

Analysis of The Additional Learning Needs and Education Tribunal (Wales) Act (ALNET) (2018).

Glossary

Additional Learning Needs – ALN

Additional Learning Needs Coordinator – ALNCo

The Additional Learning Needs and Education Tribunal – ALNET

Additional Learning Provision – ALP

Individual Learning Plan – IDP

Local Authority - LA

Special Educational Needs - SEN

United Nations Convention on the Rights of Persons with Disabilities –
UNCRPD

The Additional Learning Needs and Education Tribunal (Wales) Act (ALNET) (2018) replaced the former Special Educational Needs (SEN) system, which had been operational since the Education Act (1996) became enacted. This holistic, rights-based model, centred on the concept of Additional Learning Needs (ALN) aimed to transform the support system for learners with additional needs in Wales, building on modern principles of inclusion, collaboration, and person-centred care reflected in the core ideas of The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the social model of disability (United Nations, No date).

The creation of the ALNET (2018), was driven by critique of the Special Educational Needs (SEN) framework that that recognised it was no longer in touch with current views of children with additional learning needs. The social model of disability recognises the barriers to disabled people are created by the physical environment, peoples attitudes and the language they use to

discuss disability, and how organisations are structured, to discriminate against people who are 'different' (AchieveABILITY, 2025) removing these barriers creates equality which allows disabled people more independence and autonomy in their lives.

At the time of the reform, the system was based on a model that was over 30 years old and needed to be updated (Welsh Government, 2020). It could be argued that the Education Act (1996) upheld the medical model of disability when we examine the language used in the document- The medical model of disability views disability as an individual problem, directly caused by illness, trauma or other health issues, this makes curing the illness, or helping that person adjust their own behaviour the goal in managing the disability (Retief and Letšosa, 2018) – for example, even the definition of Special Educational Needs in Section 312 of the Education Act (1996) stated "if he has a learning difficulty which calls for special educational provision to be made for him."

This definition focuses on the difficulty, presenting a problem that needs to be fixed with additional support, the definition expands to say, "has a disability which either prevents or hinders him from making use of educational facilities of a kind generally provided for children of his age." this language frames the problem as an inherent part of that child's being, rather than identifying the existing system as failing the child by not providing adequate resources to support their inclusion.

The Education Act (1996) referred to "Special Educational Provision" to help children with SEN to participate in mainstream education, this reinforces the deficit approach of the medical model by suggesting the child is unable to access the curriculum without being something extra, or different being offered to support them, Tomlinson (2017) refers to this as "the manufacture of inability" which could be used to describe the educational culture under the SEN system, which identifies and categorises student shortcomings, when student learning depends on high-quality teaching, and teachers having positive beliefs about their students' potential.

The language of "special needs" often perpetuated a negative bias around disability, but it has also been critiqued for its ambiguity which makes it difficult for parents and pupils to understand and utilise their rights, this was

highlighted by a case brought to Parliament by The British Council of Disabled People (House of Commons Education and Skills Committee, 2006).

Disability rights UK (2019) discuss how language reflects the cultural assumptions and thinking of the society we live in, it shapes how we view others, the value we place on different identities, and influences our behaviour.

The cultural shift and greater information leading to better acceptance and understanding of difference at this time, was exposing how the current SEN system was not serving the people who needed it, campaigns online, for example #NothingAboutUsWithoutUs, which began appearing on social media in around 2015 (Nelson, 2020) were created by disabled activists to expose their exclusion and hold institutions accountable, this slogan evolved from a hashtag into policy, for example, becoming a principle of NHS commitment to equality (Issar, 2021) this is an example of the online recognition being used as a powerful tool to drive a shift in public knowledge (Albert, *et al.* 2022).

The social model of disability has impacted Additional Learning Needs (ALN) by shifting the focus from an individual's impairment as a "problem to be fixed" (medical model) to identifying and removing the societal, environmental, and perspective barriers that 'disable' them (AchieveABILITY, 2025). This paradigm shift has led to significant changes in policy, educational practices, and terminology, primarily by championing an inclusive, rights-based approach. The term "Additional Learning Needs" (ALN) often replaces "Special Educational Needs" (SEN) to reflect a more inclusive and less deficit-focused perspective. For example, in Wales, the ALN Code (2021) is rooted in the social model and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD, No Date), which advocates for a single, unified, rights-based system of support for learners aged 0-25. UNCRPD is a legal document that shapes how we discuss inclusive education and lifelong learning, from a human rights perspective. It frames learning not just as academic achievement, but as a holistic process of personal development, empowerment, and social participation for people with disabilities. The convention states that the inclusive education system must be "directed to the

full development of human potential" and enabling effective participation in society (United Nations, 2006).

The UNCRPD was created to address the fact that existing human rights frameworks, that were understood to apply to all people, were failing to adequately meet the needs of people with disabilities. without specifically referring to disability, or the ways in which disabled people could be discriminated against, governments could maintain systems where disabled people felt ostracised by society without breaking any law (UNCRPD, No Date). As the medical model of disability became outdated and the Social Model of Disability, which argues that people are disabled by societal barriers, rather than by their impairment, became more respected, the narrative around disability changed in the culture and the UNCRPD became a legal expression of this social change. The Additional Learning Needs Code for Wales (2021) advises local authorities and services to refer to the social model of disability, and is aligned with the UNCRPD, setting out the principles of the UNCRPD in Article 3, which are:

- “• Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons.
- Non-discrimination.
- Full and effective participation and inclusion in society.
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity.
- Equality of opportunity.
- Accessibility.
- Equality between men and women.
- Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities” (Children’s Commissioner for Wales, 2015).

The changing cultural values and norms begin to define what is considered acceptable in the systems that society lives under, the concept of Overton’s window, described by Ilievski (2025) an explanation of what is politically

possible at a given moment, this can shift as societies become more informed and public discussion around certain subjects increases, and could be used to could be used to explain these cultural shifts. Muers (2018) tells us that in a democracy, a policy that does not consider the values held by the population, risks being seen as illegitimate and the quote "Culture eats strategy for breakfast" attributed to Drucker, describes how, however well planned a strategy is, if there is no support from the culture expected to enforce it, it is unlikely to be successful. Governments will need to use Policy instruments in order to make meaningful change happen, Le Galès (2022) describes policy instruments as methods that government use to enact change, using knowledge of who it governs over, with the devolution of the Welsh Government intending on strengthening and reflecting the identity and culture of the people living in Wales, a unique opportunity to represent and validate the needs of these people by involving Welsh people in the co creation of legislation that would affect them (Senedd,2025). Walsh and Ferazzoli (2025), refer to Lipsky's theory of street level bureaucracy, where policies are put into action by street level bureaucrats (in settings, these are the teachers, assistants, and all staff who directly implement policy) - these people make the abstract government policies a reality, and provide feedback to policy makers about how effective those policies are. Marsh and Jeans (2024) highlight concern over the uncertain criteria around statementing, street level bureaucracy may manifest in these instances by the Additional Learning Needs Coordinator (ALNCo) having to prioritise where to allocate funding by severity of need, or fear of parental retaliation – where funding is stretched, the vague nature of the language in the policy could offer some flexibility in the budget as frontline workers in educational settings, interpret policies through the context of their work to suit the action they need to take (Griebel and Zurcher, 2023).

Scotland, like Wales, also devolved their government to gain authority over areas such as health, education and local government. Separating from the anglicised central government framework and centring the needs of their communities saw both governments addressing the needs of their people by reforming education, and making inclusion part of that reform (SPICe, 2019).

The devolution of education to the Welsh Government created the political space for a uniquely Welsh approach to developing a system of education and training which is geared to meeting the needs of Welsh society (Welsh Government, 2018), eventually leading to the development of the Curriculum for Wales.

The Scottish Education (Additional Support for Learning) (Scotland) Act (2004) provided a positive framework for the Welsh ALN act to build on (Wales Centre for Public Policy, 2020), the Scottish act was broad and flexible, with the needs of the individual at its core (Scottish Government, 2017). Scotland also rejected the outdated terminology of 'special needs' in favour of 'additional needs' to promote better understanding of factors that result in a child needing additional support i.e. family circumstance, disability, trauma etc., this considers the external factors that a child may need to be supported with to access learning, whereas Wales chose to emphasise 'learning' in their terminology in order to reflect a more rights based approach (Royal College of Paediatrics and Child Health, 2020). In 2014, The Welsh Government published a white paper (Dauncey, 2024), which laid plans for new legislation to meet the needs of children and learners with ALN in Wales, beginning the process of introducing the ALNET (2018).

This confluence of factors, and the positive influence of effective strategies being implemented in other areas of the country, could be considered as the policy drivers that led to the ALNET (2018) replacing the Education Act (1996) in Wales by creating a new, single system for supporting learners aged 0-25 with additional learning needs (ALN). Marsh and Jeans (2024) suggested another driver for reform, is to attempt to reverse inconsistencies in identification and suitable provision being made available under the SEN system. The ALNET (2018) would recognise that, to support learners with ALN, input from education, health services and other institutions would be important, so legally requiring 'Duty of Partnership' became a policy tool. Another policy tool is the Individual learning Plan (IDP), which is a legal document that details a child's right to support – this multi-agency approach could provide accurate and holistic information that would see each child receive support on a needs basis, rather than standardised, label led

responses that would occur under the previous 'statementing' process that put families in opposition with local authorities (LAs), leading to tribunal disputes (SENCA, 2025).

The ALNET Act (2018) was a major legislative development in Wales aimed at reforming the education system for children and young people with special educational needs, and is intrinsically linked to other policies for change in Wales, such as The Well-being of Future Generations (Wales) Act (2015), with its emphasis on long-term prevention and a more equal Wales (Commissioner for Wales, 2015) and The New Curriculum for Wales and its focus on progression for all. Professor Egan of the Bevan foundation (2017) suggested the low PISA scores being achieved by children in Wales, could be attributed to poor wellbeing, and urged lawmakers to take action to improve equity and measure success in a broader, and Wales centric way, this sentiment was reflected in The Donaldson Report (Donaldson, 2015) that recommended restructuring education in Wales, to engineer successful outcomes for the future citizens of Wales, this would make the education system fully inclusive, making the curriculum accessible for all learners by allowing educators the freedom to tailor the curriculum to the individual learner (Dauncey, 2024).

The Welsh Government (2023) wrote 'Our National Mission' as the overarching strategy embedded into ALN reform, within a wider ambition for a curriculum, the aims of this strategy include "Learning for life, Breaking down barriers and a Positive education experience for everyone" these inclusive objectives, focussing on individual learner progression and well-being are in alignment with the new Curriculum for Wales. They address the needs of children with ALN through the social model of disability (Welsh government, 2023). There is some critique of this kind of inclusive approach, Hens and Langenberg (2022) noted that removing a specific label ignores a person's experience of distress associated with their difference, and in some cases can lead to a reduction in support, whereas, Kristianse and Uthus (2025) believe promoting inclusivity needs a holistic approach, that incorporates the individual needs, and opinions of each child to identify and respect both opportunities and barriers to inclusion.

These acts are mutually supportive and share a common philosophy, to create a useful framework to support children and young people to becoming competent contributors to the future of Wales. If we consider the '5 ways of working' at the core of the Well-being of Future Generations (Wales) Act (2015), which are as follows;

- "Long term thinking,
- Integration
- Involvement
- Collaboration
- Prevention" (Commissioner for Wales, 2015).

When looking at the ALNET (2018), we can see how these ways of working are applied to education. The ALN act is a needs based system, focussed on early identification of additional needs, and being proactive in providing support by working with children, their families and other agencies involved to create a collaborative Individual Learning Plan, which reflects the voice of that child, that will grow and develop alongside them as a preventative, long term strategy to allow them the best opportunity to learn and develop in their life long education.

Furthermore, the New curriculum for Wales, also interweaves the philosophy of the ALNET (2018) and The Well-being of Future Generations (Wales) Act (2015) or the (The WFG act, 2015). The Four purposes of the curriculum;

"Ambitious, Capable Learners

Enterprising, creative contributors

Ethical informed citizens – creating inclusive learning environments allows difference to become accepted as the norm.

Healthy, confident individuals" (Welsh Government, 2020).

These four purposes, which create the foundation for educational settings to develop a bespoke curriculum for the children they serve are also reflective of WFG Act (2015) the new curriculum becomes a vehicle for The WFG Act (2015) and ALNET Act (2018) to be carried out, using the shared philosophy

as the ethical and strategic base to develop holistic learning environments that are inclusive to all (Underwood *et al*, 2024).

The Social Services and Well-being (Wales) Act 2014, which promotes person-centred assessment and inter-agency collaboration. This aligns with The ALN Act's duty to collaborate with relevant institutions to provide the best outcomes for the child, health boards have a statutory duty under section 65 of the Act to respond to requests for information, provide any relevant treatments or services that are identified as Additional Learning Provision (ALP) and for local authorities to inform parents and carers if their child is likely to need additional learning provision.

The Additional Learning Needs Act (2018) is an ambitious piece of legislation that sought to reconstruct the Welsh education system firmly around the rights and individual journeys of learners with additional needs. It is the product of the devolution of Welsh Government, driven by a commitment to the United Nations Convention on the Rights of the Child, social change, and systemic integration. Theoretically, it represents a shift from a medical-model of Special Educational Needs to a social-model of Additional Learning Needs, reflecting the values of Welsh Culture today which the Welsh Government (2025) have committed to advancing through funding, governance and leadership – which are described as levers for change that will continue progress seen in the area of Human Rights in Wales.

In practice, a critical analysis of the implementation of the ALNET (2018), reveals a gap between legislative aspirations and the reality in settings. A comprehensive review by the Welsh Government (2025) of the ALN legislation found that clarity and consistency would improve the efficacy of the act.

Conn and Hutt (2022) conducted interviews with practitioners in Welsh schools to gain insight on how the ALNET (2018) has been implemented, and found that the act was being actively undermined by the new curriculum's nonprescriptive philosophy. Their research revealed that inconsistent communication of inclusion-related issues meant that individual ALN practices would vary depending on the perspective of the practitioner. This idea is

reflected by Kristiansen and Uthus (2025), who discuss learning being transactional, and involving influences that are external to the learner, including structures within schools and the views and practice of teachers. Conn and Davies (2023), feel that the 2014 White Paper on proposed changes in legislation for supporting learners with ALN, and the subsequent ALN Code for Wales (2021), does not reflect this idea, and some practitioners struggle to fully realise the participatory nature of the Act. Naraian (2021) discusses how the gap between engaging with disability, rather than including it as part of the curriculum due to lack of training and understanding, does not enable inclusive pedagogy from becoming naturalised in the curriculum, providing this in depth training would improve consistency and delivery of the ALNET (2018). An article by Pegram et al (2022) highlights a gap between the reality and the intention of the New curriculum for Wales, where the senior leaders would make curriculum choices based on their scholarly and work based experiences, rather than the research based alternative pedagogies that may be outside their comfort zone.

The Welsh Parliament's Children, Young People and Education Committee (2023), also identified variations in how schools and Local Authorities interpret the Act, difference in thresholds for Individual learning plans, and uneven health service engagement have perpetuated some inequities, which Conn and Hutt (2020) stress, is becoming a threat to practitioners who feel they do not have the time or experience to empower them in their new accountability under the ALN act.

Inadequate and unsustainable funding as well as inconsistent responses to the complex systemic and cultural changes are preventing educational reform for fulfilling its true potential (Conn and Hutt, 2020). Future policy must concentrate on bridging this implementation gap if the Act is to reach its potential (Welsh Parliament, 2024). A paper by Underwood *et al*, (2024) insists that educators recognising children and young people as agentic individuals, can help bridge the gap between theory and practical teaching. They go on to say that not only is this beneficial to the learner, by making their learning more meaningful, but it also helps the educators to act in alignment with the four purposes of the curriculum, the writers suggest, that a deeper

understanding of childhood and youth studies at teacher training, could help educators gain a better understanding of how the social and cultural backgrounds of children affect their learning. Ware (2019) adds to this discussion, and tells us not enough is being done for children with more complex learning difficulties, or children who have difficulty communicating because of their need, to make their opinions known. The ALN act and the New curriculum for Wales both have person centred planning at the heart of the policy, empowering children and promoting their human rights, in alignment with Article 12 of the United Nations Convention on the Rights of the Child (United Nations Committee on the Rights of the Child, 2006). Each child's unique voice is essential to creating an Individual Learning Plan that is meaningful and effective (Carmarthenshire County Council, 2024). Hoffman (2018) agrees that the UNCRC was an ideological driver of the Individual Learning Plan being central to ALN reform, therefore the government has a duty to enact children's rights in education by hearing their voice represented in legal documents that impact their lifelong learning.

A study by Bridgeman (2024) identifies alternative provision as the means by which, learners who would struggle to participate in mainstream education, such as children with ALN, would otherwise thrive. However, the difficulty measuring the outcomes- which span a length of time that has not yet elapsed - due to the lack of a standardised framework to track and record data, means that it is hard to justify long term spending on these provisions, this could be challenged as the Senedd predicted that the financial savings from fewer appeals would make more funding available (Welsh Parliament, 2024). This suggests inconsistency in the government who championed these changes, but are now unable to fulfil their commitment to change by making sure adequate financial support is made available for schools to be compliant with the new laws supporting the rights of learners with additional learning needs (Lewis, 2023).

The Additional Learning Needs and Education Tribunal (Wales) Act (2018) marks an ideological shift from the deficit-based medical model, to the rights-based social model of disability, aligned with the UNCPRD and Wales's wider policy ambitions for inclusion. However, a significant gap exists between its

legislative vision and practical implementation. Challenges such as inconsistency, interpretation, funding, and the expertise of staff prevent the act from realising its full potential, bridging these gaps can allow the Act to fulfil its promise of a truly inclusive and equitable education system in Wales.

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