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Minister for Education



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA(L)/KW/0685/19

Chief Executive

cc. Director of Education
Directors of Social Services

17 September 2019

Dear colleague,

I am writing to thank you for your response to the public consultation on the draft Additional Learning Needs (ALN) Code and proposed related regulations which closed on 22 March 2019. As a statutory consultee under section 5(1) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (the Act), the views you have expressed are invaluable in ensuring that the ALN Code is fit for purpose.

I was pleased with the considerable number of responses we received and the level of participation at the regional stakeholder events. I am confident that together we can deliver a truly transformative system which improves the educational outcomes for some of our most disadvantaged children and young people.

In June, I published three reports summarising the many issues that have been raised in response to the consultation. Since then my officials have given detailed consideration as to what changes may be needed to the Code and regulations. In the course of this analysis, it has become clear that, due to the time required to consider and make the needed changes to the Code, it is necessary to revise the timetable of the implementation plan.

Ahead of setting out an updated implementation guide, I can confirm that:

- The statutory roles created by the ALN Act are to commence in January 2021 but the new ALN system will commence, on a phased basis, from September 2021. This will provide time for further dedicated training and development.
- I expect, in line with their existing statutory obligations, that local authorities, health boards and schools ensure that they are meeting the needs of children and young people with special educational needs.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

- I will lay the Code and regulations for National Assembly approval in 2020. This additional time provides for further consideration of potential improvements that can be made to the Code in light of the extensive feedback received from stakeholders, learners and families.

I am committed to ensuring that the Code is as clear as possible so that those with functions under the Act fully understand their statutory obligations and are able to operate the new system effectively. In addition, we will be considering some complex policy issues, to ensure that the new ALN system is fair, clear and manageable for the practitioners implementing it.

In introducing new duties and expectations for schools, further education institutions and local authorities there is always a need to take account of the academic year timetable and provide the necessary lead-in time. This is particularly true when we are supporting our most vulnerable learners. There is insufficient time to both issue the Code and regulations in 2020 and for all schools, further education institutions and local authorities to prepare properly to meet their operational requirements by the original date planned for implementation to start.

Rolling out the new system from September 2021 will ensure services are fully prepared for the new system, which in turn will lead to a smoother and more successful implementation. Commencing the statutory roles earlier in January 2021 will also support a smoother and more successful implementation.

Specifically we intend to commence the provisions in the Act requiring the appointment of: an additional learning needs co-ordinator for every mainstream maintained school, pupil referral unit and further education institution; a designated education clinical lead officer for every health board; and an early years additional learning needs lead officer for every local authority.

I am keen that the additional time is used to support all delivery partners to prepare as fully as possible for implementation through continued engagement with the ALN Transformation Leads and multi-agency partners on a regional basis. My officials will therefore be in touch in due course in order to continue to work closely with you on this.

In the meantime, learners' needs must continue to be met under the current system. It is imperative that local authorities, health boards and schools adhere strictly to their existing statutory obligations to ensure that they meet the needs of children and young people with special educational needs.

Yours sincerely



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