



## Summary of the Senedd Children, Young People and Education Committee interim report on the implementation of the education reforms

On 16 July 2024, the Senedd Children, Young People and Education Committee published an [interim report on the implementation of the education reforms](#). The report sets out significant concerns that the total numbers of children identified as having Special Education Needs (SEN) or ALN have fallen by almost a third since the rollout of the ALN reforms began.

This summary documents highlights key messages from the report and notes recommendations with particular relevance for the SLT profession. We are also producing a summary of the committee report on the inquiry 'Do disabled children and young people have equal access to education and childcare?' which was also published on 16 July.

### Background

The Welsh Government is implementing two major education Acts passed in the last Senedd:

- The Curriculum and Assessment (Wales) Act 2021
- The Additional Learning Needs and Education Tribunal (Wales) Act 2018
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The [Children, Young People and Education Committee](#) is monitoring the implementation of two key education reforms as they are being rolled out throughout the Sixth Senedd.

In July 2024 following the third check-in the Committee decided to publish an [interim report](#) (PDF 1.6MB) on the findings to date. A full report will be published at the end of the Senedd. The report is one aspect of a broader body of work the committee has carried out looking at children's access to childcare and education. The report on the inquiry 'Do disabled children and young people have equal access to education and childcare?' was also published on 16 July and we have provided a separate summary for this report.

RCSLT Wales has worked with WSLTAF to produce regular written evidence for the committee check-ins. Our responses may be found [here](#).

## Key messages from the report

### *Falling number of learners identified as having ALN*

- 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. The report concludes that 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.
- A main focus of the inquiry to date has been understanding these downwards trends, given that: the evidence 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. It has never been the Welsh Government's stated policy intention for the number of children identified as having ALN or SEN to fall.
- The committee concludes 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.
- The committee also remarks that implementing the rollout of the Curriculum for Wales and the ALN reforms side-by-side, has clearly been incredibly challenging for schools. The report notes that this may have unlocked some unforeseen potential benefits: the possibility for the Curriculum for Wales to trigger a move towards more inclusive teaching, for example. However the committee remains sceptical about the extent to which this can explain the significant fall in SEN/ALN numbers to date.

### *Concerns about clarity of ALN code legislation*

- During scrutiny, a number of stakeholders raised concerns about the clarity of the ALN code and argued that the code was being interpreted inconsistently by schools and local authorities. This view was supported by the President of the Education Tribunal for Wales, Judge Jane McConnell who noted: "If I were to look for a phrase that would summarise the, I think I would call it 'intellectually challenging'".
- In her evidence session before the committee, the Cabinet Secretary for Education advised that she had initiated a review of implementation of the code 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.

### *Relationship between health and education*

- Schools consistently told the committee that they struggle to get input from health bodies, particularly for children with low to moderate additional needs or who haven't received a diagnosis. The National Education Union evidence told the committee that some young people's learning needs are hugely 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.
- Health stakeholders 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. The RCSLT noted that the demands on speech and language therapy services have increased under the Act and that the ALN Act has "reduced the efficiencies of communication" between therapists, schools and local authorities.
- The NHS Confederation highlighted that despite the shared commitment for collaborative working 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". The NHS Confederation also 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".
- The Welsh Local Government Association (WLGA) agreed with the NHS Confederation that, for most local authorities, the DECLO role has brought about improvements in communication, collaboration and joint working. However, the WLGA also reported that certain local authorities feel that the pace of implementation of the ALN reforms is slower in 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. 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."
- During oral scrutiny, the Cabinet Secretary for Education 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.
- With regards the DECLO role, 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

and noted that she was working with the DECLOs to develop new Key Performance Indicators (KPIs) to monitor Local Health Boards' compliance with their duties under the ALNET Act.

## **Recommendations of relevance**

*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

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

*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. ...

*Recommendation 7.* The Welsh Government should remit the teaching assistant task and finish group to 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