

# Stop the use of the term Universal Provision

Y Pwyllgor Deisebau | 16 Mehefin 2025  
Petitions Committee | 16 June 2025

Reference: SR25/11030

**Petition Number:** P-06-1499

**Petition title:** Stop the use of term 'Universal Provision' as a reason to deny ALN

**Text of petition:** Over recent months there has been much discussion around the term Universal Provision. ALNET and Welsh Government have given clear guidance as to what this term means. Yet, despite this clarification, Local Authorities and members of Welsh Government continue to allow this term to be used to refuse a learner ALN status and provide ALP. There can only be one solution and that is that this term is banned from use.

While members of Welsh Government still use this term when discussing ALN, including during media interviews, it gives LA's opportunity to follow suit, and continue to deny ALN to learners.

There is ongoing work through the Education reform inquiry and CYPE committee however, there are still ongoing issues with families that arise that show inconsistencies amongst authorities and Welsh Government in Wales.



# 1. Background

The Welsh Government and the education sector are currently implementing the Additional Learning Needs and Education Tribunal (Wales) Act 2018. This replaces the existing/previous Special Educational Needs (SEN) system with a new Additional Learning Needs (ALN) system.

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.

Senedd Research published an article in April 2023 regarding the timetable for implementation.

## 1.1. Defining ALN

Learners judged to have ALN are eligible for a statutory Individual Development Plan (IDP). An IDP describes a person's ALN and the Additional Learning Provision (ALP) which the person's learning difficulty or disability calls for. The 2018 Act's definition of ALN is materially the same as that for SEN, whereby learners:

- have a significantly greater difficulty in learning than the majority of others of the same age; or
- a disability (for the purposes of the Equality Act 2010) which prevents or hinders them accessing education or training that is generally provided for others of the same age; **and**
- the learning difficulty or disability calls for ALP.

[Bold is our emphasis]

The final point of the definition is significant as, if a learning difficulty can be addressed through universal, or ordinarily available, provision and does not require ALP then the learner will not be considered to have ALN.

## 1.2. A shift towards universal provision

There appears to have been a shift towards 'universal provision' to meet children's needs, where previously those needs may have been recognised as SEN and

special education provision put in place for them. This is despite the definition of ALN being essentially the same as SEN. The number of learners identified with SEN or ALN has reduced by almost a half (44%) since the new system began being implemented – from 92,688 in 2020/21 (20% of all pupils) to 52,152 (11% of all pupils) in 2023/24. The decrease is accounted for by a reduction in those with relatively low level SEN/ALN, indicating that it is not the case that learners with severe or complex needs are no longer being recognised as having ALN/SEN.

However, the shift away from ALP towards universal provision for many learners who would previously have been regarded as having SEN/ALN was not something publicly anticipated by the Welsh Government. The Welsh Government said during passage of the ALN Bill in 2017 that those covered under the new system would be broadly the same as before and, when making subsequent regulations in 2021, it anticipated there would be “around 110,000 school-age IDPs”, which was equivalent to the number of pupils with SEN at that time.

In its school census statistical release and in a letter from the then Minister for Education and Welsh Language to the CYPE Committee, the Welsh Government has offered several explanations for the decrease.

- SEN has been historically over-reported, partly due to the inclusion of a learning difficulty category which on reflection does not actually amount to SEN/ALN;
- The new statutory ALN co-ordinators have reviewed their schools' SEN registers and seen fit to remove some learners with the lowest levels of needs.
- The ALN legislation was conceived of a decade ago and the more inclusive approach of the new Curriculum for Wales means some learners who previously required ALP can have their needs met through universal provision, with differentiated teaching and inclusive education practice. The removal of some pupils from the SEN/ALN register brings the proportion of all pupils identified as having SEN/ALN down from 20% in 2020/21 to 13% in 2022/23 and 11% in 2023/24.

Senedd Research published an article in September 2022, Identifying Additional Learning Needs: Has the bar been raised or was it previously too low?

### 1.3. The ALN Code

As required by the 2018 Act, the Welsh Government issued an Additional Learning Needs Code, that was approved by the Senedd in March 2021. The ALN Code outlines requirements and guidance for schools, further education institutions,

local authorities, NHS bodies and others on delivering the ALN system. The Welsh Government consulted on a draft version of the ALN Code in winter 2018/19. Issues raised included defining and identifying ALN, timescales for meeting duties, the roles of various professionals and arrangements for resolving disagreement, advocacy services and appeals. The Senedd's Children, Young People and Education Committee submitted a response following work it undertook with stakeholders.

## 1.4. Estyn's reports on ALN reform implementation

In September 2024, the education inspectorate, Estyn, published the first report the Welsh Government has remitted it to produce. Among Estyn's findings was a lack of consistency in people's understanding and application of terms such as 'universal', 'targeted' and 'specialist', and how these relate to ALP. Estyn also noted that these terms do not necessarily appear in the ALN Code.

Estyn recommended that the Welsh Government ensures that all settings have a clear understanding of the legal definitions contained in the 2018 Act and the ALN Code, and provides practical examples to aid understanding.

In the second report published in December 2024, Estyn stated that they recognised in their visits to settings, schools and local authorities that the shared understanding and common application of terms such as universal provision and practices remained inconsistent. They recommended that the Welsh Government should work with all local authorities to ensure that they have a common and secure understanding of the definition of additional learning provision and that local authorities and their schools apply this consistently.

## 2. Welsh Government action

On 8 May 2024, Lynne Neagle, Cabinet Secretary for Education told the Children, Young People and Education Committee that the Welsh Government would be holding a review of how consistently the legislation is being implemented:

and will look at the issues that have been raised with me about the inconsistencies and the fact that the legislation is intellectually challenging.

In a Written Cabinet Statement on 7 October 2025, the Cabinet Secretary for Education said:

in response to evidence and concerns that some parts are complex and unclear we are now examining the legislative framework in detail and in discussion with delivery partners. The review is considering the clarity and accessibility of the legislative framework and gathering evidence of the practical challenges in implementing the ALN system.

In a [letter to the Children, Young People and Education Committee on 4 February 2025](#), the Cabinet Secretary provided more detail on the scope and timetable of the review. She said that she expects to update the Senedd on the progress and findings of the review by early July 2025.

## 3. Welsh Parliament action

### 3.1. Children Young People and Education Committee

The Senedd's Children, Young People and Education Committee is [scrutinising the implementation of the ALN reforms](#) (along with other major reforms to the curriculum) throughout this Senedd. It is doing this through a series of 'check-ins' and has carried out three of these to date.

The Committee published an [interim report in July 2024](#). The Committee heard from some schools that, although they recognise that certain pupils have a learning difficulty or disability, they do not believe that they need ALP because the school's standard provision (called 'universal provision' or otherwise) meets their educational needs. Consequently, these schools do not consider such pupils to have ALN for the purposes of the ALN Act.

Schools also explained that the Curriculum for Wales allows for greater levels of differentiation from teachers. The curriculum encourages a focus on "stage, not age", which means that children who formerly could not access the curriculum - and therefore required additional provision - could now be taught more inclusively at a level suitable to their needs.

The President of the Education Tribunal for Wales told the Committee in [March 2024](#):

... there's no such thing as universal provision in the law. It's not in the ALN Act, it's not in the regulations, it's not mentioned in the code. But there's a lot of conversation about children not having ALN because there's provision that's provided for them under universal provision.

Welsh Government hasn't set out what a universal provision is. It's not there in the law. The legal tests are a child compared with the ordinary developing child, or provision that's provided in mainstream schools across Wales, so it's not specific to a particular local authority area, or a particular school even, and that's causing confusion.

One of the Committee's recommendations in the interim report was:

As part of its review into the ALN Act and Code, the Welsh Government should review the clarity and accessibility of the legislation and statutory guidance. A focus of that work should be what constitutes, or at least is commonly understood as, so-called 'universal provision'.

The Welsh Government accepted the recommendation. It said:

An update to the Senedd on the progress and findings of the review is expected by Summer 2025. In addition, work is underway to acquire further knowledge on what provision is 'generally available' to learners of the same age in Wales. Whilst 'universal provision' is not a term referenced in the ALN Act or Code, the term is widely used in the sector to describe the day-to-day practice which happens in every classroom to respond to educational needs, secure individual progress and ensure that all children and young people can thrive in their setting.

## 3.2. Petitions Committee

The Petitions Committee has recently considered five petitions about ALN:

- P-06-1392 Reform of the additional learning needs Code of Wales 2021
- P-06-1341 Accessible guidance for parents and schools to help develop plans to support children with additional learning needs
- P-06-1342 Fund more specialist school places and staff for children with additional learning needs in Wales
- P-06-1347 Review Additional Learning Needs policies & make compulsory to FULLY train all teachers and TAs in regulation techniques
- P-06-1406 Financial penalties for Local Education Authorities who do not comply with timeframes for ALN

The Committee considered the petitions together and Members noted that the Cabinet Secretary was already working with campaigners to address concerns. They also noted ongoing work in this area by the Children, Young People and Education Committee, which is due to report again by the end of the Senedd. The Petitions were closed and there was a [Plenary debate on 8 May 2024](#) on the petition in relation to the reform of the additional learning needs Code of Wales 2021. Senedd Research published an [article](#) ahead of that debate.

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.