



Llywodraeth Cymru
Welsh Government

GUIDANCE, DOCUMENT

Additional Learning Needs and Education Tribunal (Wales) Act 2018: guidance for local authorities on interim arrangements for funding for specialist post-16 additional learning needs (ALN) placements

Information on funding for specialist post-16 ALN placements from September 2023. This is part of the ALN transformation programme.

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Contents

Introduction (<https://www.gov.wales#156092>)

Background (<https://www.gov.wales#156094>)

Individual development plans (<https://www.gov.wales#156100>)

Timeline (<https://www.gov.wales#156102>)

Placements at ISPIs (<https://www.gov.wales#156104>)

Financial arrangements (<https://www.gov.wales#156106>)

Reporting arrangements (<https://www.gov.wales#156108>)

Making decisions regarding an ISPI placement (<https://www.gov.wales#156110>)

Queries (<https://www.gov.wales#156112>)

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Introduction

Arrangements for planning and securing placements at independent special post-16 institutions (ISPIs) will start changing as part of the ALN reform. This guidance provides information for local authorities on funding mechanisms for placements at ISPIs starting from September 2023.

Audience

- Local authorities.
- ISPIs.

Background

The **Additional Learning Needs and Education Tribunal (Wales) Act 2018** (<https://www.gov.wales/additional-learning-needs-and-education-tribunal-wales-act>) (the ALN Act) and wider ALN reform will create a unified system for supporting children and young people from 0 to 25 with ALN. This will transform the separate systems for special educational needs (SEN) (in schools or pupil referral units, and for children who are not registered at a school or PRU) and learning difficulties and (or) disabilities (LDD) in further education. Further details about the **additional learning needs transformation programme** (<https://www.gov.wales/additional-learning-needs-transformation-programme-frequently-asked-questions>) and **The Additional Learning Needs Code for Wales 2021** (<https://www.gov.wales/additional-learning-needs-code>) (ALN Code) are available.

Welsh Government has been responsible for making decisions regarding funding placements for young people with learning difficulties aged 16 to 25 who require access to specialist provision. This will change as part of the ALN

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system. Local authorities will make decisions regarding placements at ISPIs for young people in the ALN system. This change aims to enable local authorities, who are best placed to make these decisions, to work in collaboration with a range of partners to develop and strengthen post-16 specialist ALN provision.

This guidance sets out interim funding arrangements to enable local authorities to undertake their duties for a young person who has moved to the ALN system and where local authorities have made a decision to secure a placement for that young person at an ISPI.

The arrangements set out in the guidance will apply for placements at ISPIs from September 2023 for young people who have moved to the ALN system. These arrangements will continue to apply for placements secured under these arrangements until those placements have been completed. We anticipate that funding will be fully transferred to local authorities by the end of the 2024 to 2025 school year, at which point all young people will have moved to the ALN system. This gradual transition will enable Welsh Government to work closely with local authorities and other stakeholders throughout this period to ensure these new arrangements are implemented effectively and are fully aligned with the principles underpinning the ALN Code.

Full details of local authorities duties in relation to post-compulsory education is provided in the ALN Code.

Individual development plans

As part of the ALN Act, all children and young people with ALN, regardless of the severity or complexity of their LDD, will generally be entitled to a statutory support plan called an individual development plan (IDP). An IDP is a document that contains a description of a child or young person's ALN and the additional learning provision (ALP) that is required according to the child or young person's

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LDD.

Further information about IDPs is available as part of the **frequently asked questions** (<https://www.gov.wales/additional-learning-needs-transformation-programme-frequently-asked-questions>) on the ALN transformation programme. Full details on the content of an IDP and responsibilities for its preparation, maintenance, review and revision is provided in the ALN Code.

Timeline

The ALN Act began to be implemented in September 2021, and children and young people are gradually being moved from the SEN system to the ALN system. Rather than a large-scale change, a ‘flow through’ approach is being adopted, and young people will gradually move across to the ALN system as follows:

- Those in Year 11 in 2022 to 2023 will move to the ALN system by 31 August 2023 (local authorities are expected to make decisions and secure placements for these young people during 2022 to 2023 in preparation for their transition to post-compulsory education in September 2023).
- Those in Year 11 in 2023 to 2024 will move to the ALN system by 31 August 2024 (local authorities are expected to make decisions and secure placements for these young people during 2023 to 2024 in preparation for their transition to post-compulsory education in September 2024).
- Any young person not yet in the ALN system at the end of the 2024 to 2025 school year will move to the ALN system at that point.

Local authorities will be required to make decisions on placements at ISPIs, and to secure such placements, as young people move across to the ALN system. Full details regarding the local authority’s role regarding these placements can be found in the **ALN Code** (<https://www.gov.wales/additional-learning-needs-code>).

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Until the ALN Act applies to a young person, the Education Act 1996 and the Learning and Skills Act 2000 will continue to apply and they will continue to benefit from the support available via the existing SEN and LDD systems respectively. This guidance does not impact on placements for young people who have not moved to the ALN system. Welsh Government will continue to secure and directly fund placements for young people who have not moved to the ALN system until they have completed their programmes of study.

Placements at ISPIs

The ALN Code includes details of the responsibilities placed upon local authorities with regards to placements at ISPIs. Local authorities should refer to the Code for further details on the process of making decisions and securing placements at ISPIs.

The starting point is that a young person is entitled to up to 2 years of further education or training. Beyond that, a local authority may determine that a young person has reasonable needs for education or training in particular circumstances. As set out in the Code, any placements funded by these arrangements must be at establishments included in the Welsh Government's ISPI list. This list will be updated regularly to reflect the latest position.

Financial arrangements

Funding for placements at ISPIs will be made available to local authorities via the Local Authority Education Grant from the 2023 to 2024 financial year onwards. These are interim arrangements until funding has been fully transferred to local authorities, which we anticipate will be completed by the end of the 2024 to 2025 school year.

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As part of their role in making decisions and securing placements at ISPIs, local authorities will be responsible for agreeing the following with regard to each placement with the relevant ISPI:

- costs
- terms and conditions
- young person's programme of study

Welsh Government in turn will reimburse local authorities for the costs of the education element of the placement via the Local Authority Education Grant.

Collaboration and integration are some of the key principles that underpin the ALN system. As set out in the Code, local authorities and NHS bodies might consider appropriate joint funding arrangements. Local authorities should ensure that they apply a co-ordinated approach internally to the funding of the education and social care elements of placements at ISPIs. Details of joint funding arrangements should be incorporated into information provided to Welsh Government.

Grant allocations will reflect the demand-led nature of ISPI placements and will be based on information provided to Welsh Government by local authorities. Arrangements will also allow for local authorities to inform Welsh Government of changes to costs after a placement has commenced, for example if any in-year changes are agreed.

Reporting arrangements

Local authorities will be required to provide quarterly updates to Welsh Government summarising their latest understanding of ISPI placements as their work in making decisions and securing placements progresses. Welsh Government will provide forms for the purpose of providing these updates.

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These updates will include:

- details of all anticipated or confirmed ISPI placements
- the status of each placement, that is anticipated, secured, commenced or completed
- costs for each placement, that is forecasted confirmed or actual incurred costs, including details of any joint funding arrangements
- a brief summary of the programme of study (including any changes to the agreed programme of study if applicable)
- details of absences (short or long term) or withdrawals from placements

Welsh Government may request further information to support local authorities claims for funding.

This information will be used to calculate grant allocations, for planning and monitoring purposes as well as acting as evidence to support claims for funding to Welsh Government by local authorities in due course. This will not be an application process. Local authorities will be responsible for undertaking their duties as set out in the Code, which includes making decisions and securing placements for young people where relevant.

Making decisions regarding an ISPI placement

Local authorities will be responsible for establishing processes to enable them to undertake their duties as set out in the ALN Code when considering whether a young person should be placed at an ISPI. These processes should reflect the 5 principles underpinning the ALN Act as set out in Chapter 3 of the ALN Code, and ensure the appropriate stakeholders are involved in informing this decision-making process.

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Queries

All queries about this guidance should be directed to

ALNpost16implementation@gov.wales

(<https://www.gov.walesmailto:ALNpost16implementation@gov.wales>)

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