

Changes to Additional Learning Needs Legislation in Wales

Nicola Stanton

1803926

EAAE6002

Introduction

Dauncey (2016) states that the current special education needs (SEN) legislative framework is a dated approach to identifying and supporting learners with SEN. The Additional Learning Needs (ALN) and Education Tribunal (Wales) Act 2018 ('the Act') legislation, will begin to be implemented over a three-year phased implementation period from September 2021 (Welsh government 2020a). The new ALN legislation Will hold the legal framework within one legislative framework for all learners up to the age of twenty-five, replacing the separate legislation for Special Educational Needs (SEN) for learner up to the age of sixteen, and Learning Difficulties or Disabilities (LDD) after the age of sixteen (Dauncey, 2018). The purpose of the new Additional learning needs legislation within Wales is to create a unified approach for supporting learners with additional learning needs from birth to twenty-five (Welsh Government 2020). The aim of the legislation is to remove barriers to enable learners to reach their full potential (Welsh Government 2020a). There are three main aims of the new legislation which are to encompass a unified approach for supporting learners from birth to twenty-five (Welsh Government 2020), encourage collaboration in terms of assessment, planning and monitoring and to provide clear procedures for providing information regarding concerns and appeals (ESTYN, 2018).

ALN replacing SEN and LDD

The new ALN Legislation will replace special educational needs (SEN) and learning difficulties or disabilities (LDD) with the new term additional learning needs (ALN) (Welsh Government, 2018). Additionally, the term ALN will also be used for young people in education up to the age of twenty-five who are recognised as having Learning Difficulties and Disabilities (LDD) (SNAP Cymru, 2021). Some implications are:

- The new ALN Legislation will replace special educational needs (SEN) and learning difficulties or disabilities (LDD) with the new term additional learning needs (ALN) (Welsh Government ,2018). However this will increase costs considerably with the Welsh Government estimating that the cost for updating policies and guidance will be in the region of £18,000 (Welsh Government, 2018).
- A majority of learners argue that the new legislation does nothing to eradicate negative labelling of learning difficulties and disabilities it merely exchanges one label for another (Welsh Government, 2014a).

SENCOs changing to ALNCOs

Education Wales (2021) state that under the new legislation the ALNCOS role will require adequate time and resources to undertake the role effectively this will include time away from teaching tasks. The ALNCO will also be required to participate in the strategic co-ordination of deployment and supporting staff and will be required to work collaboratively with senior staff for decisions in decisions around budgets and resources to support staff within the setting (ESTYN, 2018) Some implications of this are:

- This would put further pressure on teaching professionals who are already overwhelmed with new expectations for evaluation and supervision, changing policies, and increased pressures for accountability (Klocko and wells, 2015)
- Policy and legislative changes have created stressful work environments (Starr, 2011). The culture of high expectations within settings has created anxiety amongst educators which has resulted in practitioners feeling overwhelmed with job demands (Klocko and wells, 2015)
- The role of the ALN coordinator strengthens significantly under the new act in terms of strategic roles and responsibilities. This is of concern to smaller schools where the ALNCOS role is often carried out by the headteacher or taaqed on to other responsibilities (Hardy et al. 2020)

Individual Development Plan

The new legislation creates one statutory plan, an individual development plan (IDP) for all learners with additional learning needs (Welsh Parliament 2021). Children with ALN will receive additional learning provisions which will be recorded within the IDP (Education Wales, 2021). This will replace the current statutory and non-statutory SEN or LDD plans for learners (Welsh Government, 2015) and will include guidelines and minimum standards for an IDP that professionals must adhere to (SNAP Cymru, 2021). Differing Terminology indicates the wide scale of provisions, policies and practices used throughout the four nations for example, England use the term (SEND) special educational needs and disabilities, whereas Northern Ireland use the term SEN special education needs and with the impending changes to legislation the term SEN will no longer be used in Wales but will be replaced with the term ALN additional learning needs (Murdoch et al. 2021). Some implications are:

- Confusion created amongst practitioners and parents who are of the belief that obtaining a statement of special education needs prior to the implementation of the Act will allow learners to secure the support they would otherwise not be able to obtain, this indicates that the Welsh Government may need to communicate a more clear and concise explanation of the reform (Thomas et al. 2019).
- Differing terminology can create confusion amongst practitioners which can result in the term being misinterpreted.

ALN implementation timeline



Source: ERW, 2021)

Further reading

<https://gov.wales/sites/default/files/publications/2018-09/additional-learning-needs-aln-transformation-programme-v2.pdf>

To conclude the benefits of statutory legislation for addressing children's ALN is apparent (Welsh Government, 2018) this will enable a more unified approach to identifying ALN (Welsh Government 2018c). However many professionals have addressed issues with understanding the terminology of the act which may lead to misinterpretation (Senedd Assembly Wales N.D) this indicates that the Welsh Government may need to communicate a more clear and concise explanation of the reform (Thomas et al. 2019). Under the new legislation the ALNCOS role will require more time and resources to undertake their role effectively this will include time away from teaching (Education Wales, 2021). However as noted by Klocko and wells (2015) caution needs to be adhered to here for fear of exasperating an already overstretched education system. There is also a need to look at implementing the PCP training as a whole school approach to enable the effectiveness of the legislation in practice. (Welsh Government 2014a).