

Additional Learning Needs

A guide for constituents

July 2026



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Additional Learning Needs

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This briefing provides an overview of the system for meeting the 'Additional Learning Needs' (ALN) of learners aged 0-25 in Wales. The ALN system was established under the Additional Learning Needs and Education Tribunal (Wales) Act 2018 and was introduced on a phased basis between 2021 and 2025.

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1. Introduction

Additional Learning Needs (ALN) are an issue which many families across Wales face and require support and assistance with. It is therefore a relatively common issue which constituents contact Senedd Members about.

The **Additional Learning Needs and Education Tribunal (Wales) Act 2018**, and subsequent regulations made under that Act, established a new system for meeting learners' additional needs. They replaced the previous 'Special Educational Needs' (SEN) system, which had long been regarded as **"no longer fit for purpose"**. The new ALN system was **phased in between September 2021 and July 2025**, meaning that as of the start of academic year 2025/26, it was fully introduced and the SEN system completely replaced.

One of the **principles of the ALN system** is:

"a rights-based approach where the views, wishes and feelings of the child, child's parent or young person are central to the planning and provision of support; and the child, child's parent or young person is enabled to participate as fully as possible in the decision making processes and has effective rights to challenge decisions about ALN, ALP [Additional Learning Provision] and related matters".

The ALN system applies to both school pupils and learners educated otherwise than at school (EOTAS). Its scope ranges beyond school-age from age 0-25, where children below the age of 3 require educational provision of any kind, or where young people aged 16 and over are in further education.

As of academic year **2024/25**, **9.5% of school pupils were identified / recognised as having ALN**, a proportion which has reduced since **2020/21** when it was 19.5%. This guide mainly focuses on how the ALN system should operate, although some of the policy background to what lies behind that reduction is discussed in chapter 11 of this guide . There is a general acceptance that the decrease doesn't mean fewer

children have fewer needs but that these are sometimes being met differently than in the past.

The previous **Welsh Government published a ‘Parents’ and carers’ toolkit’** regarding the ALN system and also issued guidance for maintained schools and local authorities to supplement the **2021 ALN Code**. The Code provides the main comprehensive guidance on how the ALN system should be delivered under the 2018 Act. The recent **supplementary guidance** was published in March 2026 after a **2025 review** identified inconsistencies and shortcomings in how the legislation was being applied. It is expected that the Code itself will be reviewed and revised during this Seventh Senedd term.

This guide **doesn’t seek to replicate the Welsh Government’s Parents’ and carers’ toolkit** but provides a summarised and alternative source of information for Senedd Members and their constituents.

2. What are ‘Additional Learning Needs’ and ‘Additional Learning Provision’?

Some learners have greater difficulty than others and require more support. This can often be addressed through differentiated teaching or extra support within what is generally available in schools. However where these needs require ‘Additional Learning Provision’, they are regarded as ‘Additional Learning Needs’ (ALN) and trigger an entitlement to an ‘Individual Development Plan’.

Section 2 of the 2018 Act sets a two-stage test to determine whether a learner has ALN.

Firstly, whether the learner has either:

- a significantly greater difficulty in learning than the majority of others of the same age; **or**
- a disability (for the purposes of the **Equality Act 2010** – having a “substantial” and “long-term” effect) which prevents or hinders them accessing education or training generally provided for others of the same age.

And secondly, whether:

- the learning difficulty or disability calls for Additional Learning Provision (ALP).

The second part of the definition is critical to determining whether a learner has ALN: if a significantly greater difficulty in learning or a disability that prevents or hinders can be met without ALP then the learner will not be deemed as having ALN.

Section 3 of the Act defines ALP as educational or training provision that is additional to, or different from, that made generally for others of the same age in mainstream settings. Any educational provision for children aged under 3 is regarded as ALP so where this is required, the child will be considered as having ALN.

The test in the Act for deciding that a child under compulsory school age (age 5) has ALN is whether they would be likely to have ALN at the time they reach compulsory school age if no ALP was made for them. The Act **requires each local authority to appoint an early years ALN lead officer**, whose role it is to work with parents, nurseries, schools, children's services and health professionals to raise awareness of ALN and promote early intervention where necessary.

As stated earlier in this chapter, a child won't be considered as having ALN if their difficulty in learning can be addressed through differentiated teaching or targeted interventions that fall within what is generally available in maintained schools, i.e. that don't constitute ALP. Differentiated teaching means having a flexible instructional approach where teachers tailor content, process, product, and learning environment to meet the diverse needs of all pupils.

One of the shortcomings identified by the Welsh Government's **review of implementation of the legislation** and **evidence from the President of the Education Tribunal for Wales** is that there isn't a common understanding and application of the boundary between what is generally provided and ALP. Schools have also recalibrated this boundary with the introduction of the **Curriculum for Wales** which aims to be more inclusive and holistic, sometimes lessening the need for ALP. As a result, the review found that key terms and principles regarding the legal definition of ALN are being inconsistently applied.

The Welsh Government's **Parents' and carers' toolkit** includes a flowchart showing the decision-making process that should be undertaken.

The toolkit also groups the wide range of learning difficulties and disabilities into four broad areas:

- communication and interaction;
- behaviour, emotional and social development;
- sensory and/or physical needs; and
- cognition and learning.

3. How should ALN be identified?

Usually it will be a school or college that will decide whether a learner has ALN. However, where needs are more extensive, it will be the responsibility of the local authority. Parents can also refer a school's decision to a local authority if they would like it to be reconsidered.

Where it is brought to the attention of a school or further education college, that a learner may have ALN, they have a duty to consider and decide if that is the case. This might come to their attention through their own observations of the learner's progress, a parent might ask the school or college to assess their child, or a health worker or other professional may make a referral.

New consideration doesn't need to be given if there has been a previous decision that a learner doesn't have ALN and their needs haven't materially changed or there's no new information to consider.

In the case of children aged below compulsory school age who are not in school, for example they attend a childcare or non-maintained nursery education provider, the legal duty to decide whether they have ALN is with the local authority.

Chapter 20 of the ALN Code sets out how the process for deciding whether a learner has ALN should be undertaken. This should consist of gathering evidence to inform such a decision, which may come from staff within a school, college or other educational setting or services, or may come from the learner and their parents themselves.

Where a learner has an identified disability, the evidence gathered will relate to whether that disability prevents or hinders them from accessing mainstream education or training generally provided for others of the same age. This evidence is likely to come from advice from specialist services, such as educational psychologists, speech and language therapists, or other health and specialist support services involved in assessing the learner's needs.

Where a learner doesn't have an identified disability, a number of different sources of evidence may be used to decide whether the learner has a

significantly greater difficulty in learning than the majority of others of the same age.

In both sets of cases, whether the disability or the learning difficulty requires Additional Learning Provision (ALP) will determine whether that disability or learning difficulty constitutes ALN.

A medical diagnosis doesn't automatically mean that a learner has ALN. What matters is whether the legal test at section 2 of the 2018 Act is met. The ALN Code and the **supplementary guidance** issued in March 2026 are intended to guide the application of that legal test. A diagnosis may be one of the pieces of evidence that is used to inform such a decision but shouldn't be needed to identify that a learner has ALN.

If a school or college can't decide on its own whether a learner has ALN, for example if they can't be reasonably expected to determine them, they can ask the local authority to make the decision (see chapter 5 of this guide). Local authorities will be able to use any evidence already collated but may require further evidence, advice or input from other professionals or organisations. Where it is the local authority deciding whether a child has ALN, they must consider whether to seek advice from an educational psychologist.

Local authorities may also seek the involvement of the NHS to inform their decision (see chapter 6 of this briefing).

How and when should decisions be communicated?

Schools and colleges have **35 term time days** to decide whether a learner has ALN after it comes to their attention that the child may have ALN, and communicate that decision to parents (or the learner in the case of a young person at a college). However, they don't need to comply with this timescale if it is impractical to do so due to circumstances beyond their control. The notification to parents / a college learner must provide contact details for the school / college as well as:

- information about how to access the local authority's arrangements for providing information and advice;

- details of the local authority's arrangements for the avoidance and resolution of disagreements, and its independent advocacy services; and
- (in the case of decisions by schools) information about the right to request that the local authority reconsiders the matter.

In the case of a young person at a college, the notification must also include information about the right to appeal to the **Education Tribunal for Wales** against the decision. Parents can't appeal to the Tribunal against a school's decision but may do so in respect of the local authority's decision after it has reconsidered the matter.

4. What provision should be made to meet ALN?

A learner's ALN should be met through Additional Learning Provision (ALP), which should be detailed in an Individual Development Plan (IDP).

Any learner who is identified as having ALN must have an IDP prepared for them. This is a statutory document providing a legal entitlement to the provision which is detailed within it.

An IDP must describe any ALN the learner has and the ALP which the person's learning difficulty or disability calls for.

The IDP may stipulate a particular school the learner is to be placed in. The **default position under the 2018 Act** is that the learner should attend mainstream provision, unless certain exceptions apply:

- a. where educating the child in a mainstream maintained school is incompatible with the provision of efficient education for other children;
- b. where educating the child otherwise than in a mainstream maintained school is appropriate in the child's best interests and compatible with the provision of efficient education for other children;
- c. where the child's parent wishes the child to be educated otherwise than in a mainstream maintained school.

Note that exception (c) doesn't mean a local authority must comply with a parent's wishes for their child to be educated in a special school, rather that they may use that as a reason for deviating from the presumption of mainstream provision. Local authorities must have regard to learners' and parents' wishes but that doesn't mean they have to necessarily always do what the family wants.

IDPs will vary depending on the nature and extent of the learner's ALN. Where less extensive provision is required, the IDP is likely to be shorter and less detailed. Where more extensive or specialist provision is required, the IDP is likely to be more detailed and may involve input from a range of professionals.

Chapter 23 of the ALN Code details how IDPs should be prepared and maintained (delivered), and what they should contain. **Annex A of the Code** includes an IDP template, which must be used, although the length, style and visual appearance of the standard form can be adapted. Two key sections are section 2A, the description of the learner's ALN; and section 2B, the description of the ALP. Together, these sections form the core of the IDP, linking the learner's needs directly to the provision they are entitled to receive.

When should an IDP be issued?

Schools and colleges must prepare and issue the IDP within **35 term time days** of when it first came to their attention that the learner may have ALN (if they decide the learner does have ALN). However, they don't need to comply with this timescale if it is impractical to do so due to circumstances beyond their control. The notification to parents / a college learner must provide contact details for the school / college as well as:

- information about how to access the local authority's arrangements for providing information and advice;
- details of the local authority's arrangements for the avoidance and resolution of disagreements, and its independent advocacy services; and
- information about the right to request that the local authority takes over responsibility for maintaining the IDP.

In the case of a young person at a college, the notification must also include information about the right to appeal to the **Education Tribunal for Wales** about particular aspects of the IDP. Parents can't appeal to the Tribunal about an IDP issued by a school but may do so in respect of the local authority after it has been asked to maintain the IDP.

Provision through the medium of Welsh

There is no absolute right to receive ALP through the medium of Welsh.

However, schools, colleges, local authorities and health boards must consider whether ALP should be provided to the learner in Welsh and if so, they must specify that in the IDP. They must take **“all reasonable steps”** to secure that the learner receives that ALP through the medium of Welsh. (See **sections 12(6) and 12(7)** of the 2018 Act for example, in respect of schools and colleges.)

The 2018 Act (**section 90**) includes a regulation making power for the Welsh Government to in future remove the “all reasonable steps” caveat and absolutely require ALP to be available in Welsh.

Section 63 of the Act requires local authorities to keep under review whether arrangements are sufficient to meet the ALN of children and young people in their area. This includes the sufficiency of ALP available in Welsh.

Under **section 89** of the Act, the Welsh Government must undertake a review every five years of the sufficiency of Welsh-medium ALP. The first of these is **currently being undertaken** and is expected to be published by September 2026.

5. When is identifying ALN and delivering IDPs the responsibility of the local authority rather than the school or college?

The default position is that the school or college is responsible for deciding whether a learner has ALN, and preparing and maintaining an IDP. However, where needs are more extensive, a school or college may ask the local authority to take responsibility.

Section 12(2) of the 2018 Act defines such cases as where the school / college governing body believes the learner has ALN:

- i. that may call for Additional Learning Provision (ALP) it would not be reasonable for the governing body to secure;
- ii. the extent or nature of which the governing body cannot adequately determine; or
- iii. for which the governing body cannot adequately determine ALP.

The Act provides local authorities with a power to direct a school to prepare and maintain an IDP, essentially meaning local authorities can decline to take that responsibility. In the case of colleges, local authorities can request that a college be responsible. If the college declines, the Welsh Government will decide who is responsible.

Paragraphs **12.36 to 12.46** (schools) and **16.40 to 16.48** (colleges) of the ALN Code give more detail about the circumstances in which local authorities should be responsible rather than the school / college. Local authorities are also expected to have a set of principles to use to decide whether cases should be their responsibility or that of the school / college.

The legislative review in 2025 found ambiguity and inconsistency over whether cases are the responsibility of the local authority as opposed to the school / college.

How long do local authorities have to consider cases?

In the case of school pupils, local authorities have **seven weeks** to reconsider a school's decision that a pupil doesn't have ALN or to decide whether to take responsibility for a pupil's IDP and its delivery. If the local authority is taking the decision from the outset (i.e. the case went straight to the local authority rather than first being considered by the school), they have **12 weeks**.

In the case of college students, the local authority has **12 weeks**.

Local authorities don't have to comply with these timescales if it is impractical to do so due to circumstances beyond their control.

The notification to parents / a college learners must provide contact details for the local authority as well as:

- information about how to access the local authority's arrangements for providing information and advice;
- details of the local authority's arrangements for the avoidance and resolution of disagreements, and its independent advocacy services; and
- information about the right to appeal to the Tribunal against the decision or the IDP.

Learners in specific circumstances

The suite of supplementary guidance published in March 2026 includes specific ALN guidance in respect of looked after children; learners educated otherwise than at school (EOTAS); and learners whose parents or carers elect to home educate.

6. How and when should the NHS be involved?

One of the aims of the new ALN system is better collaboration between education / local government and the health service. The 2018 Act imposes duties on NHS bodies to assist in the identification of ALN and preparation of IDPs, and in some cases to make or secure ALP.

A key feature of this multiagency working is the Designated Education Clinical Lead Officer (DECLO) that, under [section 61](#) of the Act, each health board must have in place to lead and co-ordinate their involvement in the ALN system.

[Section 65](#) of the Act requires health boards to provide **information and help** to local authorities where this is requested to assist local authorities in fulfilling their functions under the Act. This includes the assessment of whether a child or young person has ALN, the nature of those needs, and the preparation of an IDP.

[Regulations](#) and the ALN Code set a timeframe of **six weeks** for health boards to respond to such requests (unless it is impractical to do so due to circumstances beyond their control).

[Section 20](#) of the Act requires health boards, upon request, to **consider whether there is a relevant treatment or service that is likely to be of benefit** in addressing a child's or young person's ALN.

[Regulations](#) and the ALN Code set a timeframe of **six weeks** for health boards to decide this (unless it is impractical to do so due to circumstances beyond their control). If health boards identify such a treatment or service, they must secure it for the learner. This will be included in the learner's IDP and will provide a legal entitlement to that particular ALP.

Schools and colleges have no legal right to ask for information or help from an NHS body – this **must come from the local authority**.

Sometimes the nature of a learner's ALN may require a specialist assessment to fully determine. There can [often be long waits](#), for neurodevelopmental

assessments for example. The Welsh Government has emphasised, including in its **Parents' and carers' toolkit**, that a medical diagnosis is not required to access support in education or to identify that a learner has ALN.

Chapter 21 of the ALN Code provides further information on multi-agency working, including the role of the NHS.

Do health boards have to comply with Tribunal orders?

Chapter 8 of this guide discusses the role of the Education Tribunal for Wales in considering appeals and issuing orders. These orders are not binding on health boards in the same way they are on local authorities.

Under **section 76** of the 2018 Act, the Tribunal can make recommendations to health boards, which health boards have to either follow or explain why they will not do so. Health boards must explain this by reporting back to the Tribunal within **six weeks** of the date of the recommendation.

7. What information and advice should be available?

Section 9 of the 2018 Act requires local authorities to arrange to provide people with information and advice about ALN and the ALN system. They must have regard to the fact that the information and advice must be provided in an impartial manner.

Local authorities must take reasonable steps to make such arrangements known to certain people, including children and young people, and parents and carers of children in their area. Where they are aware of such arrangements, schools and colleges must take reasonable steps to make the arrangements known to pupils / students.

Local authorities may provide this information and advice themselves or may commission it from an external provider. Either way, the information and advice must be impartial.

Chapter 6 of the ALN Code provides further guidance on how information and advice should be made available.

8. What happens when families are not satisfied and want to challenge decisions?

Reducing conflict and disagreement is a key aim of the new ALN system.

Asking the local authority to reconsider a school's or college's decisions or actions

Parents and carers may ask a local authority to reconsider a school's decision that a learner doesn't have ALN and the local authority must respond within **seven weeks**. Similarly, they may also request the local authority takes responsibility for maintaining an IDP, for example to review its content or if they are not satisfied that the IDP is being fully delivered.

In the case of colleges, a young person may request the local authority to take over their IDP, in which case the local authority has **12 weeks** to decide whether to or not. In the event that a college decides a learner doesn't have ALN, the young person can appeal to the Tribunal (see below).

Appealing to the Education Tribunal

If families are still dissatisfied after the local authority's reconsideration, they can appeal to the Education Tribunal for Wales against the local authority's decision. They can't appeal against a school's decision; it would be the local authority's decision, or lack of decision, following review of a school's decision that the family would be appealing against.

In the case of learners in further education, appeals can also be made to the Tribunal against a college's decisions or inaction.

Families have **eight weeks** from a decision being notified to submit an appeal application and supporting case statement (evidence) to the Tribunal.

The Tribunal's website provides further information about appeals.

Arrangements for disagreement avoidance and resolution, and independent advocacy services

Under [section 68](#) of the 2018 Act, local authorities must have arrangements in place for the avoidance and resolution of disagreements between schools, colleges and local authorities. These arrangements must include provision for parties in a disagreement to access help in resolving it from persons who are independent of the parties.

[Section 69](#) requires local authorities to also arrange for independent advocacy services to be provided for learners who they must refer under request to such services. Independent advocacy services means advice and assistance (by way of representation or otherwise) to a learner or their 'case friend' (see below).

[Chapter 32 of the ALN Code](#) provides information about avoiding and resolving disagreements, and independent advocacy services.

Rights of appeal to the Tribunal are not affected by, or dependent on, involvement in other arrangements

When a local authority notifies a family that a learner doesn't have ALN, or when they issue an IDP, they **must inform them about their right to appeal** to the Tribunal. The local authority must also give details of its arrangements for avoiding and resolving disagreements, and its independent advocacy services. They must also inform learners and parents that their **participation in disagreement avoidance and resolution services doesn't affect their right of appeal** to the Tribunal.

Families **don't need to have used the disagreement avoidance and resolution services before appealing to the Tribunal**. If they do use those services, the time they spend doing so does not count towards the eight weeks they have to submit an appeal to the Tribunal.

Case friends

Where a child is deemed to [lack capacity](#), the Tribunal may appoint a '[case friend](#)' who can represent and support the child, and take decisions and act on behalf of the child. Case friends are particularly important when a child who lacks capacity needs to bring an appeal in their own name, for example, when they don't have a parent who is willing or able to pursue dispute resolution or bring a case to the Tribunal for the child.

Chapter 30 of the ALN Code provides further guidance on case friends.

9. Orders and recommendations by the Tribunal

The Education Tribunal for Wales makes decisions on appeals about ALN and claims of disability discrimination in schools. It was established under the 2018 Act and replaced the former Special Educational Needs Tribunal for Wales.

The Tribunal may:

- dismiss appeals;
- uphold appeals by ordering that a learner does have ALN;
- order that an IDP be prepared or an existing one be revised; or
- order that a decision be reconsidered with regard to the Tribunal's observations.

The Tribunal can also make recommendations to health boards who have to respond, explaining whether they will follow them and if not, why not.

Tribunal Orders are **legally binding, although the Tribunal doesn't enforce them itself**. In the event of non-compliance, families will have to go through the courts or complain to the Welsh Government.

Most time limits for carrying out a Tribunal Order are **seven weeks for local authorities**, and **35 term time days for colleges** (although some orders must be followed immediately). The [Tribunal's guidance on Appeal Orders](#) explains further.

Health boards have six weeks to respond to Tribunal recommendations.

10. Medical conditions and reasonable adjustments for disabilities

Having medical (or ‘healthcare’) conditions does not necessarily mean having ALN. Similarly, if a learner has a disability this doesn’t necessarily mean they have ALN. Where such learners don’t have ALN, their needs and circumstances should be met and catered for separately to the ALN system.

Medical conditions

The definition of ALN, set out in **section 2** of the 2018 Act, makes it clear that medical needs could contribute to a learner having ALN. However, this will only be where the test for ALN is satisfied (i.e. the learner has a significantly greater difficulty in learning than the majority of their peers and requires ALP).

Therefore, medical conditions often don’t result in ALN but still need to be managed in education settings. This should be done in accordance with the Welsh Government’s **Supporting learners with healthcare needs** guidance, issued in 2017.

Disabilities

The definition of ALN also states that a learner has ALN if they have a disability – for the purposes of the **Equality Act 2010**, which means having a substantial and long-term adverse effect – that prevents or hinders them accessing the education or training generally on offer in mainstream settings, and that disability requires ALP. In any case, whether or not a disabled learner has ALN, schools and other education providers are under:

- the general statutory duty to make reasonable adjustments for disabled persons under **section 20 of the Equality Act 2010**; and
- specific duties in respect of reasonable adjustments in education, set out in **Schedule 13** of the 2010 Act.

11. Recent scrutiny and policy developments

ALN is a policy area that has been the subject of a great deal of review and reform over many years, as well as being heavily scrutinised.

The legislation that established the ALN system – the **Additional Learning Needs and Education Tribunal (Wales) Act 2018** – was a long time in the making. There were **several reviews and consultations which led** to the legislation being brought forward and even after it was passed, the ALN system was **phased in over a four year period from September 2021 to August 2025**, in the shadow of the COVID-19 pandemic.

The introduction and roll out of the new ALN system was **scrutinised during the last Senedd term (2021-2026)** by the Children, Young People and Education (CYPE) Committee, which **reported in summer 2024** about inconsistencies in how the ALN and ALP definitions were being applied.

Despite the definition of ALN remaining the same as under the previous Special Educational Needs (SEN) system, the number of learners identified / recognised as having ALN reduced dramatically as the ALN system was rolled out. There has been a **53% decrease in the number of pupils** recorded as having ALN over the four years since the new system was first introduced. This was from 92,668 (19.5% of all pupils) in 2020/21 to 43,885 (9.5% of all pupils) in 2024/25. New **school census data for 2025/26** will be available in August 2026.

Senedd Research's **article from October 2022** and **chapter 2 of the CYPE Committee's 2024 report** explored some of the possible reasons for the decrease.

In summer 2024, the then Cabinet Secretary for Education, Lynne Neagle MS, instigated a review of the way the 2018 Act and the 2021 Code were being implemented. In **October 2025**, she reported to the Senedd on **what this review had found**, and set out five key areas of action:

- clarifying which learners should be identified with ALN and how they should be supported;

- improving national consistency;
- improving support and information for families;
- strengthening multi-agency integration and collaboration; and
- advancing bilingual and inclusive education.

Key developments since have included the publication of the **Parents' and Carers' toolkit** and the **supplementary guidance** issued on an interim basis before the ALN Code is revised.