

P-06-1494 Welsh Government to protect funding in education from WG and Local Authority cuts - Correspondence from the Petitioner to the Committee, 21 April 2025

Thank you to the Cabinet Secretary for Education for the detailed response to Petition P-06-1494 and for outlining the Welsh Government's continuing commitment to educational funding and support for learners with Additional Learning Needs (ALN).

While the steps being taken are welcomed, I remain seriously concerned that these measures are not delivering the intended impact on the ground, particularly within the ALN system.

I am increasingly hearing reports that significant amounts of money are being spent by local authorities on education tribunals—many of which they go on to lose. This is a troubling use of public funds. Rather than focusing on early, appropriate support, families are being pushed into stressful, lengthy legal processes just to secure basic educational rights for their children. These tribunal costs reflect not only financial inefficiency, but also a system where the law and guidance are being misunderstood—or worse, ignored.

One of the key issues is the ongoing misinterpretation of the ALN Act and the ALN Code, especially regarding "universal provision." As tribunal rulings have made clear, there is no basis in law for refusing a child an Individual Development Plan (IDP) simply because their needs could be met through so-called universal provision. The term does not appear in the Act, the regulations, or the Code.

The legal test is straightforward: it's whether the child's learning difficulty or disability requires Additional Learning Provision that is different from or additional to what is generally made for others of the same age in mainstream schools across Wales—not just within a particular school or local authority.

It's extremely worrying that, several years into this new system, such a fundamental point is still being widely misunderstood. I am hearing about children—particularly those who were previously on School Action/School Action Plus, those who mask their difficulties, and many academically able learners—being denied IDPs based on flawed internal policies and inconsistent interpretations of the law.

Even more concerning is the apparent lack of a formal process for the tribunal to flag local authorities that repeatedly misapply the law. Without a mechanism for accountability, it's difficult to see how consistent improvement can be achieved.

I therefore urge the Welsh Government to consider the following actions:

Ring-fence education funding within local authority budgets, with a particular focus on ALN, to prevent it from being diverted or deprioritised.

Review the use of funding for education tribunals, and introduce incentives for early, lawful provision of ALP to reduce the need for families to resort to legal action.

Issue clear and immediate guidance confirming that “universal provision” is not a lawful basis to refuse an IDP, and that decisions must be made using the criteria set out in the ALN Act—not local policy.

Establish a formal feedback loop between the Education Tribunal and the Welsh Government to highlight repeated failings by local authorities and support consistent application of the law.

Mandate further training for local authority staff, schools, and governing bodies, to ensure a shared and accurate understanding of the ALN system across Wales.

Without clear leadership, accountability, and consistent practice, we fear the ALN reforms will fall short of their purpose—and risk deepening the inequalities they were meant to address.

Thank you for taking the time to consider these concerns. I urge swift and meaningful action to ensure every child in Wales receives the support they are legally entitled to.

Yours sincerely,

Cath Drews.