plans (IDPs). Officials have requested a copy of local authorities' established and published set of principles and its URL (address of web page) which are due by the end of June.

Data

Question 2: What are the timelines associated with the work on data you alluded to during the meeting? Specifically, when do you hope to have identified the data that is currently not collected that you believe needs to be, and when do you hope that this data will become available to inform the implementation of the ALN system?

Officials currently monitor and share with partners the ALN data collected through the Pupil Level Annual School Census (PLASC) to understand progress. The data demonstrates the status of pupils, trends in the movement of learners from SEN to ALN, changes in the numbers and proportions of SEN, School Action Plus (SAP), School Action (SA) and the subsequent rise in pupils identified as having a school or LA based IDP. It also provides analysis of trends by LA area. School attendance data is also an important source of more timely information, extracted from school management information systems (MIS).

Some updates were made to the PLASC collection to reflect the introduction of the ALN system ahead of its implementation. For example, information about children and young people with Individual Development Plans (IDPs). Wider changes have not been made to maintain continuity of data and information during transition.

A data workstream is taking action to ensure the availability of data to effectively monitor and assess the impact of the ALN system. This workstream involves a number of stages to:

- Understand current data, review gaps and identify changes required to improve the data capture and ensure the right data available in Early years, Education, Health, Post 16 and CTER and set out a timeline for ongoing work in late Autumn.
- Define and assess impact of any further changes to PLASC to collect information relevant to the ALN system and its oversight, post implementation.

Post-16 education and training

Question 3: The general position is that young people are entitled to two years of further education or training post-16 unless there are “reasonable needs for more”. However, NatSpec, the umbrella organisation for specialist further education providers, report that there are many cases where young people with ALN are being denied funding to spend longer than two years in further education or training. What does this say about whether the new ALN system is genuinely an age 0-25 system as has been the message all along?

ALNET creates a single legislative system for children and young people with ALN aged 0 to 25 years, spanning early years, compulsory school age and further education. The Act does not give all young people with ALN an automatic right to continuous education up until the age of 25. However, in exceptional cases some young people may be able to access provision until the age of 25 if they have a reasonable need for education and/or training.

For a small number of young people whose needs cannot be met in mainstream further education, it may be decided that they require alternative provision to meet their needs, including potentially an independent special post-16 institution (ISPI). Under the previous Learning and Skills Act and the new ALNET Act, the majority of young people attend post-16 provision for two years, although they can access provision for a shorter or longer duration. In cases of a longer duration, there must be evidence of exceptional reasons relating to the young person’s capability to learn.

With regard to mainstream FEI’s there is no limit placed on the length of time a learner can be enrolled on any provision. The college makes decisions with a young person and their parents/guardians on the learner’s destination and works to ensure the correct, person centred, provision for that learner.

Funding for Additional Learning Needs

Question 4: Could you clarify how much has been spent on supporting implementation of the new ALN system to date (prior to 2024-25)? (Your written paper cited £62m revenue and £40m capital as having been spent between 2020 and 2024.) Your paper also stated that £56 million has been allocated for supporting implementation in 2024-25. Why does the amount budgeted in 2024-25 seem considerably higher per annum than the cumulative figure over the three or four-year period 2020 to 2024? Are the figures comparative or does the 2024-25 figure include other ALN budgets such as post-16 that the 2020 to 2024 figure doesn’t?

Funding for ALN is mainly provided to local authorities through the Revenue Support Grant (RSG). This is un-hypothecated funding to local authorities.

Funding that is additional to the RSG has been granted for a number of purposes to underpin the infrastructure, enable implementation or increase provision to support ALN learners.

A summary is set out below to break down investment in addition to the RSG since 2020 across education and Post 16 education and training.

- ALN Implementation – Circa £60m has been invested in ALN implementation. This has increased resources in schools, FEI’s and local authorities to implement the ALN system and lead whole-school strategies to embed inclusive education.

- ALN Provision - Nearly £51m has been allocated to local authorities and direct to schools and special schools to boost provision for ALN learners, in recognition that the pandemic impacted learners with ALN.
- ALN Capital funding - An extra £60million has been provided for capital investment for local authorities to improve or create inclusive spaces and facilities to support learners with ALN. (Part of this is £20m announced for 24-25) This is in addition to the Sustainable Communities for Learning Capital Programme.
- ALN support for FE sector – Over £150m revenue budget has also been allocated to support ALN in the post 16 FE sector through Post 16 specialist placements and Additional Learning Support funding. In addition, the independent living skills pathways have been allocated an average of £18 million per year, however, this figure is confirmed at the end of each academic year.

Below I clarify some of the values that have been referred to in the evidence paper.

- £62m revenue budget was a combination of implementation and provision funding allocated via the LAEG to Local Authorities between 2020-21 and 2022-23. This figure goes up to £107m, between 2020-21 to 2024-25 inclusive (LAEG only, not including funding to support FE sector).
- £40m capital was allocated to Local Authorities in 2022-23 and 2023-24 inclusive. An additional £20m has since been announced for 2024- 25, taking the total amount up to £60m.
- £56.3m was the budget protected for investment on ALN implementation and ALN provision in 2024-25.

This is made up of:

- £12.9 million ALN implementation through the Local Authority Education Grant (LAEG)The majority of this goes directly to education settings to increase capacity to deliver upon the movement of learners from the SEN to the ALN system and develop whole-school strategies to support learners.
- £9.1 million ALN provision through the Local Authority Education Grant (LAEG). This goes to local authorities to meet the rise in need for provision as a result of the impact of the pandemic.
- £0.7 million implementation support for Further Education Institutions.
- £13.881 million total budget allocated to deliver post 16 specialist placements.
- £16.871 million was allocated to the Additional Learning Support fund to support learners with support needs in the FE sector.
- £2.9 million ALN programme costs.

Working with health bodies

Question 5: Please can you confirm whether each of the four DECLOs in post serve individual health boards (rather than being shared across all seven health boards)? If so, are you satisfied that the three health boards who haven't appointed DECLOs are in compliance with section 61 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018?

Five health boards made the decision to create joint appointments; one post covers Cardiff & Vale University Health Board and Cwm Taf Morgannwg University Health Board, and another post covers three health boards: Hywel Dda University Health Board, Swansea Bay University Health Board and Powys University Health Board.

Where this is the case, the DECLOs have designated time devoted to the health boards they serve. These arrangements partly reflect the different structures and has enabled regional approaches to be developed consistently and is being positively received by the sector.

I am satisfied that each health board is legally compliant with their duty under Section 61 of the ALNET Act. However, I am also speaking to the Cabinet Secretary for Health and Social Care to discuss the most effective approach to ensuring full coverage across every Health Board.

I have met with the four DECLOs and their role is already improving strategic joint working between health and education. Significant inroads have been made in collaboration between the DECLOs. This has enabled initial developments in establishing joint national approaches to address specific issues and we are working with the DECLOs to develop new Key Performance Indicators (KPIs) to monitoring Local Health Board's compliance with their duties under the ALNET Act.

The work of officials to lead a ALN Multi-Agency Collaboration Working Group will be key to improve collaboration between health and education under the ALN system and to agree new, innovative approaches to common themes emerging from implementation.

Curriculum for Wales

Question 6: Progression and assessment skills seems to be the aspect of Curriculum for Wales implementation that schools find most difficult. How conscious are you of that and are you considering providing more detailed guidance on this as Estyn have suggested might be necessary for some schools, despite what has been provided already?

We know that challenges remain with this area of the Curriculum. Research and work with schools, including through our [early research and evaluation](#) as well as Estyn's Annual Reports, has helped us to understand how these areas are embedding in schools, including what's working well and what the challenges are. Estyn will also be publishing a thematic report on the link between transition from primary to secondary schools, and the development of a shared understanding of progression across schools, which will further inform our support.

We have published a range of supporting materials and professional development workshops on Hwb on progression and assessment – including guides for schools on developing a shared understanding of progress and developing assessment arrangements. We continue to work in partnership with schools and our partners through the Camau i'r Dyfodol project to support a shared national understanding of progression. In September 2023, we published supporting materials based on this work and we will continue to work with the profession to ensure understanding of progression is fully accessible.

It is clear that where progression and assessment is being done well in Curriculum for Wales – it raises the bar for schools and for learners. Planning for progression helps to develop learning that is more purposeful, more engaging and more rigorous. However, as I set out during the meeting of the Committee in respect of the Curriculum generally, it is

clear that a lot of schools need more support in this area in order to be confident in what they are doing.

I will be providing an update to the Senedd in July on curriculum reform, and as part of that I will be outlining a range of steps to provide schools with more scaffolding and detail to support progression and assessment. My officials are working with practitioners to provide detail on what progression looks like which is clear and as simple as possible as well as illustrative curriculum content, and templates to support school and teacher planning curriculum and assessment.

However, it is critical we get any additional detail for schools right. We know from other jurisdictions that simply adding more detail to the curriculum can cause its own issues, especially if it confuses or overwhelms teachers. As with all of our support for the curriculum, it is important that we give those schools that need it a common basis of expectation and support, without putting a ceiling on schools' ambitions and creativity. Any scaffolding needs to be simple, clear and in line with the aspirations of the Curriculum for Wales.