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Llywodraeth Cymru  
Welsh Government

# A guide for parents about rights under the additional learning needs (ALN) system



# Introduction

## **This guide provides information about:**

- how children and young people with additional learning needs (ALN) will be supported under the ALN system
- how the ALN system will work
- what parents can do if they disagree with decisions made by organisations providing support for their child
- the rights children, their parents and young people have under the ALN system

The rights children, their parents and young people have under the ALN system are provided for in the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (the ALN Act). These rights are explained in detail in [‘The Additional Learning Needs Code for Wales 2021’](#) (the ALN Code).

For the purposes of the ALN system and this guide, a parent includes any person who is not a parent but who has parental responsibility for a child and any person who has care of a child.

When the guide says child, it means a person from birth up to the end of compulsory school age. Children are given rights under the ALN Act and most of these rights are also given to their parents. This changes when a child becomes a young person.

A young person is someone who is over compulsory school age and up to age 25. When a child becomes a young person, the rights are given only to the young person. This means that parents do not have the same rights as the young person.

Where the guide says nursery and/or school, this means a local authority nursery or local authority school.

# What is changing?

## **Your child may already have been identified as having special educational needs (SEN).**

They may be receiving extra support in school to help them learn or they may have a statement. The Welsh Government are changing the approach to supporting children and young people who have difficulties with learning.

We are replacing the SEN system with the ALN system.

As the ALN system is introduced, you will notice some changes to what things are called:

- special educational needs (SEN) becomes additional learning needs (ALN)
- special educational needs co-ordinators (SENCOs) become additional learning needs co-ordinators (ALNCOs) – ALNCOs are the lead coordinators for learners with ALN and they work in schools, colleges and pupil referral units (PRUs)
- special educational provision (SEP) becomes additional learning provision (ALP)
- plans such as individual education plans (IEPs), statements, and learning and skills plans (LSPs) will be replaced with a new plan called an individual development plan (IDP)

Some things have not changed. Having ALN is the same as having SEN. This means that if a child has SEN they are also likely to have ALN.

# New ways of working

## **As a parent you may be concerned about your child having ALN.**

The Welsh Government's introduction of the new ALN Act means the following for your child and you as a parent:

- improved collaboration
- a unified plan
- participation and having a voice
- a simpler less adversarial system

The ALN system aims to make sure that:

- children, their parents and young people's views, wishes and feelings are listened to when decisions are being made about how to help children and young people
- the right support is put in place quickly to help children and young people with ALN
- everyone works together to help children and young people with ALN, including education and health services
- most children and young people with ALN can go to their local nursery, school, pupil referral unit (PRU) or college, if it is right for them
- children, and their parents, can access learning support even before they start school or nursery
- children, their parents and young people understand the additional learning provision being offered
- children and young people with ALN get help in Welsh, wherever possible, if they need it
- central to the planning and provision of support from local authorities and schools, PRUs and colleges will be the application of a person-centred approach

The ALN system also places a duty on local authorities to provide impartial information and advice about ALN and the ALN system. Your child's school or college can also provide you with support and information.

The information will help you understand the ALN system. It will also explain the rights children, their parents and young people have and what to do if they do not agree with the decisions made by schools, colleges or local authorities.

# What is additional learning needs (ALN) and additional learning provision (ALP)?

**Your child may have ALN if they need extra support to learn. This could be because they:**

- find it harder to learn than other children of the same age
- or**
- have a disability that means they can't use, or find it difficult to use, facilities for learning in the local nursery, school or college

The extra support given to children and young people with ALN to help them learn is called additional learning provision (ALP).

ALP for a child aged under 3 means educational provision of any kind.

ALP for a child or young person aged 3 or over is education or training, usually in a nursery, school or college, that is additional to, or different from, what is made available to most children or young people of the same age.

Chapter 2 of the [‘The Additional Learning Needs Code for Wales 2021’](#) provides more information about ALN and ALP.



# Identifying ALN

**If you think your child has ALN what you can do depends on the age of the child. It also depends on if they go to a local authority nursery or school.**

Where a child attends a local authority school, the child or their parents can tell the ALNCo, the headteacher or the class teacher the child may have ALN.

Where a young person attends a local authority school, the young person can tell the ALNCo, the headteacher or the class teacher they think they may have ALN.

When a young person attends a college, they can tell the ALNCo or their tutor.

Parents of children from birth up to age 5 (under compulsory school age) who do not attend a local authority nursery or local authority school can tell the local authority early years additional learning needs lead officer (EY ALNLO) or the early years ALN team.

You can tell the local authority you think your child has ALN at any time. The child does not need to be referred by a professional (such as a health visitor, childcare provider or nursery provider) and a child does not have to have a particular diagnosis, or any type of ALN or level of ALN need, for someone to tell a local authority that the child might have ALN.

When you tell the local authority you think your child has ALN, the local authority must make a decision about whether your child has ALN.

Before contacting the local authority, you might want to speak to a professional (such as a health visitor) to discuss your concerns.

Where a child does not attend a local authority nursery, school or PRU, the child or their parents can tell the local authority the child may have ALN.

Where a young person does not attend a local authority school or PRU, the young person can tell the local authority they think they may have ALN.

# A right for all children and young people with ALN to have a statutory plan called an individual development plan (IDP)

**If a child has ALN then they have a right to a statutory plan called an individual development plan (IDP).**


Young people up to the age 25 with ALN will be entitled to an IDP if they stay in education.

An IDP is a statutory plan. This means there are laws about:

- who should have an IDP
- how long it can take to prepare an IDP for a child or young person
- what must be put in the IDP

An IDP is prepared by schools, colleges or local authorities working with the child, their parents or the young person, as well as professionals (such as health professionals).





The IDP will say what the child or young person needs to be able to support their learning, setting out:

- the type of ALN the child or young person has (need)
- how the child or young person will be supported to learn and who will support them (provision)
- what the child or young person will be able to achieve when the support is put in place (outcome)
- the name of any nursery, school, PRU or college the child or young person may need to go to
- if the support should be provided in Welsh
- information about the reasons for what is set out in the plan
- things that have happened that make a difference to the child's or young person's ALN

The IDP is intended to be a flexible document. It will vary in length and complexity depending on the different needs of the child or young person.

IDPs must be reviewed every twelve months, or sooner if necessary.

An IDP can be prepared and looked after (maintained) by schools, colleges or local authorities. It does not matter who maintains the IDP, it is a statutory plan. This means that children, their parents and young people have rights to do something about decisions about ALN in the IDP if they are not happy with those decisions.

It also means that the ALP written into the IDP must be provided.

Chapter 23 of [‘The Additional Learning Needs Code for Wales 2021’](#) provides more information on preparing and maintaining an IDP and its content.



# A right for all children, their parents and young people to challenge decisions about ALN they disagree with

Children, their parents and young people can challenge decisions made by a school, PRU, local authority or college about ALN if they disagree with them. This includes decisions about:

- whether a child or young person has ALN
- the way a child or young person's ALN is described in an IDP
- the support (ALP) described in the IDP
- who is responsible for maintaining an IDP – a school, PRU, college or local authority

# A right to ask a local authority to reconsider a decision made by a local authority nursery, local authority school or PRU

**The ALN Act provides several rights for children, their parents and young people to have certain decisions reconsidered.**

A child, their parent or a young person who is unhappy with a decision made by a local authority nursery, local authority school or PRU can ask the local authority to reconsider the decision.

Children, their parents or young people can ask the local authority to reconsider the following decisions and plans:

- a school decision whether a child or young person has ALN or not
- a school IDP with a view to revising it
- a school's decision to cease to maintain (to end) an IDP
- a child, their parent or a young person can request that the local authority 'take over' responsibility for maintaining an IDP.

# A right to an advocate to speak up for children and young people who disagree with a decision about ALN

**It is important to know that there are people to advise, help and speak up for children and young people if there is a disagreement. They are called advocates.**

Advocates can tell people how children and young people feel and what they need to help them in school, PRU or college.

Children and young people have a right to have an advocate help and speak up for them if there is a disagreement. An advocate will speak up for a child or young person when they are using dispute resolution services or if they want to make an appeal to the Education Tribunal for Wales.

Children and young people can ask the local authority for an advocate.

Local authorities must tell children, their parents and young people about advocates.

If your child asks for an advocate to:

- help them with a possible appeal to the Education Tribunal for Wales (see page 14)
- speak up for them at an appeal
- speak up for them when using dispute resolution services

then the local authority must make an advocate available. There is no cost to children, their parents or young people for services provided by a local authority advocate.

# Using dispute resolution services

**Sometimes disagreements can arise. Most of the time disagreements can be sorted out by discussing the problem with the school, PRU, college or local authority.**

If you are unhappy with anything, you should make your views known to the school, PRU or college as soon as possible. Working together will provide opportunities to discuss any problems and help them to be sorted out at an early stage.

If you are still unhappy, then you should talk to your local authority to seek further advice.

The ALN Act says that all local authorities in Wales must make arrangements and provide access to independent dispute resolution services (DRS) to help resolve disagreements. The service does this by helping all involved to discuss the disagreement and work towards a solution.

Dispute resolution services should generally reduce the need to take a disagreement to the Education Tribunal for Wales and can lead to disagreements being settled more quickly.

Using dispute resolution services is not compulsory. Children, their parents and young people can make an appeal to the Education Tribunal for Wales without using dispute resolution services.

Using the dispute resolution service does not stop a child, their parents or a young person from making an appeal. Even if an appeal has been made, children, their parents and young people can continue to talk to the local authority to try to reach agreement.

# Making an appeal to the Educational Tribunal for Wales

## **Children, their parents and young people have a right to appeal to the Education Tribunal for Wales.**

The Education Tribunal for Wales is independent and will consider appeals where there is disagreement with local authority or college decisions.

An appeal can be made on the following:

- a decision by a local authority or college about whether a child or young person has ALN
- a decision by a local authority that it is not necessary to make an IDP for a young person
- the way a child or young person's ALN is described in their IDP
- the ALP that has been included in an IDP
- the ALP that has not been included in an IDP
- a decision about if additional learning provision (ALP) should be provided in Welsh
- not including a particular nursery, school, PRU or college in an IDP
- not including other provision that is needed – such as not including board and lodging to attend a particular nursery, school, PRU or college
- a local authority decision not to be responsible for an IDP instead of a nursery, school, PRU or college
- a local authority decision not to change an IDP that the nursery, school or PRU is responsible for
- a local authority or college refusing to decide if a child or young person has ALN because it has decided this before and does not think that anything has changed
- a decision to end an IDP

Appeals to the Education Tribunal for Wales cannot be made about decisions made by nurseries, schools or PRUs.

# Getting help from a case friend

Some children may need help to understand their rights under the ALN system. If a child does not understand, it is important to know a case friend can speak for the child, support the child, and take decisions for the child.

Case friends help children take a disagreement – a case – to the Education Tribunal for Wales. A case friend does this by acting on behalf of a child when making an appeal.

Case friends can also help children to understand information given to them about the ALN system.

Children and their parents can ask the Education Tribunal for Wales for a case friend.

## Further support and information

If a child or young person thinks they have ALN, the child, their parents or the young person can talk to the relevant teacher, personal tutor or ALNCo.

Children, their parents or young people can talk to their teacher, personal tutor or ALNCo if they think they have ALN.

If the child or young person does not attend a nursery, school or PRU, the child, their parents or the young person can talk to the local authority. For children who have not yet started education in a nursery or school, parents can also talk to a professional (such as a health visitor).

There are organisations that can provide information and advice about ALN and your rights, including:

- your local authority
- Children in Wales
- SNAP Cymru
- National Deaf Children's Society
- National Autistic Society Cymru
- Royal National Institute of Blind People (RNIB) Cymru
- Children's Commissioner for Wales

You can also email the Welsh Government's ALN Transformation Branch at [ALNImplementation@gov.wales](mailto:ALNImplementation@gov.wales)

