



Specialist Education Solicitors ALN & IDP FAQ's



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How can I prove my child has an additional learning need?

How can I put this into words?

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (ALNET) provides a definition for Additional Learning Needs (ALN). Section 2 of the ALNET reads as follows:

(1) A person has additional learning needs if he or she has a learning difficulty or disability (whether the learning difficulty or disability arises from a medical condition or otherwise) which calls for additional learning provision.

(2) A child of compulsory school age or person over that age has a learning difficulty or disability if he or she:

(a) has a significantly greater difficulty in learning than the majority of others of the same age, or

(b) has a disability for the purposes of the Equality Act 2010 (c. 15) which prevents or hinders him or her from making use of facilities for education or training of a kind generally provided for others of the same age in mainstream maintained schools or mainstream institutions in the further education sector.

(3) A child under compulsory school age has a learning difficulty or disability if he or she is, or would be if no additional learning provision were made, likely to be within subsection (2) when of compulsory school age.

You do not need a formal diagnosis to evidence that your child has ALN. You can simply evidence that the child has a greater difficulty in learning compared to the majority of others of the same age, or the child has a disability which prevents / hinders them from making use of facilities for education generally provided for others of the same age.

My schools say my child does not have an additional learning need, but I disagree, what can I do?

If your child's school does not agree that your child has ALN, you can contact your Local Authority for 're-consideration' of this decision. You can simply request that the Local Authority re-consider the school's decision. The Local Authority have 7 weeks to consider the position and inform you of their decision as to whether they agree your child has ALN or not. If the Local Authority's decision is that your child does not have ALN which requires Additional Learning Provision (ALP)* and you do not agree with this decision, you can appeal against the decision within 8 weeks of the decision letter. The decision must be provided to you in writing and should detail your appeal rights.

*Additional Learning Provision (ALP) is the support given to a child or young person with ALN to help with their learning. It is different to the level of support generally given to learners of the same age. This could be support in a nursery setting, school or further education college in Wales

What are my rights in asking for a meeting to discuss my child's additional needs?

You can request a meeting with the school's Additional Learning Needs Co-ordinator (ALNCo) at any time to discuss your child's ALN. As referred to above, if the school do not consider that your child has ALN, you can contact your Local Authority and request that they re-consider this decision.

If your child is in receipt of an IDP, you can request a review of your child's ALN and / or ALP at any time. The IDP will however be reviewed annually (every 12 months).

How should an IDP be written? – top tips for parents

As per Chapter 23 of the Additional Learning Needs Code for Wales 2021, the IDP should be set out under the following headings:

- 1A – Basic biographical information about the child or young person
- 1B – Responsibility of the IDP
- 1C – ‘About me’
- 2A – Description of ALN***
- 2B – Description of ALP****
- 2C – ALP delivered by NHS*****
- 2D – Placement******
- 3A – Record of information to develop IDP
- 3B – Timeline of events
- 3C – Transition
- 3D – Travel Arrangements

The key sections of the IDP are the sections in **bold** above. These sections are also appealable to the Education Tribunal for Wales (ETW).

***Section 2A** must provide a true and accurate description of the child’s needs. The description of the child’s ALN should be as clear and comprehensive as possible and include the impact of the need on the child’s learning in as much detail as possible. Where there is a relevant diagnosis this should be included within this section.

****Section 2B** must detail the specific and quantified provision required to meet the child’s needs, as described in Section 2A. For example, Section 2B can include provision along the lines of “X will receive weekly 1:1 Speech and Language Therapy delivered by a Speech and Language Therapist, for 45 minutes per session” instead of wording along the lines of “X will have access to a communication programme”. The latter wording is vague and does not specify the details of the provision required for the child. However the first example clearly sets out the provision required. Therefore if an individual who had never met the child before picked up their IDP for the first time to understand the provision they receive, it is very clear from the first example what their provision entails. Whereas the second example, is left up to the readers own interpretation.

*****Section 2C** must detail the ALP that must be secured by an NHS body, whereby the NHS have identified the relevant treatment / service the child requires to meet their ALN.

******Section 2D** must then name the school the child is to attend. This can include a maintained mainstream / special school or an independent mainstream / special school. If the child is receiving Education Otherwise Than In School (EOTIS), Section 2D will remain blank and the provision of the EOTIS package must be detailed within Section 2B of the IDP.

If parents wish to see the format of an IDP, there is an example at the end of the ALN Code. Chapter 23 of the ALN Code also provides further detail of the information which must be contained within each heading listed above within the IDP.

What is a Person Centred Practice (PCP) meeting?

This is an initial meeting where you and all the professionals involved with supporting your child’s future meet to discuss the way forward. Person centred planning is used to effectively plan with a child/young person, rather than for them. This meeting considers the wishes, views, and aspirations of the child or young person. This ensures that the professionals will best understand how they can support your child’s needs. It is an opportunity for everyone involved in supporting your child to engage together and celebrate their achievements in an informal atmosphere. From this meeting decisions will be made about what support your child may need in school/college.

If it is decided that a child has ALN and requires ALP (additional learning provision) then an IDP will be created, which will then be reviewed annually. At the review meeting, everyone will discuss how the plans put in place at the last meeting have worked to help your child, or not worked so well.



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