

Implementation of education reforms: Interim Report

July 2024



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Implementation of education reforms: Interim Report

July 2024



About the Committee

The Committee was established on 23 June 2021. Its remit can be found at:
www.senedd.wales/SeneddChildren

Current Committee membership:



**Committee Chair:
Buffy Williams MS**
Welsh Labour



Cefin Campbell MS
Plaid Cymru



Hefin David MS
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Gareth Davies MS
Welsh Conservatives



Tom Giffard MS
Welsh Conservatives



Jack Sargeant MS
Welsh Labour

The following Members were also members of the Committee during this inquiry:



**Committee Chair:
Jayne Bryant MS**
Welsh Labour



Laura Anne Jones MS
Welsh Conservatives



James Evans MS
Welsh Conservatives



Heledd Fychan MS
Plaid Cymru



Ken Skates MS
Welsh Labour



Sioned Williams MS
Plaid Cymru

The following Member attended as a substitute during this inquiry:



Vikki Howells MS
Welsh Labour

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Chair's foreword

This interim report sets out the key findings of our scrutiny to date of the Welsh Government's implementation of two major education reforms passed in the previous Senedd: the Additional Learning Needs (ALN) system and the Curriculum for Wales – both major and transformative reforms in their own right.

Senedd Committee inquiries, even broad inquiries such as this one, tend to focus on specific topics, or specific areas of policy. But of course, we know that people don't experience public services within such neat boundaries. Their experiences of public services will depend on who they are and their specific needs.

The ALN reforms that we consider in this report are interconnected with broader issues about the education and childcare that disabled children receive. We have decided to publish this report alongside our report on disabled access to childcare and education in recognition of that interconnectivity, and to place the debate around the ALN reforms in the context of broader debates about inclusivity.

And of course, people's experiences of public services are also affected by the wider context affecting public services themselves.

The total numbers of children identified as having Special Education Needs (SEN) or ALN have fallen by 32% since the rollout of the ALN reforms began, and by 40% since 2016-17. We conclude in this report that the primary reason for this fall is that schools do not have the resources to put in place targeted provision for every child with ALN. In other words, the financial pressures schools are facing are having a significant impact on children and their families' experiences of the ALN reforms.

It is also clear that the overlapping rollout of the Curriculum for Wales and the ALN reforms is having an impact on how they are being implemented.

Implementing both, side-by-side, has clearly been incredibly challenging for schools. But it may also have unlocked some unforeseen potential benefits: the possibility for the Curriculum for Wales to trigger a move towards more inclusive teaching, for example. Although we are sceptical about the extent to which this can explain the significant fall in SEN/ALN numbers to date, we do see some encouraging signs about the potential of the Curriculum for Wales to give schools the flexibility they need to meet the needs of their pupils, including pupils with ALN.

We decided to publish this interim report to inform the Welsh Government's next steps as we approach the end of the Sixth Senedd. We are grateful to the current Cabinet Secretary for Education, the former Minister for Education and Welsh Language, and their officials for their ongoing constructive dialogue with us.

We share their ambition for these reforms, and urge the Welsh Government to take seriously the concerns we set out in this report, along with our proposals to realign the implementation of both reforms for the benefit of learners across Wales.

Buffy Williams MS

Chair

Recommendations

Recommendation 1. 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’ by exploring the extent to which routine teaching across mainstream schools should meet the learning needs of children with low to moderate additional needs, and the point at which routine differentiation should tip into Additional Learning Provision..... Page 33

Recommendation 2. As part of its review into the ALN Act and Code, the Welsh Government should review how ALN provision is funded in mainstream schools. This work should include consideration of local authorities’ funding formulae, sets of principles, and other funding arrangements to:

- ensure that local authorities are passing on appropriate levels of funding to schools to support pupils with ALN;
- ensure that the balance between provision funded by schools and by local authorities is as intended in the ALN Act and Code;
- investigate whether local authorities have changed how they fund ALN compared to how they funded SEN under the old system, and whether this is appropriate;
- promote transparency about how ALN is funded for the benefit of schools and families; and, most importantly
- ensure that a lack of funding or resources is not a reason for children being wrongfully denied an IDP.Page 34

Recommendation 3. The Welsh Government should ensure that every health board appoints its own dedicated DECLO as soon as is practicable to do so.
.....Page 38

Recommendation 4. As part of its review into the ALN Act and Code, the Welsh Government should explore the impact of the Act and Code specifically on collaboration between health and education. That review should include consideration of:

- whether health bodies are consistently responding to referrals and requests for information from local authorities in a timely manner (and if not why not);
- whether the timescales for health board responses to local authorities provided for in the Act and subordinate legislation are appropriate;
- whether the requirement for referrals/requests for information to be made to health boards from local authorities – rather than from schools – is appropriate, and whether any changes could be made to make that collaboration more efficient; and
- whether there are any other bottlenecks in the ALN Act and Code that are hampering collaboration between health and education.Page 39

Recommendation 5. The Welsh Government should remit the ALNCo task and finish group to undertake further work examining the pay and terms and conditions of teaching staff working wholly or partially as deputy/assistant ALNCoS. The task and finish group should consider the training that individuals holding such posts should receive, the key tasks and responsibilities that they could expect to have, and considerations governing bodies should take into account when setting their pay..... Page 42

Recommendation 6. The Welsh Government should publish the findings and recommendations of the teaching assistant task and finish group first established in February 2022..... Page 43

Recommendation 7. The Welsh Government should remit the teaching assistant task and finish group to undertake further work examining the pay and terms and conditions of teaching assistants working wholly or partially alongside the ALNCo as part of a central ALN team. The task and finish group should consider the training that individuals holding such posts should receive, the key tasks and responsibilities that they could expect to have, and considerations that governing bodies and local authorities should take into account about their pay. Page 43

Recommendation 8. The Welsh Government should set out its views on the following in relation to the Made for Wales GCSEs:

- Does publishing the new GCSEs just one year before secondary schools are required to teach them provide enough time for effective preparation?

- How will the Welsh Government mitigate the risk that, despite having a new flexible curriculum, a fixed set of qualifications will encourage secondary schools in particular to ‘teach to the test’, thereby undermining this flexibility and autonomy afforded to them under the Curriculum for Wales?
- To what extent, if at all, does the Welsh Government consider having one single qualifications provider is a barrier to school flexibility under the Curriculum for Wales?Page 48

1. Introduction

The Additional Learning Needs and Tribunal (Wales) Act 2018 (“the ALN Act”)

- 1.** The Welsh Government and the education system are currently implementing the Additional Learning Needs and Education Tribunal (Wales) Act 2018. The new Additional Learning Needs (ALN) system, which is replacing the Special Educational Needs (SEN) system, is being introduced over four years: September 2021 to August 2025.
- 2.** 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.
- 3.** When the draft legislation was put before the Senedd in late 2016, the Welsh Government described it as a “complete overhaul” of a system “no longer fit for purpose”.¹ Weaknesses of the SEN system, identified in previous reviews dating back many years, include families often having to battle to secure provision for their child, insufficient joint working between local government and health, and inconsistencies in how different learners’ needs are met.²
- 4.** The ALN reforms have three overarching objectives:
 - A single system for children from birth, pupils in schools and students in colleges, regardless of level of need. Each learner with ALN is entitled to a statutory ‘Individual Development Plan’ (IDP).
 - Closer collaboration between the NHS and local government through a designated liaison officer within each health board, (the Designated Education Clinical Lead Officer (DECLO)).
 - A more transparent system to avoid disagreement and resolve disputes. (A key element of the reforms when the legislation was going through

¹ [Plenary, 13 June 2016: Record of Proceedings](#), paragraph 120

² Welsh Parliament, [‘Reforming the special educational needs system’](#), 27 May 2021

the Senedd was that they would be cost-neutral due to anticipated savings from less disagreement and fewer appeals.)³

5. The Additional Learning Needs Code for Wales 2021 (“the ALN Code”) provides guidance to those involved in delivering the ALN system on how they should meet their responsibilities.⁴

The Curriculum and Assessment (Wales) Act 2021 (“the Curriculum Act”)

6. The new Curriculum for Wales replaces the national curriculum, which has been in place since 1988. It was introduced in primary schools in September 2022 and became statutory in Year 7 and 8 in secondary schools in September 2023. It will be rolled out to additional year groups, year by year until it reaches Year 11 in September 2026. Some secondary schools introduced the Curriculum for Wales in Year 7 from September 2022, one year before it became statutory.

7. The new age 3-16 curriculum represents a shift away from the traditional heavily prescribed approach of the national curriculum, to one where schools have flexibility to design their own curricula, within a broad national framework. The Curriculum for Wales is therefore intended to be purpose-led rather than content-based, with a greater emphasis on skills and teaching what matters.⁵ It follows Professor Graham Donaldson’s Successful Futures review in 2015, which adopted as its starting point a vision of “the well-educated learner completing their statutory education in Wales”, in order to decide what the curriculum should provide to deliver this.⁶

8. The Curriculum for Wales is geared towards four purposes and structured around six Areas of Learning and Experience (AoLEs). There are three cross-curricular skills (literacy, numeracy and digital competence) and developmentally appropriate Relationships and Sexuality Education, and Religion, Values and Ethics, is mandatory from age 3.

9. Welsh is mandatory from age 3, whilst English is mandatory from age 7 (Year 3). This is to enable Welsh-medium settings to use the widely recognised

³ Welsh Government, ‘[Additional Learning Needs and Education Tribunal \(Wales\) Act: Explanatory Memorandum](#)’, January 2018, page 6

⁴ Welsh Government, ‘[The Additional Learning Needs Code for Wales 2021](#)’, 26 March 2021

⁵ Welsh Government, ‘[Hwb: Curriculum for Wales](#)’

⁶ Donaldson, Graham, ‘[Successful futures](#)’, February 2015, page 106

immersion model up to this age. Whilst not technically legally mandatory before Year 3, English-medium settings teach English from age 3.

Our inquiry

10. As we started to plan our work at the start of the Sixth Senedd, we agreed to focus on how changes in Welsh Government policy and legislation affect the day-to-day lives of children and young people. We committed to monitor policy implementation in particular, and to prioritise hearing from children and young people and frontline practitioners to understand what was happening on the ground.⁷

11. We understood the importance and significance of the ALN reforms and the Curriculum for Wales for education in Wales. We were also encouraged to scrutinise the Welsh Government's roll-out of both sets of reforms by a range of stakeholders.⁸ We were keen to do so, but noted that the roll-out would happen over a number of years. The length of a traditional inquiry (usually measured in months, not years) would not be appropriate for this piece of work.

12. We therefore decided to carry out a Senedd-long inquiry into the implementation of both reforms. We launched an open consultation in June 2022, accepting submissions from individuals and organisations at any time, about any aspect of the implementation of either the ALN reforms or the Curriculum for Wales.⁹ Alongside this extended consultation we committed to carrying out a series of short, focussed, thematic check-ins throughout the Sixth Senedd. We agreed that each check-in would involve at least some engagement activities (e.g. visits to schools to talk to staff, pupils and parents) and scrutiny of a Welsh Government Minister.

13. To date, we have carried out 3 such check-ins. The focus of each check-in has been determined on a case-by-case basis, shaped by:

- the Welsh Government's implementation plans and any other contextual information as highlighted by research staff and stakeholders;

⁷ Welsh Parliament, '[Children, Young People and Education Committee: Sixth Senedd Strategy \(Detailed version\)](#)', December 2021

⁸ Welsh Parliament, '[Children, Young People and Education Committee: Consultation on Sixth Senedd Priorities](#)'

⁹ Welsh Parliament, '[Children, Young People and Education Committee: Implementation of education reforms - Consultation](#)'

- any learning from previous check-ins;
- any issues that have arisen from the open consultation; and
- any other concerns or areas of interest that we have at the time.

14. Over the course of the three check-ins we have:

- received 57 consultation responses;
- visited 9 schools across Wales;
- spoken to family members of children with ALN who were members of the 'Online Advisory Group', which was established to support our work looking at disabled children and young people's access to childcare and education;
- taken oral evidence from Estyn and the President of the Education Tribunal for Wales;
- held three ministerial scrutiny sessions; and
- written to the Welsh Government, the NHS Confederation, the WLGA and other key stakeholders to share our concerns and seek clarification about specific issues.

More information about each check-in can be found on our inquiry web page.¹⁰

This report

15. Following our evidence session with the newly appointed Cabinet Secretary for Education on 8 May 2024 as part of our third check-in, we agreed that it was an opportune moment to issue a report on our findings to date. It is clear to us that the depth and quality of evidence that we have gathered to date enables us to draw some firm conclusions about the rollout of the reforms so far.

16. We do not intend this report to be exhaustive. Instead, we focus here on the areas of this inquiry about which we can make substantive, constructive recommendations at this stage. We are still in the middle of the rollout of these reforms, and it is still too early to come to firm conclusions about many aspects of the implementation of both the ALN reforms and the Curriculum for Wales. It is

¹⁰ Welsh Parliament, '[Children, Young People and Education Committee: Implementation of education reforms](#)'

our intention that we produce a more comprehensive report in 2026, telling the story of the rollout of the reforms over the Sixth Senedd. That report will, we hope, help future Welsh Governments as they continue to embed these ambitious reforms in the Seventh Senedd and beyond.

17. Readers should consider this report as one aspect of a broader body of work we have carried out looking at children’s access to childcare and education. The report on our inquiry ‘Do disabled children and young people have equal access to education and childcare?’ has been published alongside this shorter, more focused interim report. We have chosen to publish the reports together in recognition of the inherently and fundamentally entwined nature of the inquiries. Where relevant, evidence gathered as part of that inquiry has informed this report, and vice versa.

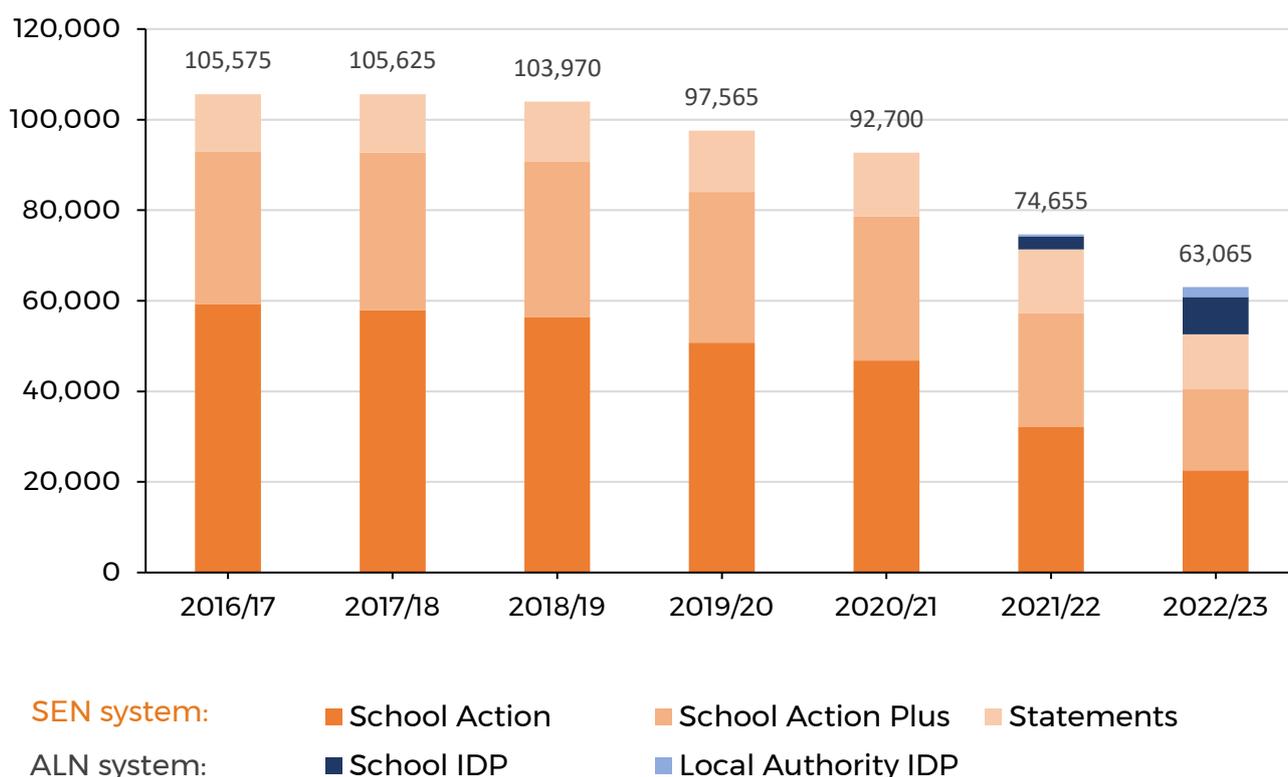
18. We would like to place on record our thanks to all of the stakeholders who have contributed to this inquiry so far. In particular, we want to thank the schools who have hosted Committee visits: the school leaders and governors for organising and facilitating them, the staff for taking the time to speak to us, and the many wonderful pupils we have had the pleasure of talking to.

2. The ALN reforms

Applying the definition of ALN

The reduction in the numbers of children identified as having ALN or SEN

Figure 1: the numbers of children identified as having SEN or ALN. (The rollout of the ALN system started in September 2021.) Source: StatsWales, 'Pupils with additional learning or special educational needs by local authority, region and type of provision'¹¹



19. The total number of children identified as having either ALN or SEN has fallen by almost a third compared to before the rollout of the ALN Act began (63,065 learners in 2022/23 compared to 92,700 in 2020/21. See figure 1). This reduction appears to be primarily because fewer children with low to moderate learning difficulties or disabilities are being classified as having SEN or ALN, as figure 2 illustrates.

¹¹ We have used StatsWales as our data source because it breaks down IDP numbers into local authority-maintained IDPs and school-maintained IDPs. However, the figures on StatsWales are broken down by local authority, and are all rounded to the nearest 5. Therefore, these figures do not exactly match schools census results. For the exact overall numbers of children with SEN/ALN see Welsh Government, 'Schools' census results: January 2023', 19 September 2023

Figure 2: the total numbers of children recognised as having SEN/ALN with low to moderate learning difficulties/disabilities (defined as children receiving either School Action or School Action Plus interventions under the SEN system, or who have a school maintained IDP under the ALN system). Source: StatsWales, ‘Pupils with additional learning or special educational needs by local authority, region and type of provision’

Academic year	Children recognised as having SEN/ALN with low to moderate learning difficulties/disabilities	Trend since previous year	Trend since 2016/17	Trend since introduction of ALN reforms
2016/17	92,970	-	-	-
2017/18	92,735	-0.25%	-0.25%	-
2018/19	90,810	-2.08%	-2.32%	-
2019/20	84,050	-7.44%	-9.59%	-
2020/21	78,615	-6.47%	-15.44%	-
Introduction of the ALN system began				
2021/22	60,120	-23.53%	-35.33%	-23.53%
2022/23	48,730	-18.95%	-47.59%	-38.01%

20. A main focus of this inquiry to date has been understanding these downwards trends, given that:

- The evidence we have received – including from the Welsh Government on more than one occasion - indicates that more children than ever before have additional needs of some sort, and the nature of those needs is more complex than ever.¹²
- It has never been the Welsh Government’s stated policy intention for the number of children identified as having ALN or SEN to fall:

¹² See for example: Welsh Government, ‘Welsh Government Evidence Paper – Children, Young People and Education Committee 10 May 2023’, 27 April 2023, page 4; Welsh Government, ‘Welsh Government evidence paper: For the Children, Young People and Education Committee inquiry into the implementation of education reforms’, April 2024, page 4. The then Minister for Education told us in 2023 that “My view is very strongly that the level of need in the system has not diminished” – see Children, Young People and Education Committee 10 May 2023: Record of Proceedings, paragraph 86; Welsh Parliament, ‘Implementation of education reforms: 3rd check-in: Summary of findings from school visits’, summer 2024, page 13. We also heard similar views during our school visits in 2022; Written evidence: IER 43 Swansea Bay University Health Board Children’s Centre; Written evidence: IER 46 UNISON Cymru. Financial data reinforces these trends, with local authority expenditure on SEN increasing year on year since 2015. See: Estyn, ‘The new additional learning needs system: Progress of schools and local authorities in supporting pupils with additional learning needs’, September 2023, page 42.

- The Explanatory Memorandum accompanying the Bill stated that “... the number of learners who would be defined as having ALN should be the same as those who currently have SEN or LDD [learning difficulties or disabilities].”¹³
- The Welsh Government stated when making regulations in 2021 that it expected there to be 110,000 IDPs across Wales, based primarily on SEN figures between 2011-12 and 2015-16.¹⁴
- The current online guide for parents states that “Some things have not changed. The definition of ALN is the same as SEN. This means if a child had SEN, it is likely that they will have ALN.”¹⁵
- And most recently, the Cabinet Secretary for Education told us that “the policy intent remains, and I’m really committed to this, that all children with ALN should get an IDP”.¹⁶
- The definition of ALN in the ALN Act is broadly the same as the definition of SEN in the statutory code of practice of the old system.¹⁷ In March 2021, the then Minister for Education responsible for the approval of the ALN Code told the Senedd that she did not believe that the reforms would raise the bar for the provision of an IDP because “the test to decide who has ALN has not changed.”¹⁸
- The Education Tribunal for Wales’ basic position is that children should be recognised as having ALN under the new system if they had SEN under the old system and their needs have not changed.¹⁹

¹³ Welsh Government, ‘[Additional Learning Needs and Education Tribunal \(Wales\) Bill](#)’, December 2016, page 93

¹⁴ Welsh Government, ‘[Explanatory Memorandum to The Additional Learning Needs \(Wales\) Regulations 2021](#)’, 12 March 2021, page 33

¹⁵ Welsh Government, ‘[Moving to the Additional Learning Needs \(ALN\) system: parents guide](#)’, last updated 4 April 2024

¹⁶ [Children, Young People and Education Committee, 8 May 2024: Record of Proceedings](#), paragraph 36

¹⁷ Compare Legislation.gov.uk, ‘[Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#)’, Section 2 with Welsh Assembly Government, ‘[Special Educational Needs Code of Practice for Wales](#)’, January 2004, page 1

¹⁸ [Plenary, 23 March 2021: Record of Proceedings](#), paragraph 397

¹⁹ Education Tribunal for Wales, ‘[Annual Report 2022-23](#)’, January 2024, page 1. See also: [Children, Young People and Education Committee, 20 March 2024: Record of Proceedings](#), paragraphs 146-147

21. We first noted the decrease in 2022.²⁰ However, it wasn't until we had completed our third check-in in summer 2024 that we had clear insights about *why* schools were identifying fewer children as having SEN/ALN. The evidence that we have received about the fall in numbers can be grouped as follows:

- Limited school resources
- Educational needs that schools do not believe meet the definition of ALN
- 'Universal provision'

Limited school resources

Staff workload

22. Under the old SEN system, children with the most severe/complex additional needs would have a Statement of Special Educational Needs ("a Statement"). A Statement is a legal document that sets out the child's needs and the provision that will be put in place to meet those needs. Under the new ALN system, children with the most severe/complex needs should have a statutory IDP maintained by the local authority.²¹ We have heard that a Statement is broadly comparable to an IDP maintained by the local authority.²² We have not heard any evidence to suggest that local authority IDPs are significantly more time-consuming to develop and maintain for staff than Statements were under the old system.

23. However, the ALN system has significantly changed the status of the plans developed and maintained by schools for children with low to moderate learning needs. Under the new ALN system, any child with ALN, however mild, must by law have an IDP. IDPs are legal documents, and parents have the right to appeal against both IDP decisions and the provision set out in IDPs.²³ Children with low to moderate levels of need would have had plans under the old SEN system too:

²⁰ ['Letter from the Chair of the Children, Young People and Education Committee to the Minister for Education and Welsh Language: Key education reforms: summer 2022 check-in'](#),

8 August 2022

²¹ Welsh Government, ['The Additional Learning Needs Code for Wales 2021'](#), 26 March 2021, pages 103-114

²² [Children, Young People and Education Committee, 20 March 2024: Record of Proceedings](#), paragraph 147. The data underpinning figure 2 also bears this out. The number of children with a Statement of SEN/an IDP maintained by the local authority has actually increased since 2016/17 (from 12,605 then to 14,335 in 2022/23), bucking the trend of falling SEN/ALN numbers in general.

²³ Welsh Government, ['The Additional Learning Needs Code for Wales 2021'](#), 26 March 2021, pages 352-359

Individual Education Plans (IEPs), which described the support the child needed and set targets for achievement.²⁴ However, IEPs were not legal documents, and parents did not have the right to appeal against the provision they set out.²⁵

24. We have heard from numerous schools and organisations that IDPs take much longer to develop and maintain than IEPs.²⁶ The NEU told us that each IDP takes around 7 hours on average to develop.²⁷ The National Association of Head Teachers (NAHT) stated that the “the writing of the Individual Development Plans (IDPs) [is] incredibly stressful, burdensome, and time-consuming.”²⁸

25. One ALNCo told us that almost all parents are taking up the school’s invitations to come into the school to talk to the ALNCo and feed into the IDP – which is clearly very positive. The primary purpose of these meetings is to ensure that the ALNCo has time to speak to every family to discuss whether their child’s needs could be met via differentiated teaching, and, if not, what additional provision the school should provide. But that has meant that their ALNCo’s held 190 meetings with parents in the first year alone. He added that there should also to be time set aside for regular meetings for school-based IDPs on an ongoing basis, which places a huge demand on staff time.²⁹ These views were reiterated by the ALNCo task and finish group, which, in its report to the then Minister for Education and Welsh Language in February 2024, stated that:

“IDPs differ considerably from their closest equivalents (IEPs) under the previous system (SEN). The time taken to prepare, create, maintain, review and revise an IDP has placed increasing demands on ALNCo’s. The previous IEPs identified only immediate targets, were brief and took limited time to construct. There is now a different, far more meaningful approach with IDPs which aims to develop independence for learners in reaching long-term aspirations. This requires

²⁴ National Deaf Children’s Society, ‘How additional support is provided’

²⁵ Special Educational Needs Tribunal for Wales, ‘Special Educational Needs: How to make an appeal. A guide for parents’, November 2019, page 5

²⁶ Welsh Parliament, ‘Implementation of education reforms: 3rd check-in: Summary of findings from school visits’, summer 2024; Written evidence: IER 23 NASUWT; Written evidence: IER 15 Goetre Fawr Primary School (Head Teacher); Written evidence: IER 47 Catholic Education Service (CES); Written evidence: IER 25 Mudiad Meithrin; Written evidence: IER 30 Catholic Education Service (CES)

²⁷ Written evidence: IER 28 NEU

²⁸ Written evidence: IER 29 NAHT

²⁹ Welsh Parliament, ‘Implementation of education reforms: 3rd check-in: Summary of findings from school visits’, summer 2024 pages 6-7

additional planning and increased collaboration with parents or carers and also with wider agencies.”³⁰

26. Consequently, providing IDPs to every child with ALN and implementing those IDPs appears to have fundamentally increased ALN-related workload under the new system.

27. Schools first raised concerns about workload with us during our visits to schools in summer 2022. Since then, workload has been a consistent theme across the evidence we have gathered. The NASUWT has told us that workload is a “very significant issue for teachers with ALN/SEN responsibilities”, arguing that ALNCoS are not consistently given the time they need to fulfil their role.³¹ Estyn also noted similar trends in their September 2023 report, identifying increasing workload for staff during the transition to the new system and in the additional engagement with pupils and families required under the ALN Act.³² During our school visits this year, all the mainstream schools we visited told us that they had increased the capacity of their ALNCo/ALN team to cope with this extra workload.³³

28. But even with reinforced ALN teams, schools told us that the workload associated with developing, maintaining and implementing each IDP means that it is not feasible to provide an IDP to every child who was previously on the school’s SEN register. Schools, we heard, have to ‘cut their cloth’ accordingly and recognise fewer pupils as having ALN than previously had SEN.³⁴

29. The Welsh Government is cognisant of workload concerns raised by school staff as they implement the ALN Act and Code. Since our inquiry began, the then Minister for Education and Welsh Language took a series of steps to support schools, including:

- Extending the SEN to ALN transition period by one year.³⁵

³⁰ ALNCo Task and Finish Group, ‘[ALNCo task and finish group: report to the Minister for Education and Welsh Language](#)’, 20 February 2024

³¹ [Written evidence: IER 42 NASUWT Cymru](#)

³² Estyn, ‘[The new additional learning needs system: Progress of schools and local authorities in supporting pupils with additional learning needs](#)’, September 2023, pages 8-9

³³ Welsh Parliament, ‘[Implementation of education reforms: 3rd check-in: Summary of findings from school visits](#)’, summer 2024, page 2

³⁴ Welsh Parliament, ‘[Implementation of education reforms: 3rd check-in: Summary of findings from school visits](#)’, summer 2024, pages 3-4

³⁵ Welsh Government, ‘[Written Statement: Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 Implementation](#)’, 20 March 2023

- Providing dedicated funding to support the transition, including £62m in revenue, which can be used to provide additional capacity to ALN teams.³⁶
- Commissioning an independent review of ALNCo non-contact time and remuneration. The report on the review states that “Evidence shows that this non-contact/dedicated time has significantly increased to the point that many ALNCoS are challenged to find time to undertake every task necessary within the working week.”³⁷ The then Minister for Education and Welsh Language’s response to the report reiterated that funding had been provided to schools for implementation, but did not set out further capacity-addressing measures.³⁸

30. During oral scrutiny in May this year, the Cabinet Secretary for Education acknowledged that “the workload issues with this new system are really significant”. She pointed to the steps already taken by the Welsh Government, as outlined above, and committed to continuing to focus on workload issues in future.³⁹ However, in its various exchanges with us throughout this inquiry, and despite being asked directly, the Welsh Government has not explicitly acknowledged any link between falling numbers of children with SEN/ALN and the increased demands on staff as a result of the ALN system.⁴⁰

Financial pressures

31. We have heard repeatedly that the financial pressures facing schools are making it challenging to put in place appropriate provision for learners – even before the additional demands of the ALN reforms are taken into account. One head teacher told us that funding is “inadequate”, and described schools’ financial position as “bleak”.⁴¹ UNISON described the state of school funding as “absolutely dire”, suggesting that local authorities in Wales face an “existential crisis”.⁴² The

³⁶ Welsh Government, ‘[Welsh Government evidence paper: For the Children, Young People and Education Committee inquiry into the implementation of education reforms](#)’, April 2024, page 2; [Children, Young People and Education Committee, 8 May 2024: Record of Proceedings](#), paragraph 40

³⁷ Welsh Government, ‘[Task and finish group report of a review into the pay and working conditions of additional learning needs coordinator](#)’, 20 February 2024

³⁸ Welsh Government, ‘[Written Statement: Report of the ALNCo Task and Finish Group](#)’, 20 February 2024

³⁹ [Children, Young People and Education Committee, 8 May 2024: Record of Proceedings](#), paragraph 40

⁴⁰ [Children, Young People and Education Committee, 10 May 2023: Record of Proceedings](#), paragraphs 93-94

⁴¹ [Written evidence: IER 15 Goetre Fawr Primary School \(Head Teacher\)](#)

⁴² [Written evidence, IER 46 UNISON](#)

NASUWT told us that funding has impacted on the quality of support for children with additional needs offered through routine teaching.⁴³ An individual responding to our consultation made similar points,⁴⁴ and both the Catholic Education Service and Swansea Bay University Health Board Children’s Centre suggested that funding could impact implementation of both the ALN reforms and the Curriculum for Wales.⁴⁵

32. In parallel with the general financial pressures facing schools, we have heard that the implementation of the ALN Act has brought its own financial challenges. During our visits to schools at the start of this inquiry, schools were telling us that implementing the ALN Act was expensive. During our subsequent check-ins over the following two years, the message got starker. The following year, schools began expressing concern about the availability of funding to meet the needs of children with low to moderate ALN.

33. This year, we heard from one school that some parents have unrealistic expectations about the extent to which the school can meet the very highly personalised needs of all learners at the same time. Another explained to us that the increased demand for additional learning provision under the Act, combined with the challenging financial environment for schools, means that the school needs to share provision across pupils wherever possible and appropriate; it would be impossible to give every child with an IDP entirely bespoke provision. The school explained that they have invested in splitting up year groups into classes of around 20 pupils, which they felt benefited all learners, but particularly those with behavioural, social and emotional needs – including children with IDPs. To provide the extra teacher capacity to accommodate the smaller class sizes, day-to-day supervision of the nursery is carried out by experienced Higher Level Teaching Assistants (HLTAs), rather than nursery teachers.⁴⁶

34. We have also heard that the way by which funding passes down to schools via local authorities’ funding formulae to secure ALN provision is not clear enough. In its September 2023 report, Estyn wrote that “senior leaders in schools did not have a clear enough understanding of ALN funding decisions in their authority, or how local authorities have used Welsh Government ALN grants”. Estyn reported that schools are facing additional costs under the Act, which exceed the

⁴³ [Written evidence: IER 23 NASUWT](#)

⁴⁴ [Written evidence: IER 39 Individual](#)

⁴⁵ [Written evidence: IER 47 Catholic Education Service \(CES\)](#); [Written evidence: IER 43 Swansea Bay University Health Board Children’s Centre](#)

⁴⁶ Welsh Parliament, ‘[Implementation of education reforms: 3rd check-in: Summary of findings from school visits](#)’, summer 2024, pages 3, 6-7 and 13

additional funding they have received from Welsh Government.⁴⁷ Some schools told us that this is particularly difficult for some children with additional needs who have not been diagnosed. Ultimately, the school needs to meet the needs of these pupils, but receive no additional funding to do so.⁴⁸

35. In general, parents felt that funding is less focussed under the new system. One parent told us that IDPs were deliberately vague due to a lack of funding. Another said:

"I see it as a bit of a dilution of entitlement, whereas before the school would get funding for whatever your statement outlined, that's been removed and now the school are recommending what support your child should get without any extra funding, and it feels like, they are never going actually support my child to the level he needs because they aren't getting any funding to do that."⁴⁹

36. The ALN Act sets out that local authorities must fund Additional Learning Provision (ALP) directly – rather than via schools' own budgets – when an IDP is the responsibility of the local authority rather than the school. Broadly speaking, an IDP is local authority maintained where:

- it would not be reasonable for the school to secure the ALP required;
- the ALN are such that the school cannot adequately determine their extent or nature; or
- the school cannot adequately determine the ALP.⁵⁰

The Code gives more details about when an IDP should be the responsibility of the school and when it should be the responsibility of the local authority. The Code also places an expectation on local authorities to develop and publish a set of principles they will use in applying these criteria.⁵¹ One school told us that their local authority has issued guidance stating that, in general, the local authority will maintain an IDP for any child who requires more than 25 hours of teaching

⁴⁷ Estyn, 'The new additional learning needs system: Progress of schools and local authorities in supporting pupils with additional learning needs', September 2023, pages 42-45

⁴⁸ Welsh Parliament, 'Implementation of education reforms: 3rd check-in: Summary of findings from school visits', summer 2024, page 6

⁴⁹ Welsh Parliament, 'Reanalysed data from Family Interviews: Implementation of Education Reforms', Summer 2023, pages 2-4

⁵⁰ Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 12(2)(a)

⁵¹ Welsh Government, 'The Additional Learning Needs Code for Wales 2021', 26 March 2021, paragraphs 12.36-12.46

assistant support per week.⁵² However, at the time of writing, not all local authorities had published their set of principles, a concern we have been raising with the Welsh Government since our 2nd check-in in 2023.⁵³

SEN funding in England

In England, as in Wales, SEN funding is not allocated per child. It is part of the Dedicated Schools Grant, which the Department for Education provides to each local authority to fund schools. The Dedicated Schools Grant has a 'High Needs' element which takes account of the number of pupils with SEN and Disabilities (SEND). Mainstream local authority-maintained schools and academies in England must provide for pupils with SEN from the budget they have been given, but where the cost of the provision exceeds £6,000 for an individual pupil (or £10,000 in special schools), the local authority may provide 'top-up' funding.⁵⁴ There is no such consistent figure across Wales. However, the criteria for deciding if an IDP should be maintained by the local authority rather than the school should be set out by each local authority in a set of principles.

ASN funding in Scotland

A pupil in Scotland has 'Additional Support Needs' (ASN) if, for whatever reason, they are unlikely to be able to benefit from school education without additional support. This is a broader definition than the definition of ALN in Wales. Local authorities have a duty to identify such needs and to make "adequate and efficient provision for such additional support as is required by that child or young person".⁵⁵

Educational support provided to pupils with ASN by schools or local authorities will be funded via local authorities' core budgets (either via schools' delegated funding or directly from the local authority, depending on the nature of the support). Like in Wales, local authorities decide how to pass on funding to schools

⁵² Welsh Parliament, '[Implementation of education reforms: 3rd check-in: Summary of findings from school visits](#)', summer 2024, page 4

⁵³ '[Letter from the Chair of the Children, Young People and Education Committee to the Minister for Education and Welsh Language and the Deputy Minister for Social Services](#)', 17 July 2023; '[Letter from the Chair of the Children, Young People and Education Committee to the Cabinet Secretary for Education](#)', 23 April 2024

⁵⁴ UK Parliament, '[Special Educational Needs: Support in England](#)', 9 February 2024, page 15

⁵⁵ Legislation.gov.uk, '[Education \(Additional Support for Learning\) \(Scotland\) Act 2004](#)', section 4(1)

on the basis of local needs and priorities, having first met their statutory duties and responsibilities set out in jointly agreed set of national and local priorities.⁵⁶

The funding arrangements for support provided to pupils with ASN from other agencies such as health bodies, or from a local authority exercising its functions other than education (e.g. social work) - will depend on the specific support provided.⁵⁷

SEN funding in Northern Ireland

Northern Ireland have a similar system to the previous SEN system in Wales (of School Action, School Action Plus and Statements).

Where a pupil in Northern Ireland has 'Stage 1' SEN and requires school-delivered special educational provision, the school meets the costs of this from its own budget. Where a pupil has 'Stage 2' SEN, including both school-delivered special educational provision plus some external provision from the Education Authority or from Health and Social Care Trust professionals, the school meets the costs of the first element and the external elements are supplemented by the Education Authority. If a pupil is at Stage 3 and has a Statement, the costs are met by the Education Authority and the Department of Health if there are health-related costs.⁵⁸

37. In response to our concerns about schools' financial capacity to implement the ALN system, the Welsh Government has highlighted to us investment it has made to support schools to implement the ALN system, in recognition of "pressures of implementation whilst managing parallel SEN system."⁵⁹ In her evidence session with us on 8 May 2024, the Cabinet Secretary for Education told us that the budget position generally was "very challenging and difficult for schools".⁶⁰ She subsequently clarified to us in correspondence that funding for

⁵⁶ Scottish Government, '[Scottish Government funding provided to Education: FOI release](#)', 15 January 2024

⁵⁷ Scottish Government, '[Additional support for learning: statutory guidance 2017](#)', 20 December 2017

⁵⁸ Northern Ireland Department for Education, '[Recording Children with Special Educational Needs \(SEN\) in Schools - New Guidance - Move to Three Stages of Special Educational Provision](#)', 8 March 2021, page 3; Northern Ireland Department for Education, '[Common Funding Scheme for the Local Management of Schools 2023-24](#)', April 2023, page 47

⁵⁹ Welsh Government, '[Welsh Government evidence paper: For the Children, Young People and Education Committee inquiry into the implementation of education reforms](#)', April 2024, page 10

⁶⁰ [Children, Young People and Education Committee, 8 May 2024: Record of Proceedings](#), paragraph 60

ALN is mainly provided to local authorities via the un-hypothecated Revenue Support Grant. In addition, since 2020 the Welsh Government has invested:

- around £60m in ALN implementation to increase resources in schools, Further Education Institutions and local authorities to implement the ALN system;
- nearly £51m in ALN provision to boost provision for ALN learners; and
- £60m in ALN capital funding for local authorities to improve or create inclusive spaces and facilities to support learners with ALN.⁶¹

38. The Cabinet Secretary's correspondence also confirmed that Welsh Government officials have requested a copy of each local authority's set of principles, and the URLs where they are published online, no later than the end of June 2024.⁶²

Educational needs that schools do not believe meet the definition of ALN

39. Another theme in the evidence we have gathered is that not all pupils with additional needs are being formally classified as having ALN. Schools have told us that, although some of these learners have educational needs that are different to the majority of pupils their age (perhaps behavioural, social and/or emotional needs), those needs do not necessarily meet the definition of ALN in the Act.⁶³ Many of these children used to be on schools' SEN registers under the old system. Estyn told us that:

*"... there is that grey area in the middle where we find, as has been pointed out now, that those pupils who need more than universal support, but don't meet that threshold, that criteria for formal identification of ALN, are still a challenge for schools."*⁶⁴

40. During focus group discussion in April 2023 with 24 school professionals drawn from 20 schools across Wales, the Senedd's Citizen Engagement Team were told that a significant proportion of pupils were being recognised as having additional needs, and were often receiving targeted interventions to meet those

⁶¹ 'Letter from the Cabinet Secretary for Education to the Chair of the Children, Young People and Education Committee', 18 June 2024, pages 3-4

⁶² 'Letter from the Cabinet Secretary for Education to the Chair of the Children, Young People and Education Committee', 18 June 2024, page 2

⁶³ Welsh Parliament, 'Implementation of education reforms: 3rd check-in: Summary of findings from school visits', summer 2024, pages 3-4

⁶⁴ Children, Young People and Education Committee, 21 February 2024: Record of Proceedings, paragraph 192

needs, but did not have an IDP.⁶⁵ In written evidence, the NEU wrote that the (then) 18,000 fewer learners recognised as having ALN is “a direct result of the Act”. They advocated a shorter, non-statutory plan for children who do not have ALN but who may need extra support in school.⁶⁶

41. Our Online Advisory Group felt that some children who clearly had ALN were not being provided with an IDP. We heard that this was particularly the case when the child appeared to be coping at school. One parent called this group of learners “children in the middle”, told us that they are being overlooked, that they cannot keep up with their peers, and that without dedicated provision they would struggle to get a good education.⁶⁷ The National Deaf Children’s Society reiterated some of these concerns. They told us that they are hearing anecdotal evidence from parents of deaf children about barriers to getting the appropriate level of support. Some report being told their child is not eligible for an IDP, despite the ALN Code’s specific references to the eligibility of learners with hearing loss.⁶⁸ Some parents in our Online Advisory Group even suggested that schools are being told explicitly to deliberately reduce the number of children identified as having ALN.⁶⁹

42. Other parents suggested that the ALN Code itself was unclear and was being interpreted inconsistently by schools and local authorities that were – incorrectly, in their view – determining that certain pupils had educational needs that did not constitute ALN. This view was supported by the President of the Education Tribunal for Wales, Judge Jane McConnell:

“If I were to look for a phrase that would summarise the legislation, I think I would call it ‘intellectually challenging’. Now, I’m somebody who’s been in education for 20-odd years, I find that legislation intellectually challenging, and so, therefore, for a parent of a child or young person, an ALNCo at a school, a local authority officer, they are going to find that intellectually challenging as well.”⁷⁰

⁶⁵ Welsh Parliament, ‘[Citizen Engagement: Implementation of Education Reforms](#)’, page 7

⁶⁶ [Written evidence: IER 28 NEU](#)

⁶⁷ Welsh Parliament, ‘[Reanalysed data from Family Interviews: Implementation of Education Reforms](#)’, Summer 2023, page 9

⁶⁸ [Written evidence: IER 51 National Deaf Children’s Society](#)

⁶⁹ Welsh Parliament, ‘[Online Advisory Group – Implementation of Education Reforms](#)’, 14 March 2024, pages 3-6

⁷⁰ [Children, Young People and Education Committee, 20 March 2024: Record of Proceedings](#), paragraph 153

43. In a letter to us in September 2022, the then Minister for Education and Welsh Language told us that there had previously been “a likely over-identification in the general numbers of pupils on the SEN/ALN register”, which had been identified during the transition to the new ALN system. He went on to add that a “general learning difficulties” category had been removed from data collection system, which:

“... led to many pupils being removed from the SEN register altogether since they could not be identified as having another category. This strongly suggests that many pupils categorised as having GLD did not in fact meet the legal definition of having SEN or ALN.”⁷¹

44. This year, the Cabinet Secretary for Education told us that, since coming to post, ALN has been “a really strong focus” for her. She reassured us that she is seeking to “get under the skin of what is going on”, and put on record that she is “really worried” about the decrease in recorded ALN numbers. She reiterated the former Minister’s view that “there was a systematic review of ALN numbers in all schools, so some children would have been removed at that point, maybe for very good reason—maybe they didn’t need the support anymore”. She gave the example of one school that had very few children with an IDP, but is working outside the ALN system “with those children in the middle as well to make sure that their needs were met”.⁷²

45. However, she acknowledged the President’s concerns about the Act and Code being “intellectually challenging”, which she said were “a serious point that I have to really look at”. She went on to say that she would be initiating a “review of how consistently the legislation is being implemented”.⁷³ During subsequent statements in Plenary, the Cabinet Secretary added that her priority is “ensuring firm legislative foundations are in place to underpin our policy aims”, and has indicated that she is willing to look at the Act and the Code themselves as well as striving for greater consistency in how they are implemented.⁷⁴

⁷¹ [Letter from the Minister for Education and Welsh Language to the Chair of the Children, Young People and Education Committee](#), 28 September 2022

⁷² [Children, Young People and Education Committee, 8 May 2024: Record of Proceedings](#), paragraph 37

⁷³ [Children, Young People and Education Committee, 8 May 2024: Record of Proceedings](#), paragraph 19

⁷⁴ [Plenary, 8 May 2024: Record of Proceedings](#), paragraph 371; [Plenary, 14 May 2024: Record of Proceedings](#), paragraph 126

‘Universal provision’

46. Under the ALN Act, a child has ALN if they have a learning difficulty or disability “which calls for additional learning provision” (ALP). In turn, additional learning provision is defined as “educational or training provision that is additional to, or different from, that made generally for others of the same age”.⁷⁵

47. Some schools have told us 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.

48. During the Committee’s visits in summer 2023, we heard that these pupils tended to be in receipt of ‘School Action’ or even ‘School Action Plus’ interventions under the SEN system. During this year’s school visits, schools explained to us 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.⁷⁶ In their written consultation response, Colegau Cymru indicated that many colleges have taken similar steps to improve their universal offer to meet the needs of learners inclusively as far as practicable rather than requiring ALP.⁷⁷

49. Some of the parents we spoke to as part of our Online Advisory Group had also noted the trend towards schools meeting some learners’ needs via ‘universal provision’ rather than via additional learning provision. However, these parents felt that universal provision was “a convenient excuse” that could lead to “blanket provision” for all types of disabilities, which meant that some pupils’ needs weren’t being met.⁷⁸

50. They weren’t the only ones to raise concerns about the reliance on ‘universal provision’ to meet the needs of learners with learning difficulties or disabilities. The President of the Education Tribunal for Wales told us bluntly that:

⁷⁵ Legislation.gov.uk, ‘[Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#)’, sections 2-3

⁷⁶ Welsh Parliament, ‘[Implementation of education reforms: 3rd check-in: Summary of findings from school visits](#)’, summer 2024

⁷⁷ [Written evidence: IER 6 Colegau Cymru](#)

⁷⁸ Welsh Parliament, ‘[Online Advisory Group - Implementation of Education Reforms](#)’, 14 March 2024, pages 3-6

“... 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.”

51. She set out that that the legal tests for ALN are “a child compared with the ordinary developing child, or provision that’s provided in mainstream schools across Wales”. Consequently, inclusive whole-class teaching in any one school is not a reason for a child to be denied an IDP.⁷⁹

52. Despite the President’s concerns, the Welsh Government has consistently welcomed the use of more inclusive teaching as a way to meet the needs of children with learning difficulties or disabilities. In 2022, the then Minister for Education and Welsh Language told us that:

“... the principles of inclusive education, placing the individual’s needs at the centre of their education, underpin the new Curriculum for Wales. Teachers now have greater flexibility and in preparation for the roll out of the curriculum have increased their skills to address individual pupils’ needs. Although the introduction of the Curriculum for Wales is on-going, aspects of a more inclusive teaching method have been developing in Wales for some time.”⁸⁰

53. The Minister reiterated similar views to us during oral scrutiny in May 2023. However, he also told us that the Welsh Government had not anticipated that the Curriculum for Wales would have affected the number of pupils identified as having ALN, because when the ALN reforms were being conceived the Welsh Government had not expected to be able to align ALN and curriculum reform.⁸¹

54. This year, the Cabinet Secretary for Education reiterated the view that more inclusive teaching, partly driven by the Curriculum for Wales, was contributing to the fall in numbers:

⁷⁹ [Children, Young People and Education Committee, 20 March 2024: Record of Proceedings](#), paragraph 150

⁸⁰ [‘Letter from the Minister for Education and Welsh Language to the Chair of the Children, Young People and Education Committee’](#), 28 September 2022

⁸¹ [Children, Young People and Education Committee, 10 May 2023: Record of Proceedings](#), paragraphs 13 and 83

"I don't think we should say that it's all negative, because, for me, there is something here about the fact that all our reforms are designed to make universal provision better in schools, whether that's the whole-school approach to mental health or curriculum reform. It's a question, I think, of, hopefully, some children having their needs met better by the reforms that we are taking forward."⁸²

Our view

Why fewer children are defined as having SEN/ALN

55. From everything we've heard from school leaders, teachers, families and even the Welsh Government, the number of children who have learning difficulties or disabilities seems to be increasing across all age ranges. Yet the number of children formally identified as having SEN/ALN has fallen by 32% since the introduction of the ALN system. And, critically, the fall in numbers predates the ALN system: there were 12% fewer children identified as having SEN in 2020/21, before the ALN system began being implemented, compared to 2016/17.

56. We have heard different explanations for this fall.

57. One explanation is that some children should not have been on SEN registers in the first place because their additional needs did not meet the definition of SEN/ALN. The fall is because those pupils have since been (correctly, according to this argument) removed from their schools' SEN registers, and/or not transferred to the ALN system.

58. This may be true for some learners, but we do not accept that this explanation can account for the significant overall fall in SEN/ALN numbers. The Welsh Government and the President of the Education Tribunal for Wales have repeatedly stressed that every child with SEN under the old system should be classified as having ALN under the new system, unless their needs have changed. We have heard absolutely no evidence that significant numbers of children no longer have additional needs (in fact, we have heard the opposite). And we cannot see why schools would ever have placed children on SEN registers, with the significant work that entails, unless school staff and families believed there was a need to do so.

⁸² [Children, Young People and Education Committee, 8 May 2024: Record of Proceedings, paragraph 36](#)

59. Another explanation is that teaching is more inclusive these days, particularly under the Curriculum for Wales. This means that fewer children need additional provision because their needs are being met by routine teaching – so called “universal provision” – so fewer children have needs that meet the definition of ALN.

60. We recognise and commend the strides many schools are taking towards inclusive teaching, particularly under the Curriculum for Wales. However, there would have had to be wholesale, fundamental changes to teaching pedagogy across the whole of Wales in a remarkably short period of time to explain any significant proportion of the fall in numbers of children with SEN/ALN. These changes would need to have predated the Curriculum for Wales to explain the drop in numbers since 2016/17 and because most secondary school pupils are still being taught under the old curriculum. Ultimately, across all the families we have spoken to as part of this inquiry and our inquiry into access to childcare and education for disabled children, we have collected relatively little evidence supporting such a seismic shift towards inclusivity.

61. The two explanations set out above may have contributed to the fall in SEN/ALN numbers. But we believe that the primary driver is much simpler: schools and local authorities do not have sufficient resources to put in place targeted provision for every child with ALN. This resourcing shortage is the result of years of systemic underfunding of SEN/ALN provision in schools, compounded more recently by the extra demands placed on schools by the ALN Act and Code.

62. Since the start of the Sixth Senedd we have spoken to numerous school leaders, teachers, governors, parents, and pupils as part of this inquiry and others. We have observed how schools are struggling more and more to put in place the provision that they believe is necessary to support their learners. We have observed staff going above and beyond – working longer hours, doing more complicated roles than they were employed to do – to help pupils. But, fundamentally, critically, schools collectively do not have the resources to meet the needs of every child with SEN or ALN. And so, when faced with almost impossible decisions about how to prioritise the resources they do have, they are focussing on children with the highest needs.

63. It is children with low to moderate needs who are no longer recorded as having ALN. We are concerned that, without immediate intervention from the Welsh Government to help schools properly resource support for those children, that group of children risks falling between the cracks.

Next steps

64. We welcome the Cabinet Secretary's concern about the falling numbers of children identified as having SEN/ALN, and her commitment to understand the reasons for that fall. We also strongly support her intention to carry out a review into the ALN Act and Code, which we believe is a necessary and important first step to ensuring that this legislation delivers for children with additional needs and their families.

65. First of all, the Welsh Government needs to address the clarity of the ALN Act and Code, which are clearly being interpreted inconsistently by schools and local authorities across Wales. The evidence we have collected indicates that the Act and Code are unnecessarily complicated and difficult to understand. If the President of the Education Tribunal for Wales finds the legislation "intellectually challenging", what hope is there for everyone else?

66. Exploration of the concept of 'universal provision' must be central to improving the accessibility of the legislation. The President's point is key here: at the moment, 'universal provision' does not exist in the ALN Act, it does not exist in the ALN Code, and therefore it cannot be used to deny a child an IDP. Parents need more clarity over what inclusive teaching they can expect mainstream schools to provide. How much should routine differentiation across mainstream schools account for the needs of learners with additional needs? At what point should that differentiation tip into Additional Learning Provision, to be set out in a statutory IDP? We do not underestimate the complexity of a piece of work like this. But if the Welsh Government is to embrace 'universal provision' as a reason for children being denied an IDP, we believe that children and their families have the right to understand what universal provision actually is.

Recommendation 1. 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' by exploring the extent to which routine teaching across mainstream schools should meet the learning needs of children with low to moderate additional needs, and the point at which routine differentiation should tip into Additional Learning Provision.

67. We believe that the ALN funding model isn't working, and is directly contributing to the falling numbers of children identified as having ALN against the backdrop of higher levels of additional needs than ever before. Schools are telling us that the cost of ALN provision exceeds the funding that they receive, and

that they don't have enough money or resources to give every child with ALN an IDP. Families have told us that there is no funding accountability anymore, and, unlike under the SEN system, funding for ALN no longer follows the pupil.

68. But despite our best efforts, we are unsure *why* ALN funding has changed. From what we can see, nothing in the ALN Act or Code directly affects the arrangements for funding schools. And we are disappointed that, although the ALN Code places an expectation that local authorities publish a set of principles on how they will decide if an IDP should be their responsibility rather than the school – a crucial decision – at the time of writing not all local authorities have done so. We welcome the Welsh Government's deadline of the end of June 2024 for all local authorities to publish their sets of principles, which we hope will have been met by the time this report is published.

69. The Cabinet Secretary's review is an opportune moment to take stock of how ALN funding is working in practice, identify any unjustified inconsistencies across local authorities, and ensure that schools have the funding they need to support children with ALN.

Recommendation 2. As part of its review into the ALN Act and Code, the Welsh Government should review how ALN provision is funded in mainstream schools. This work should include consideration of local authorities' funding formulae, sets of principles, and other funding arrangements to:

- ensure that local authorities are passing on appropriate levels of funding to schools to support pupils with ALN;
- ensure that the balance between provision funded by schools and by local authorities is as intended in the ALN Act and Code;
- investigate whether local authorities have changed how they fund ALN compared to how they funded SEN under the old system, and whether this is appropriate;
- promote transparency about how ALN is funded for the benefit of schools and families; and, most importantly
- ensure that a lack of funding or resources is not a reason for children being wrongfully denied an IDP.

Support from health bodies

70. Health boards have certain duties under the ALN Act, including to:

- respond to referrals from local authorities requesting them to consider whether there is a relevant treatment or service that is likely to be of benefit in addressing a child or young person's ALN (section 20);
- respond within 6 weeks⁸³ to requests for information or help received from local authorities (section 65); and
- designate someone to fulfil the role of a Designated Education Clinical Lead Officer (DECLO) (section 61). The DECLO's role is to liaise with education providers to support collaboration between health and education.

71. However, schools have consistently told us that they struggle to get input from health bodies. In our 2023 school visits, we heard some positive feedback about engagement with CAMHS, but were also told about long waiting times for referrals for Autism Spectrum Disorder (ASD) specialists, and limited educational psychologist capacity. In a series of focus groups and interviews with the Senedd's Citizen Engagement team that year, school leaders across Wales told us that health professionals were "silent" and that it can be challenging to get health professionals to attend reviews. One member of staff said:

"We're a very large school with a range of very complex needs, a specialist resource base and a satellite class. A member of the health team has not attended even one meeting."⁸⁴

72. We heard similar stories during our school visits this year. Overall, schools felt that they didn't receive enough support from health bodies, particularly for children with low to moderate additional needs or who haven't received a diagnosis. We were told that health boards can be "inflexible", use "petty delaying tactics" and that schools have had to become self-sufficient in providing mental health support to children. One school shared their frustration that, under the Act, schools' referrals for health support have to go via their local authority, which they felt caused delays. The school felt that the Designated Education Clinical Lead Officer (DECLO) role doesn't seem to be helping to make that process more efficient.⁸⁵

73. Written evidence from the NEU echoed the views we hear directly from schools. They told us that some young people's learning needs are hugely

⁸³ Legislation.gov.uk, '[The Additional Learning Needs \(Wales\) Regulations 2021](#)'

⁸⁴ Welsh Parliament, '[Implementation of education reforms: Summary note](#)', April 2023, pages 4-5

⁸⁵ Welsh Parliament, '[Implementation of education reforms: 3rd check-in: Summary of findings from school visits](#)', summer 2024, pages 5-6

impacted by the health needs, and that schools cannot support them alone. They argue that it is “puzzling” that in Wales, unlike England, there are no significant duties on health bodies, “despite the NHS having significant resources, when compared to schools and colleges”. They advocated placing duties in the ALN Act on health bodies to support IDPs.⁸⁶

74. Swansea Bay University Health Board Children’s Centre also noted strains in their relationships with schools under the Act. They stated that they would value greater collaboration with local authorities, but that demand for assessments from the health board is increasing whilst financial income from local authorities under SEN is reducing.⁸⁷ The Royal College of Speech and Language Therapists agreed, telling us in 2022 that the demands on speech and language therapy services have increased under the Act. They also stated that the ALN Act has “reduced the efficiencies of communication” between therapists, schools and local authorities.⁸⁸

75. Following our second check-in in 2023 we wrote to the WLGA and the NHS Confederation to seek their views on various aspects of multi-agency collaboration. In response, the NHS Confederation noted that “there has been a long and positive history of joint working between a range of NHS health services”, and that “the implementation of the ALNET Act has brought a renewed energy and shared commitment to further improve collaborative working.” They noted that 4 DECLOs were in post covering the 7 health boards across Wales, and that feedback had “highlighted the value of the DECLO as a point of contact and support”. However, they also noted a growing demand on attendance at person-centred meetings to support the identification of ALN, which, though valuable, “places an additional demand on stretched NHS services”. They also clarified that schools do not have a right under the Act to request help and information from health boards, and that requests must come from local authorities.⁸⁹

76. In its response to us, the WLGA agreed with the NHS Confederation that, for most local authorities, “the DECLO role has brought about improvements in communication, collaboration and joint working between authorities and the LHBs [Local Health Boards]”. However, the WLGA also reported that certain local authorities feel that the pace of implementation of the ALN reforms is slower in

⁸⁶ [Written evidence: IER 54 National Educational Union Cymru \(NEU\)](#)

⁸⁷ [Written evidence: IER 43 Swansea Bay University Health Board Children’s Centre](#)

⁸⁸ [Written evidence: IER 4 Royal College of Speech and Language Therapists in Wales and Wales Speech and Language Therapy Advisory Forum](#)

⁸⁹ NHS Confederation, [‘Letter to the Chair of the Children, Young People and Education Committee’](#)

health than in education. They suggested that health bodies' duties under the ALN Act are "secondary" to their main legislative drivers, and noted inconsistent attendance of health professionals at meetings, differences in understanding of the level of input health bodies should provide in relation to children with less complex ALN needs, and delays in obtaining health assessments and information.⁹⁰ Estyn highlighted similar concerns from local authorities and schools in its 2023 report on the ALN system, noting that colleagues in health have "greatest difficulty in providing advice and information within the given timescales", and "the commitment that health authorities make to additional learning provision was too variable."⁹¹

77. During scrutiny in both 2022 and 2023, the then Minister for Education and Welsh Language stressed to us that schools should not wait for the input of health professionals to make sure that pupils' needs are met.⁹² This year, the Cabinet Secretary noted Estyn's findings about difficulties in securing the input of health professionals in her April 2024 evidence paper. However, like her predecessor, she stressed that "Long waiting times for certain assessments and diagnoses within the NHS should not mean children and young people with ALN are left without IDPs."⁹³ During oral scrutiny, she acknowledged that collaboration between education and health was "a big challenge for us to address", and committed to addressing "points of clarification around the legislation" relating to multi-agency working.⁹⁴

78. In subsequent correspondence, the Cabinet Secretary set out that she is confident that the decision of five health boards to create joint appointments of DECLOs is legally compliant. However, she was "speaking to the Cabinet Secretary for Health and Social Care to discuss the most effective approach to ensuring full coverage across every Health Board." She added that "we are working with the DECLOs to develop new Key Performance Indicators (KPIs) to monitoring Local Health Boards' compliance with their duties under the ALNET Act."⁹⁵

⁹⁰ WLGA, 'Implementation of education reforms (2nd check-in)', 26 September 2023

⁹¹ Estyn, 'The new additional learning needs system: Progress of schools and local authorities in supporting pupils with additional learning needs', September 2023, page 10

⁹² Children, Young People and Education Committee, 14 July 2022: Record of Proceedings, paragraph 90; Children, Young People and Education Committee, 10 May 2023: Record of Proceedings, paragraph 124

⁹³ Welsh Government, 'Welsh Government evidence paper: For the Children, Young People and Education Committee inquiry into the implementation of education reforms', April 2024, pages 7-8

⁹⁴ Children, Young People and Education Committee, 8 May 2024: Record of Proceedings, paragraphs 85-91

⁹⁵ 'Letter from the Cabinet Secretary for Education to the Chair of the Children, Young People and Education Committee', 18 June 2024, pages 4-5

Our view

79. Collaboration between health and education professionals is a longstanding issue that predates the implementation of the ALN Act and Code. We explore the wider issues in more detail in our report on disabled access to childcare and education. We focus here on the impact of the ALN reforms specifically on multi-agency working.

80. We are pleased that the Act has brought about some improved collaboration between education and health via the new DECLO role. The new postholders appear to be benefiting the education and health sectors alike by acting as an intermediary between them. We expect that these benefits will continue to accrue as the postholders continue to build relationships across both sectors. What negative feedback we have received about the DECLO role has focused on capacity: ultimately, there is always more that DECLOs could do to support local authorities and schools, which are struggling in general to get the input from healthcare professionals that they need.

81. Within that context, we are unclear why each health board has not appointed its own DECLO. The decision to share appointments across health boards may not be unlawful, but it seems to be inconsistent with both the spirit of the legislation and Welsh Government's original policy intention. Health boards' footprints are large, usually straddling multiple local authorities. We do not believe that it is too much to ask for one dedicated member of staff to coordinate work with schools and local authorities across each health board to support education professionals to meet the needs of children with ALN.

Recommendation 3. The Welsh Government should ensure that every health board appoints its own dedicated DECLO as soon as is practicable to do so.

82. Schools are clearly struggling to get the input from medical professionals that they need. We recognise the enormous strains on capacity within the health service (as within the education sector), which is not conducive to effective multi-agency working.

83. Schools will not need any input from health to develop IDPs for many children, perhaps even most. But they will for some. IDPs set out *Additional Learning Provision*, but the whole purpose of that provision is often to meet healthcare needs, albeit where they directly affect capacity to learn and within an education setting. So we do not accept the argument that, for particularly complex cases, schools should just get on with it as they wait for health

professionals to input into IDPs. Determining appropriate educational provision for many children will require the specific expertise and experience of dedicated health professionals. Getting the provision wrong could have serious consequences: lost learning, poor child wellbeing, stress for family members, not to mention breakdowns in relationships between families and professionals. We agree with schools that general teaching and teaching support staff cannot reasonably be expected to have the necessary expertise to make the most complex decisions about appropriate ALP without health input.

84. Our evidence is not consistent enough for us to come to clear conclusions about whether the ALN Act and Code in particular have helped or hindered collaboration between health and education. But there are some specific concerns that need to be investigated, such as schools' frustrations that health boards are not responding to local authorities as quickly as they should, and that referrals to health boards under the Act must be made by local authorities, rather than by schools themselves. Alongside the general recommendation about health/education collaboration that we make in our parallel report about disabled access to childcare and education, here we ask the Welsh Government to delve deeper into the impact of the ALN Act and Code specifically on collaboration between health and education.

Recommendation 4. As part of its review into the ALN Act and Code, the Welsh Government should explore the impact of the Act and Code specifically on collaboration between health and education. That review should include consideration of:

- whether health bodies are consistently responding to referrals and requests for information from local authorities in a timely manner (and if not why not);
- whether the timescales for health board responses to local authorities provided for in the Act and subordinate legislation are appropriate;
- whether the requirement for referrals/requests for information to be made to health boards from local authorities – rather than from schools – is appropriate, and whether any changes could be made to make that collaboration more efficient; and
- whether there are any other bottlenecks in the ALN Act and Code that are hampering collaboration between health and education.

The pay and terms and conditions of ALN staff

85. As schools adapt to the requirements of the ALN Act and Code, we heard that some school leaders and governors are taking different – and often creative – approaches to give their ALN teams the capacity they need. We heard from the schools we visited this year that, alongside a dedicated ALNCo, which appears to be an increasingly non-teaching role, schools have appointed deputy teaching ALNCoS, specialist ALN teaching assistants, and have even drawn on pastoral staff to provide additional needs support. However, several of the schools we spoke to felt that the existing pay scales, terms and conditions, and job descriptions for both teaching and support staff working with children with ALN were not flexible enough to support schools’ needs.⁹⁶

86. NASUWT’s written consultation response also raises concerns about the terms and conditions of staff working to support pupils with ALN. 450 teachers responded to their snap survey, which found that almost 85% of ALN teachers did not feel that they were paid at an appropriate level for their skills and experience. Over 42% of ALNCoS have more than 21 hours of teaching commitment per week. Overall, 97% said that they did not have enough time to carry out their duties.⁹⁷

87. On behalf of school support staff, UNISON reported that teaching assistants do not feel equipped to deliver the ALN system because they have not benefited from the necessary training. Additionally, they are often asked to oversee several pupils with IDPs, which they will do despite it not being part of their job description.⁹⁸ The head teacher of Ysgol y Deri stressed to us that, ultimately, teaching assistants’ salaries are too low, and paying them more would go a long way to fixing the recruitment crisis.⁹⁹

88. In May 2022, the Independent Welsh Pay Review Body recommended that the Welsh Government establish a task and finish group to consider non-contact allocation and remuneration of school ALNCoS.¹⁰⁰ The task and finish group reported in February 2024, and recommended that the ALNCo should be part of schools’ senior leadership teams and remunerated accordingly. The report also noted that financial constraints on schools have disproportionately affected

⁹⁶ Welsh Parliament, ‘Implementation of education reforms: 3rd check-in: Summary of findings from school visits’, summer 2024, pages 2-3

⁹⁷ Written evidence: IER 42 NASUWT Cymru

⁹⁸ Written evidence: IER 46 UNISON

⁹⁹ Welsh Parliament, ‘Implementation of education reforms: 3rd check-in: Summary of findings from school visits’, summer 2024, page 12

¹⁰⁰ Independent Welsh Pay Review Body, ‘Fourth Report – 2022’, May 2022, page xvi

teaching assistants, who can be expected to carry out interventions and feed into IDPs when they are not trained or paid to do so.¹⁰¹

89. In February 2022, the then Minister for Education and Welsh Language announced that a separate task and finish group would undertake a review into teaching assistant pay and conditions.¹⁰² A key aspect of the review is developing a standard job description for teaching assistants. This work is ongoing at the time of writing.

90. During oral scrutiny, the Cabinet Secretary for Education told us that “it is important that ALNCoS are members of the senior management team, and we’ve reiterated that to schools”. She told us that the Welsh Government would “look at what more we can do with teaching assistants around their professional learning, et cetera”, but added that their pay and conditions is a matter for local government.¹⁰³

Our view

91. We have noted a trend of schools appointing additional ALN specialists to support the ALNCo. In some cases, schools have whole teams who work together to identify and support children with additional needs and their families. We do not know if these trends are representative of schools across the whole of Wales. We imagine that, for many schools, financial constraints alone mean that they simply could not redirect existing staff to support the ALNCo, let alone appoint additional staff. But we do know that the ALN Act and Code have generated a significant amount of additional work for schools, as covered earlier in this report, and it would not be at all surprising if many schools were taking on additional ALN staffing capacity to cope with that extra workload. We are impressed by the creativity, versatility and resilience of staff across these schools, many of whom have taken on additional responsibilities or even brand new roles, often with little or no additional pay.

92. Ultimately, schools should be given the levers they need to appoint ALN staffing teams that are right for them. They need appropriate job descriptions and pay scales for a range of ALN staff, both teaching and non-teaching, that

¹⁰¹ ALNCo task and finish group, ‘[ALNCo task and finish group: report to the Minister for Education and Welsh Language](#)’, 20 February 2024

¹⁰¹ [Children, Young People and Education Committee, 8 May 2024: Record of Proceedings](#), paragraph 40

¹⁰² Welsh Government, ‘[Written Statement: Update on activities to support those assisting teaching](#)’, 17 February 2022

¹⁰³ [Children, Young People and Education Committee, 8 May 2024: Record of Proceedings](#), paragraphs 40-41 and 70

recognise the challenges and complexity of working with children who have ALN and their families.

93. The ALNCo task and finish group has made a number of recommendations that relate to the member of teaching staff with lead responsibility for ALN. But it does not consider teaching staff who act as deputy/assistant ALNCOs to support the individual holding the statutory ALNCo role. These staff members fulfil a critical role, but some schools do not feel that existing guidance on the terms and conditions of teaching staff is flexible enough to accommodate them. This may become more apparent if some of the changes to the ALNCO's terms and conditions that the ALNCo task and finish group recommended are taken forward.

Recommendation 5. The Welsh Government should remit the ALNCo task and finish group to undertake further work examining the pay and terms and conditions of teaching staff working wholly or partially as deputy/assistant ALNCOs. The task and finish group should consider the training that individuals holding such posts should receive, the key tasks and responsibilities that they could expect to have, and considerations governing bodies should take into account when setting their pay.

94. Many schools are also calling on members of their support staff to provide additional capacity to the ALNCo. We discuss in our parallel report about disabled children's access to childcare and education the role of support staff who work directly with children with disabilities. We conclude in that report that teaching assistants are critical to the delivery of an inclusive education system. However, it is clear that as well as delivering essential *direct* teaching support, many schools are now depending on teaching assistants to carry out more specialist ALN tasks too, such as contributing to the development of, or engaging with families about, IDPs. Some are even working wholly or partially out-of-class as part of a central team of ALN specialists. These are new roles for many teaching assistants, and, just like the roles and responsibilities of an ALNCo are different to those of a class teacher, being a member of ALN support staff is different to being a class-based – or even a 1-to-1 – teaching assistant. For many schools, staff fulfilling these new roles will be critical to the successful implementation of the ALN Act in their setting.

95. We urge the Welsh Government to firstly publish the findings of the review into teaching assistant terms and conditions, which started over 2 years ago, which we hope will harmonise the pay and job descriptions of class based or small group/1-to-1 teaching assistants.

Recommendation 6. The Welsh Government should publish the findings and recommendations of the teaching assistant task and finish group first established in February 2022.

96. We also believe that further work is needed to develop an appropriate job description and pay expectations for those specialist teaching assistants working alongside the ALNCo to input into children’s IDPs, or as part of a central team of ALN specialists.

Recommendation 7. The Welsh Government should remit the teaching assistant task and finish group to undertake further work examining the pay and terms and conditions of teaching assistants working wholly or partially alongside the ALNCo as part of a central ALN team. The task and finish group should consider the training that individuals holding such posts should receive, the key tasks and responsibilities that they could expect to have, and considerations that governing bodies and local authorities should take into account about their pay.

3. The Curriculum for Wales

Skills vs knowledge, prescription vs flexibility

97. A key stated purpose of the Curriculum for Wales was to give schools the flexibility to design their own curricula (within a national approach), and move away from the old “narrow, inflexible and crowded curriculum” with its “high degree of prescription”.¹⁰⁴

98. We have heard consistently positive feedback about the freedom offered to schools by the Curriculum for Wales from the school staff we’ve spoken to. Schools have reported teachers feeling liberated, and pupils’ education being more holistic and targeted at what matters to them and their local community. We have heard positive feedback about how the Curriculum for Wales values skills and experiences, which schools have told us are invaluable to help children learn how to learn.¹⁰⁵

99. However, throughout our work we have also noted an underlying tension between the inherent flexibility and creativity of the Curriculum for Wales, and the need for both educational consistency across Wales and the development of a standard set of qualifications for learners. The development of the qualifications that will assess learning under the Curriculum for Wales by the 2025/26 Year 10 and 2026/27 Year 11 cohort are now at the very detailed stage. Following Qualifications Wales’ consultations on which qualifications will be available and their design requirements,¹⁰⁶ the awarding body WJEC has published qualifications outlines and submitted draft specifications for Qualifications Wales’ approval.¹⁰⁷

100. As early as 2022, schools were telling us that there is likely to be significant variation between schools’ curriculum offers. As we carried out visits in 2023 and this year, schools were raising concerns about how the Curriculum for Wales would work in Key Stage 4, and how schools could make sure learners were ready for national GCSEs under such an inherently flexible curriculum.¹⁰⁸

¹⁰⁴ Welsh Government, ‘Curriculum and Assessment (Wales) Act 2021: Explanatory Memorandum’, April 2021, page 10

¹⁰⁵ Welsh Parliament, ‘Implementation of education reforms: 3rd check-in: Summary of findings from school visits’, summer 2024, page 8

¹⁰⁶ Qualifications Wales, ‘Made for Wales GCSE decisions’

¹⁰⁷ WJEC, ‘Bringing qualifications to life’

¹⁰⁸ Welsh Parliament, ‘Implementation of education reforms: 3rd check-in: Summary of findings from school visits’, summer 2024, page 9

101. The NASUWT and a series of other organisations raised concerns about consistency of learning for pupils across Wales. Impact School Improvement Ltd stated that “the level of variation in terms of consistency and equity of learning opportunities is the biggest threat to standards of learning in Wales that we have seen in several decades.”¹⁰⁹ The University of Wales Trinity Saint David’s Centre for Education Policy Review and Analysis called the variation in the implementation of the Curriculum for Wales “concerning”, and advocated a “core curriculum” involving “so called ‘powerful knowledge’”. They went on:

“The balance between prescription and teacher agency is finely trodden, and the flexibility afforded by broad expectations for learning both a gift and a burden.”¹¹⁰

102. Written evidence from the NEU and the NASUWT raised concerns about GCSEs specifically. The NASUWT stated that “it is a failure of the whole implementation of the CfW [Curriculum for Wales] that the curriculum was set in place first without any idea of how learners would gain qualifications from it”.¹¹¹ Others made similar points.¹¹² This is contrary to the view of the regulator, Qualifications Wales, that the curriculum should define qualifications, not the other way round.¹¹³

103. These tensions were thrown into sharp relief following Wales’ disappointing performance in the 2022 PISA tests.¹¹⁴ In a report published in March 2024 by the Institute for Fiscal Studies reflecting on Wales’ performance, author Luke Sibieta argues that declines in school standards “have happened in essentially every country that has adopted such skills-based curricula”. He concludes that the Curriculum for Wales “should place greater emphasis on specific knowledge than it does now” and that:

¹⁰⁹ [Written evidence: IER 42 NASUWT Cymru; IER 16 Impact School Improvement Ltd; IER 17 Written evidence, Welsh Centre for International Affairs on behalf of Wales Alliance for Global Learning](#)

¹¹⁰ [Written evidence: IER 22 CEPRA UWTSD](#)

¹¹¹ [Written evidence: IER 54 National Educational Union Cymru \(NEU\); Written evidence: IER 42 NASUWT Cymru](#)

¹¹² [Written evidence: IER 22 CEPRA UWTSD; Written evidence: IER 47 Catholic Education Service \(CES\);](#)

¹¹³ [Children, Young People and Education Committee, 6 December 2018: Record of Proceedings, paragraph 15](#)

¹¹⁴ [University of Oxford, ‘PISA 2022: National Report for Wales’, December 2023](#)

“The reform to GCSEs should be delayed to give proper time to consider how its aims and the evidence base fit with addressing poor performance and wide inequalities.”¹¹⁵

104. In an oral evidence session, Estyn told us that they agreed that the Curriculum for Wales “sometimes has taken the attention away from subject specialisms to a more sort of skills-type approach”. However, the Chief Inspector went on to explain that:

“... it isn’t a skills versus knowledge argument, it’s both. And I think what Government is realising is that there’s an evolving process as the curriculum develops, and that some schools, the ones that are struggling with some of the standards, have focused, probably, overly on the what they’re teaching—the content, the syllabus, if you like—at the expense of the teaching and learning, at the expense of assessment, and at the expense of clear progression routes and understanding what the progression should be.”¹¹⁶

105. In the Cabinet Secretary for Education’s recent evidence paper to the Committee, she stressed that “the curriculum is designed to raise standards, focusing on both the knowledge and skills need to acquire as they progress”. The paper points to the Welsh Government’s statutory guidance on 14-16 Learning, the consultation for which has recently closed.¹¹⁷ The purpose of the guidance, she states, is to help provide equity and consistency in the curriculum experienced across Wales, with all schools valuing the same things that contribute to a learner’s progression and onward transition.¹¹⁸

106. When we asked her how exams would work alongside the flexibility inherent in the Curriculum for Wales, she told us that:

“Qualifications Wales have developed a set of proposals in that space, and there’ll be new qualifications coming online. It is important that we have the new qualifications align with the learning that children and young people have done, through

¹¹⁵ Institute for Fiscal Studies, ‘[Major challenges for education in Wales](#)’, March 2024, pages 13-16

¹¹⁶ [Children, Young People and Education Committee, 21 February 2024: Record of Proceedings](#), paragraph 83

¹¹⁷ Welsh Government, ‘[14 to 16 learning under the Curriculum for Wales](#)’, last updated 8 May 2024

¹¹⁸ Welsh Government, ‘[Welsh Government Evidence Paper – Children, Young People and Education Committee 10 May 2023](#)’, 27 April 2023, pages 17-20.

the new curriculum, and there's been a huge amount of work in taking that forward."¹¹⁹

107. When we asked the Cabinet Secretary for Education for her views on the IFS report in particular, she stated that she disagreed with the report's conclusion that knowledge is not key to the new curriculum. However, she committed to forming an expert advisory group, including Luke Sibieta, to "to provide advice, challenge and scrutiny to myself and officials".¹²⁰

Our view

108. We welcome the flexibility offered to schools by the Curriculum for Wales. We have heard directly from school governors, leaders and staff that they appreciate the freedom they now have to develop a curriculum that's right for their school and community, and to focus on individual learners rather than pre-determined age-related expectations. However, this extra autonomy and flexibility should not drive schools to isolation. Cluster working – under whatever formal or informal arrangements work best for the individual schools – is critically important to spread best practice and make sure that schools are not working in siloes. Their curricula may differ under the Curriculum for Wales. But the challenges schools face – and the ways to overcome those challenges – are as consistent as they have ever been.

109. Whatever form individual schools' curricula take, we share the Cabinet Secretary's view that the Curriculum for Wales must raise educational standards and reduce educational inequalities. Equally, we share Luke Sibieta's concern that national curricula that deprioritise knowledge are likely to fail at both. We do not believe that these two views are incompatible. Like the Cabinet Secretary and Estyn, we expect the Curriculum for Wales to be *both* knowledge- and skills-rich.

110. Fundamentally, it is too early to make any conclusions about the impact of the Curriculum for Wales on educational attainment. The first pupils won't even take the reformed GCSEs until 2027, and it won't be until 2033 that the very first cohort of learners will leave compulsory schooling having been taught under the entire Curriculum for Wales. Nevertheless, we note the pattern of international evidence that informed the views in the IFS report, particularly as it relates to the educational performance of countries with comparable national curricula, such as

¹¹⁹ [Children, Young People and Education Committee, 8 May 2024: Record of Proceedings, paragraphs 29-30](#)

¹²⁰ [Children, Young People and Education Committee, 8 May 2024: Record of Proceedings, paragraphs 131-132](#)

Scotland and Northern Ireland. We therefore welcome the Cabinet Secretary's intention to set up an expert advisory group to ensure that Wales learns from educational experts and other countries' experiences wherever possible.

111. We heard more about the new GCSEs during our check in this year than in previous years. This makes sense: qualifications development is at a critical stage. WJEC are currently creating the qualifications, which will be approved by September 2024, and which will start to be taught from September 2025. Schools will have just one year to translate the qualification specifications released by the WJEC into specific curriculum content to teach to their pupils. We do not underestimate the workload associated with doing so, at a time when schools are being asked to do so much with such significant strains on their resources. During our next check-in, during the 2024-25 academic year, we will pay particular attention to preparations for teaching the new GCSEs, and the impact of those qualifications on secondary schools' approaches to curriculum design and delivery.

112. In the meantime, we note the concerns raised throughout our evidence gathering about the inherent tension between a single set of fixed GCSEs created overwhelmingly by one single awarding body on the one hand, and a curriculum that places particular value on flexibility and school autonomy on the other. We also note the concerns of some organisations that September 2024 is too late for qualifications to be released for teaching in September 2025. We ask the Cabinet Secretary to address to these concerns in her response to this report.

Recommendation 8. The Welsh Government should set out its views on the following in relation to the Made for Wales GCSEs:

- Does publishing the new GCSEs just one year before secondary schools are required to teach them provide enough time for effective preparation?
- How will the Welsh Government mitigate the risk that, despite having a new flexible curriculum, a fixed set of qualifications will encourage secondary schools in particular to 'teach to the test', thereby undermining this flexibility and autonomy afforded to them under the Curriculum for Wales?
- To what extent, if at all, does the Welsh Government consider having one single qualifications provider is a barrier to school flexibility under the Curriculum for Wales?

113. Finally, with the understandable focus on the PISA results and academic qualifications, it is important that we do not forget that a purely academic route isn't right for many of our learners. We believe strongly that the Curriculum for Wales should also prepare children for vocational onward journeys from an early age, including into Foundation or Degree Apprenticeships, Further Education, or even directly into employment if that's what's right for the young person. Improving educational standards must not come at the cost of pigeon-holing children.

Formative (ongoing) assessment

114. The second major concern that we have identified about the Curriculum for Wales at this early stage relates to how schools monitor the progression of their pupils as they move through the school: so called 'formative' assessment. Exams and other types of formal assessment (known as 'summative' assessment) aim to evaluate learners' performance at fixed points. However, effective formative assessment will enable schools to monitor student progress on an ongoing basis to identify at an early stage where further explanation or support may be needed. Examples of formative assessment might include looking at pupils' work and providing individualised and/or whole-class feedback, informal quizzes, end of topic tasks, conversations across staff teams about pupils' progress, conversations with pupils themselves to understand where they need more help, etc.

115. During our school visits in 2023, we heard from some schools that developing approaches to formative assessment had been challenging. One school told us that they used to use lots of data, which is unavailable under the Curriculum for Wales. Another said they had introduced an entirely new assessment framework. In focus-group and 1-to-1 conversations with 24 members of school staff drawn from 20 schools across Wales during the same period, the Senedd's Citizen Engagement Team heard that the majority of participants felt unclear about whether they are heading in the right direction with assessment strategies as they have received little to no steer from the regional consortia, Estyn or other bodies. We heard that " 'assessment' is the word that really scares all teachers", and one participant even referred to assessment as "a gaping hole in the curriculum".¹²¹

116. During this year's visits, we heard that formative assessment continues to be a challenge, and – once again – we heard about a lack of data to monitor pupils' learning. Some of the schools had purchased assessment packages to support

¹²¹ Welsh Parliament, '[Citizen Engagement: Implementation of Education Reforms](#)', pages 8-9

ongoing assessment, whereas others were depending on teacher-led approaches, which are very pupil-centred but could be time-consuming for staff.¹²²

117. The views we received in written evidence reflected what we heard directly from schools. Goetre Fawr Primary School’s head teacher called for frameworks and models for assessment for schools to populate, and expressed frustration at the lack of time afforded to teachers to develop assessment models.¹²³ The Catholic Education Service told us that some of its primary head teacher members expressed concerns about assessment, which they felt is too vague.¹²⁴ NASUWT reported similar views from its membership.¹²⁵

118. We also heard that the qualifications framework has implications for how schools develop assessment models. Both the NAHT¹²⁶ and the NASUWT told us that a lack of clarity about the content and structure of qualifications could jeopardise assessment and progression systems:

“Teachers are loathe to build new assessment regimes when they are not clear what skills will be required in the new Qualifications. This can lead to teachers falling back on tried and tested assessment regimes. Deeper investigation may find that the CfW is no new Curriculum at all but the old one with a few tweaks.”¹²⁷

119. The Welsh Government has made Regulations,¹²⁸ issued a statutory Progression Code,¹²⁹ guidance,¹³⁰ and even a ‘direction’ regarding progression and assessment under section 57 of the Curriculum Act.¹³¹ It has also set up the ‘Camau i’r Dyfodol’ project, a collaboration between the University of Wales Trinity Saint David and the University of Glasgow, to guide understanding of progression and assessment within the education sector.¹³²

¹²² Welsh Parliament, ‘[Implementation of education reforms: 3rd check-in: Summary of findings from school visits](#)’, summer 2024, pages 8-9

¹²³ [Written evidence: IER 15 Goetre Fawr Primary School \(Head Teacher\)](#)

¹²⁴ [Written evidence: IER 30 Catholic Education Service \(CES\)](#)

¹²⁵ [Written evidence: IER 42 NASUWT Cymru](#)

¹²⁶ [Written evidence: IER 29 NAHT](#)

¹²⁷ [Written evidence: IER 23 NASUWT](#)

¹²⁸ Legislation.gov.uk, ‘[The Education \(Arrangements for Assessing in the Curriculum for Wales\) Regulations 2022](#)’

¹²⁹ Welsh Government, ‘[The Curriculum for Wales – Progression Code](#)’, November 2021

¹³⁰ Welsh Government, ‘[Supporting learner progression: assessment guidance](#)’

¹³¹ Welsh Government, ‘[Explanatory Note and Direction Under Section 57 of the Curriculum and Assessment \(Wales\) Act 2021](#)’, June 2022

¹³² University of Wales, Trinity Saint David, ‘[Camau i’r Dyfodol](#)’

120. However, Estyn told us that some schools need more detailed guidance on progression and assessment.¹³³ The Chief Inspector told us that “brilliant practice” in relation to curriculum development comes when the content and syllabus is right, but so are the assessment and progression steps.¹³⁴ Unsurprisingly, perhaps, assessment has been a significant focus of Estyn’s time over the last few years. In 2022, it published the report ‘Effective approaches to assessment that improve teaching and learning’, which was the most popular download on its website during the 2022-23 reporting period.¹³⁵ The report actively encourages schools to “strengthen existing good practice”, rather than carry out wholesale changes. The Chief Inspector re-iterated this view to us during oral scrutiny:

*“... when you introduce something new –and the new curriculum is new—that, frequently, people come to question their practice in other areas... we’ve actually seen a de-skilling of the profession as they wait for whoever it is who is looking at what assessment should look like in the future ...”.*¹³⁶

121. Estyn’s 2022 report suggests that where assessment is particularly strong, schools:

“... have often moved away from a focus on the use of summative data for external accountability. Instead, they have thought more carefully about how their assessment practices identify the progress pupils are making across the curriculum and how their teaching can be adjusted in response to this information.”

The report made a series of recommendation for schools to improve their approaches to ongoing assessment.¹³⁷

¹³³ Children, Young People and Education Committee, 21 February 2024: Record of Proceedings, paragraph 171

¹³⁴ Children, Young People and Education Committee, 21 February 2024: Record of Proceedings, paragraph 167

¹³⁵ Estyn, ‘Effective approaches to assessment that improve teaching and learning’, October 2022. For the reference to downloads, see: Estyn, ‘Annual Report & Accounts 2022-23’, September 2023, page 23

¹³⁶ Children, Young People and Education Committee, 21 February 2024: Record of Proceedings, paragraph 170

¹³⁷ Estyn, ‘Effective approaches to assessment that improve teaching and learning’, October 2022 pages 1 and 8-9

122. In her written evidence from April 2024, the Cabinet Secretary for Education told us that:

“Developing understanding of progression and what effective learner progress looks like is the aspect of curriculum design (alongside assessment approaches) schools currently find most challenging...”

She went on to note some “uncertainty” across schools about moving away from established practices and approaches in relation to assessment. The paper commits the Welsh Government to developing bespoke professional learning focusing on curriculum and assessment design, reinforcing existing guidance published on Hwb. The new professional learning will be available nationally from summer 2024.¹³⁸

123. In a letter to us following our 8 May evidence session, the Cabinet Secretary told us that schools need more support with progression and assessment “in order to be confident in what they are doing.” She noted that Estyn would shortly be publishing a thematic report on the transition from primary to secondary schools and the “development of a shared understanding of progression across schools”.¹³⁹

In a statement to the Senedd on 2 July, the Cabinet Secretary committed to working with partners to develop and publish from spring 2025:

“... specific tools and templates to give schools a clear process for developing and enhancing their curriculum, regardless of their starting point. This includes further detail on approaches to progression and assessment, including evaluating and communicating the progress learners are making.”

She added that the Welsh Government will also promote and share good practice examples of effective curriculum design, progression and assessment. However, she stressed that “This is about putting a solid foundation in place for those that need it, not putting a ceiling on the innovation we are already seeing across the country.”¹⁴⁰

¹³⁸ Welsh Government, [‘Welsh Government evidence paper: For the Children, Young People and Education Committee inquiry into the implementation of education reforms’](#), April 2024, pages 14-16

¹³⁹ [‘Letter from the Cabinet Secretary for Education to the Chair of the Children, Young People and Education Committee’](#), 18 June 2024, pages 5-6

¹⁴⁰ [‘Plenary, 2 July 2024: Record of Proceedings’](#), paragraphs 171-174

Our view

124. Many schools are struggling to marry the flexibility of the Curriculum for Wales with robust and reliable approaches to formative assessment. If a school's curriculum is more pupil-led and adapted to focus on individual learners rather than national age-related expectations, it stands to reason that schools' approaches to formative assessment may well need to become more individualised, too. For many schools, this has been a challenging transition.

125. We heard very positive support for individualised approaches to formative assessment, but also that they take time to embed and – critically – time on an ongoing basis to carry out effectively. The extra flexibility in the Curriculum for Wales also presents particular challenges when children move between schools, from primary school to secondary school in particular. With such varied curricula across schools, formative assessment is more important than ever to ensure that secondary schools benefit from all that primary schools have learnt about their pupils as they head into year 7. We know from our work to date that resourcing all these critical conversations, whether within schools or across schools, is incredibly challenging at the moment.

126. We are therefore reassured that the Welsh Government recognises how critically important formative assessment is. We welcome the work carried out by Estyn and the Welsh Government to date on assessment. But schools are still calling out for practical support and concrete guidance.

127. We are therefore pleased that the Cabinet Secretary has committed to providing practical support to schools in her recent statement to the Senedd. While we agree that government guidance should not be so prescriptive that it stifles schools' creativity, we see absolutely no reason why the Welsh Government cannot provide more practical support with formative assessment without compromising the core ethos of the Curriculum for Wales. Although the content of each individual school curriculum will vary, the principles of effective formative assessment do not. We look forward to seeing the outcomes of this crucial area of work and to monitoring its ongoing impact throughout the rest of the Senedd.

Annex 1: List of school visits

The Committee undertook visits on the date noted below. A summary of the findings of the engagement visits can be viewed on the [Committee's website](#).

Date	
23 June 2022	Rhosymedre Community Primary School, Wrexham
11 July 2022	Monnow Primary, Newport
27 April 2023	Blessed Carlo Acutis Catholic School, Merthyr Tydfil Ysgol Aberconwy, Conway Ysgol Gyfun Y Strade, Llanelli
25 April 2024	Sandfields Primary school, Swansea Llangatwg Community School, Neath Ysgol Cwm Rhymni Gellihaf, Blackwood
2 May 2024	Ysgol y Deri, Cardiff

Annex 2: List of oral evidence sessions

The following witnesses provided oral evidence to the committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed on the [Committee's website](#).

Date	Name organisation
14 July 2022	<p>Jeremy Miles MS, Minister for Education and Welsh Language</p> <p>Georgina Haarhoff, Deputy Director Curriculum, Welsh Government</p> <p>Hannah Wharf, Deputy Director Support for Learners Division, Welsh Government</p>
10 May 2023	<p>Jeremy Miles MS, Minister for Education and Welsh Language</p> <p>Georgina Haarhoff, Deputy Director Curriculum, Welsh Government</p> <p>Hannah Wharf, Deputy Director Support for Learners Division, Welsh Government</p>
21 February 2024	<p>Owen Evans, His Majesty's Chief Inspector, Estyn</p> <p>Claire Morgan, Strategic Director, Estyn</p> <p>Jassa Scott, Strategic Director, Estyn</p> <p>Dyfrig Ellis, Assistant Director, Estyn</p>
20 March 2024	<p>Judge Jane McConnell, President, Education Tribunal for Wales</p> <p>Rhian Davies-Rees, Head of Welsh Tribunals Unit Education Tribunal for Wales</p>
08 May 2024	<p>Lynne Neagle MS, Cabinet Secretary for Education</p> <p>Hannah Wharf, Deputy Director, Support for Learners Division,</p>

Date	Name organisation
	Welsh Government Lloyd Hopkin, Deputy Director, Curriculum & Assessment, Welsh Government Owain Lloyd, Director of Education and Welsh Language, Welsh Government

Annex 3: List of written evidence

The following people and organisations provided written evidence to the Committee. All Consultation responses and additional written information can be viewed on the [Committee's website](#).

Reference	Organisation
IER 01	British Heart Foundation Cymru
IER 02	Children's Commissioner for Wales
IER 03	Royal Society of Biology
IER 04	Royal College of Speech and Language Therapists in Wales and Wales Speech and Language Therapy Advisory Forum
IER 05	Welsh Government
IER 06	ColegauCymru
IER 07	Individual
IER08	Brian Jones
IER 09	Individual
IER 10	Individual
IER 11	Lowry Serw
IER 12	Individual
IER 13	Equality and Human Rights Commission
IER 14	The National Deaf Children's Society
IER 15	Head teacher, Goytre Fawr Primary School
IER 16	Impact School Improvement Ltd
IER 17	Welsh Centre for International Affairs on behalf of Wales Alliance for Global Learning
IER 18	Coleg Sir Gar and Coleg Ceredigion
IER 19	NSPCC Cymru
IER 20	Professional Association for Childcare and Early Years Cymru

Reference	Organisation
IER 21	Equality and Human Rights Commission
IER 22	CEPRA, UWTSD
IER 23	NASUWT Cymru
IER 24	Wales Humanists
IER 25	Mudiad Meithrin
IER 26	Mind Cymru
IER 27	Natspec
IER 28	National Education Union Cymru
IER 29	National Association of Head Teachers Union
IER 30	Catholic Education Service (CES)
IER 31	Welsh Government - Curriculum
IER 32	Welsh Government - Additional Learning Needs
IER 33	Welsh Government - Curriculum
IER 34	Welsh Government - Additional Learning Needs
IER 35	Individual
IER 36	Individual
IER 37	Cross-Party Group on Deaf Issues
IER 38	Parents Voices in Wales CIC
IER 39	Individual
IER 40	21 Plus
IER 41	Professional Association for Childcare and Early Years Cymru
IER 42	NASUWT Cymru
IER 43	Swansea Bay University Health Board Children's Centre
IER 44	British Heart Foundation
IER 45	Equality and Human Rights Commission
IER 46	UNISON Cymru
IER 47	Catholic Education Service (CES)
IER 48	Natspec
IER 49	Mudiad Meithrin

Reference	Organisation
IER 50	Royal College of Speech and Language Therapists
IER 51	National Deaf Children's Society
IER 52	Elidyr Communities Trust
IER 53	Royal National Institute of Blind People
IER 54	National Educational Union Cymru
IER 55	Welsh Government
IER 56	Parents Voices in Wales CIC
IER 57	Welsh Language Commissioner

Additional Information

Title	Date
Wales Institute of Social and Economic Research and Data	24 April 2023
Qualifications Wales	24 April 2023
UCAS	24 April 2023
Colleges Wales - Curriculum	26 April 2023
Colleges Wales - Additional Learning Needs	12 May 2023

Other engagement activities

Date	
April / May 2023	The Citizen Engagement Team undertook engagement work with school staff including Additional Learning Needs Coordinators, Curriculum Leaders and Headteachers. A summary report is available .
March 2024	Meeting with the online advisory group for the inquiry into disabled access to education and childcare to discuss the reforms. A Note from that session is available . Data from family interviews for that inquiry was reanalysed and any data that was relevant to this inquiry was extracted and published in a summary report