

Dear Members of the Petitions Committee,

Thank you for the opportunity to respond to the Cabinet Secretary's letter dated 17 November 2025 in relation to our petition on Early Expert Input and Safeguarding Reform for Children with Additional Learning Needs (ALN) in Wales.

We welcome the Welsh Government's continued engagement with ALN reform. However, we must state clearly and respectfully that neither the Cabinet Secretary's written response, nor the ALN Legislative Framework Review, nor the Oral Statement on the ALN Reforms directly answers the specific safeguarding failure our petition exposes: Children with diagnosed neurodevelopmental conditions can still enter compulsory education with no mandatory Educational Psychology (EP) assessment, no formal safeguarding-based educational risk assessment, and no enforceable professional oversight.

It is important to clarify that our view is that the law is not the problem, but rather the failure lies in how it is applied and the lack of mandatory trigger points to access vital professional input.

The Cabinet Secretary's letter states:

“Early intervention and support for children in their early years is essential and a key aim of the ALN reforms which is in place across the age range 0–25.”

(Source: Cabinet Secretary for Education – Letter to Chair of the Petitions Committee, 17 November 2025)

The Welsh Government's Legislative Review also confirms the purpose of the framework:

“The legislative framework aims to improve the planning and delivery of additional learning provision (ALP), through a person-centred approach to identifying needs early, putting in place effective support and monitoring.”

(Source: Welsh Government – ALN Legislative Framework Review, WG53249, October 2025, Introduction)

And in the Senedd, the Cabinet Secretary stated:

“That means clear expectations, confident decision-making, and the right support in place for every learner, in every part of Wales.”

(Source: Cabinet Secretary Oral Statement – Update on the ALN Reforms, Senedd Plenary, Section 4)

We agree with these principles. Our petition does not argue that the law itself is flawed. It argues that there is no mandatory enforcement point that guarantees these principles are applied when a child with a diagnosed neurodevelopmental condition enters compulsory education.

The Legislative Framework Review explicitly states:

“The definition [of ALN] is open to interpretation leading to variation between settings.”

(Source: Welsh Government – ALN Legislative Framework Review, WG53249, October 2025, Question a – Definition and Identifying ALN)

It also confirms:

“Responses also highlighted the challenges of predicting ‘significantly greater difficulty’ for children under compulsory school age.”

(Source: Welsh Government – ALN Legislative Framework Review, WG53249, October 2025, Question a)

And further:

“There is a lack of clarity whether intervention from health-based services, before three years of age, constitutes the need for an IDP.”

(Source: Welsh Government – ALN Legislative Framework Review, WG53249, October 2025, Question g – Children under compulsory school age)

These admissions confirm exactly what our petition is warning about; that interpretation is currently being used in place of mandatory safeguarding, leaving children with complex profiles at risk of being overlooked.

Under the current framework:

- Early years settings are expected to identify and describe need
- That information is passed to the Local Authority
- The Local Authority **is not** required to assess the child directly
- A decision on whether an IDP is required can be made with no EP input
- A child can then enter school without a statutory educational risk assessment

The Legislative Review explicitly acknowledges:

“One significant issue is the practical challenges of identifying ALN and ALP and maintaining IDPs for children under compulsory school age.”

(Source: Welsh Government – ALN Legislative Framework Review, WG53249, October 2025, Question g)

Yet nowhere in the current response is a mandatory expert safeguard introduced nor even recommended, to compensate for this acknowledged limitation. This creates a structural safeguarding gap where children with clinical neurodevelopmental diagnoses have their educational placement decided without input from the only professional qualified to assess educational risk, an Educational Psychologist.

This disproportionately harms Children with Autism and communication disorders as they often:

- Mask distress
- Suppress anxiety
- Appear externally “coping”
- Collapse only once sustained demand is applied

The Legislative Review confirms the system already knows this stage is unreliable:

“Respondents highlighted the challenges of predicting ‘significantly greater difficulty’ for children under compulsory school age.”

(Source: Welsh Government – ALN Legislative Framework Review, WG53249, October 2025, Question a)

Yet again, no mandatory expert assessment requirement exists to protect against that known risk. This creates the exact scenario our family experienced; a child who appeared to “manage” in nursery but experienced catastrophic breakdown within weeks of entering a mainstream primary classroom due to undetected educational risk.

The Cabinet Secretary’s letter states:

“Work is underway across government to develop a learning programme for the education workforce, covering neurodivergence, child development, and the whole-school approach through modular training.”

(Source: Cabinet Secretary for Education – Letter, 17 November 2025)

“I am strengthening national support with new professional advisors to drive quality and consistent delivery.”

(Source: Cabinet Secretary for Education – Letter, 17 November 2025)

While welcome, training **does not** replace statutory expert assessment, and guidance **does not** equal legal safeguarding.

The Legislative Review itself confirms:

“Many respondents highlighted the lack of clarity and consistency between the Code and the Act, leading to confusion among LAs and schools resulting in varying interpretations and inconsistent application of the law.”

(Source: Welsh Government – ALN Legislative Framework Review, WG53249, October 2025, Observation 1)

This means that even with training, the system still allows discretionary denial of protection.

If a child **below mandatory school age**, following:

- A Neurodevelopmental diagnosis such as Autism, or
- A diagnosed communication disorder, or
- Any diagnosis of a physical or mental impairment that has a substantial, long-term adverse effect on their ability to do normal day-to-day activities (protected under the Equality Act 2010)

It were mandatory that:

An Educational Psychology assessment must take place before any transition planning to primary education,

Then:

- The child’s true educational risk profile would be identified
- The ALP required would be professionally determined
- The suitability of mainstream vs Learning Resource Base vs Specialist Provision would be objectively assessed
- The school would receive expert guidance instead of relying on parental instruction/generic guidelines
- And misinterpretation based on surface presentation would be removed

This would have prevented our daughter being placed into a mainstream classroom that the school later admitted they were not qualified, experienced, or equipped to make safe determinations about, resulting in autistic burnout, anxiety and school-based trauma less than twelve weeks into Reception.

The Legislative Review reiterates that the ALN framework already requires:

“Early identification, effective support and monitoring.”

(Source: Welsh Government – ALN Legislative Framework Review, WG53249, October 2025, Introduction)

The Cabinet Secretary has also committed to:

“Clear expectations, confident decision-making, and the right support in place.”

(Source: Cabinet Secretary Oral Statement – Update on the ALN Reforms, Senedd Plenary, Section 4)

Yet without a mandatory EP trigger, these commitments remain aspirational rather than enforceable. At present safeguarding is optional, expert oversight is discretionary and accountability only appears after harm has occurred, through Tribunal, the Ombudsman, or Judicial Review

We are **not** asking for blanket assessments, over-medicalisation or unnecessary intervention. We are asking for one narrow, proportionate safeguard:

That any child below mandatory school age, with a diagnosed neurodevelopmental condition or disability must receive a mandatory Educational Psychology assessment before transition into compulsory education.

This is the **minimum** necessary to ensure:

- Decisions are made by suitably qualified professionals
- Complex needs are not filtered through non-clinical interpretation
- Children are protected from avoidable harm and discrimination
- And professionals working with vulnerable children are given the tools and access required to carry out their duties safely and lawfully

The Cabinet Secretary’s letter, the Legislative Framework Review, and the Oral Statement on ALN Reforms:

- All reaffirm the importance of early identification and support
- All acknowledge complexity, inconsistency and confusion in application
- But none introduce a mandatory professional safeguard at the most critical point of risk: transition into compulsory education for children with diagnosed neurodevelopmental conditions or disabilities

We respectfully submit that - If a child has required NHS assessment and diagnosis before the age of five, it is broken logic to suggest that no additional mandatory educational safeguarding or needs assessment is required before determining their first steps into formal education.

Yours faithfully,

Rachael Walkingshaw-McGuinness