



Additional Learning Needs Implementation – Update

As set out in the Minister’s [statement](#) on 14 July, following engagement with stakeholders the arrangements for implementing the Additional Learning Needs and Educational Tribunal Act have been adapted. This decision reflects the accumulated impact of the pandemic, coupled with the demands of preparing for the wider transformational reforms across the whole of the education system, and intends to secure more time for partners to plan and manage the required changes in readiness for the Act. Further information on what this means has been set out below.

Implementation in year one has been sequenced as follows:

1 September 2021 - Children who are new to the ALN system

From 1 September, schools, PRUs and local authorities need to apply [The Additional Learning Needs Code for Wales 2021](#) (ALN Code) and [associated regulations](#) to all children up to and including those in Year 10 who did not have an identified special education need (SEN) on 1 September and who are subsequently newly identified as having, or newly thought to have, additional learning needs (ALN). This includes children who are educated in a maintained setting, an FEI, an independent setting (an independent nursery or an independent school), are educated other than at school (EOTAS) and children who are electively home educated.

This means that schools, PRUs and local authorities will need to make a decision about whether a ‘newly identified’ or detained child has ALN and, where required, issue an IDP. Guidance on making a decision, preparing and maintaining an IDP can be found in the ALN Code.

To note: Children who are new to the ALN system do not include children who are in receipt of special educational provision (SEP). This means that children who have SEP via a statement or via a non-statutory plan, such as school action/school action plus or early years action/early years action plus, are not included. Children who are engaged with the SEN statement process are also not included. This means that where, for example, a local authority is undertaking an SEN assessment or is preparing a statement, the child will not be considered to be new to the ALN system.

1 September 2021 - Children who are detained

Also from 1 September, children who are detained will be covered by, or will move to, the ALN system. This means children of compulsory school age (up to, and including, Year 11), including those with a statement, who on, or after, 1 September 2021:

- are subject to a detention order and are detained in relevant youth accommodation in Wales or England¹; or

¹ Commencement Order 2

- are detained in hospital under Part 3 of the Mental Health Act 1983 (in the course of criminal proceedings or for sentencing)².

Detained children with statements are included because once a child has become detained, the local authority is no longer responsible for the child and is under no duty to maintain the statement³.

Local authorities are responsible for moving detained children from the SEN system to the ALN system. Further guidance about detained children can be found in chapter 19 of the ALN Code.

The transition arrangements for children who are detained in youth accommodation under Part 3 of the Mental Health Act 1983 are provided for in Commencement Order 2 and in [The Additional Learning Needs \(Wales\) Regulations 2021](#)⁴.

When a child is released from detention, ALN legislation, including [The ALN Code](#), continues to apply to the child where an IDP is being prepared under section 40 of the ALN Act or is being kept under section 42 of the ALN Act.

1 January 2022 - Moving children from the SEN system to the ALN system

Children in some year groups who are in receipt of SEP will begin to move to the new ALN system from 1 January 2022. The year groups are: Nursery Years 1 and 2, Year 1, Year 3, Year 5, Year 7 and Year 10. These year groups are referred to as mandated years.

Schools, PRUs and local authorities move these children from the SEN system to the new ALN system by giving a notice. The notice is the outcome of a decision made by a school, PRU or local authority in relation to whether the child has ALN.

Where a child has ALN, an 'IDP' notice will be given which confirms the child has moved to the ALN system, has ALN, and that an IDP will be prepared. Where a decision has been made that a child does not have ALN, a 'no IDP' notice will be given. The no IDP notice confirms that the child has moved to the new system, does not have ALN and an IDP will not be issued.

In exceptional circumstances, local authorities will also be able to give an 'ALN notice' to a child, which moves them to the ALN system, but does not make a decision about whether the child has ALN. The effect of an ALN notice is that the ALN system and law applies from the date of the notice, and the SEN system and law ceases to apply.

Detailed guidance about notices and moving children to the new system will be provided in the implementation guides which will be published in mid-Autumn term.

Since the ALN Act law does not come into effect for children with SEN until January 2022, it is not possible to give notices before this date and, therefore, it is not

² Regulation 23 of the Additional Learning Needs (Wales) Regulations 2021.

³ Education Act 1996, section 562.

⁴ Regulation 23 of the Additional Learning Needs (Wales) Regulations 2021.

possible to move children from the SEN system to the ALN system before January 2022.

It is, however, possible to prepare IDPs prior to January 2022. This means that schools, PRUs and local authorities can follow the IDP process set out in the ALN Code, including holding meetings, drafting IDPs and sharing IDPs with children and parents for their feedback. The final agreed IDPs should not, however, be issued until a notice has been given.

Schools, PRUs and local authorities will, therefore, be able to follow the plans they have already prepared to ensure all children in the mandated years have been moved to the ALN system, and have been given an IDP, where required, by the end of the 2021/22 school year. The only adjustment which will need to be made is that the agreed IDP cannot be issued until after 1 January 2022.

The Welsh Government, together with the ALN Transformation Leads, will continue to work with local authorities, schools and wider partners to support the implementation of the ALN system and new ways of working.

Who can/can't get an assessment/statement?

There will be no more statutory assessments or statements after 31 December 2021 for those who are covered by the commencement orders. These are:

- in year 10 or below and are new to the system,
- are in year 10 or below, are in a maintained school/PRU and in receipt of SA/SA+, or
- if they are compulsory school age and under and are detained.

They will either be on the ALN system (new), or they will be moving to the ALN system in the next 3 years in line with their mandated year (unless they request a notice and move sooner).

For those not covered by the commencement orders, the SEN legislation and system (and the Learning and Skills Act, where applicable) still applies; and as such, so does the ability to request a statutory assessment for a statement. For ease, this includes those who:

- are in year 11, (unless they are detained),
- are over compulsory school age,
- have SEP via school action/school action plus, and are not registered at a maintained school or a PRU. This includes children in receipt of EOTAS and children who are registered at independent schools, non-maintained nurseries or are electively home educated.
- have a statement (other than where a child is detained) or are engaged in the SEN statement process

Find out more

Online www.gov.wales/additional-learning-needs-transformation-programme

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