

A Graduated Response to Meeting Additional Learning Needs in Wales: Clarity, Consistency, and Legal Entitlement under ALNET 2018

Abstract

This document provides an in-depth exploration of the graduated response model in Welsh mainstream education, detailing the distinctions and interplay between universal provision, targeted support, and Additional Learning Provision (ALP). Anchored in the legal framework established by the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (ALNET), it highlights the statutory obligations and operational realities of identifying and supporting learners with Additional Learning Needs (ALN). Emphasis is placed on the importance of sustained, holistic assessment, the necessity of legally secured Individual Development Plans (IDPs), and the risks inherent in applying a generic or overly rigid approach to inclusion. The paper also addresses challenges in consistent implementation across local authorities and celebrates the ethos of equity and person-centred planning embedded within the ALN Code.

Introduction

Education in Wales has undergone a significant transformation with the introduction of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (ALNET), a legislative milestone that replaces the former Special Educational Needs framework with a unified approach for learners aged 0–25. At its centre lies a clear statutory test: whether a learner’s needs require Additional Learning Provision that is “additional to, or different from” what is ordinarily available. Within schools, this has led to the operational adoption of a graduated response, beginning with universal provision for all learners, followed by targeted support for those with emerging or moderate challenges, and culminating in legally mandated ALP for pupils with significant or persistent needs. This paper outlines these three levels in detail, unpacks the legal and practical tensions that emerge in implementation, and clarifies how robust assessment and consistent provision are critical in safeguarding the educational rights of all children and young people in Wales.

Key Definitions and Theoretical Framework

Universal Provision

Definition:

Universal provision refers to the high-quality, inclusive teaching practices and classroom adaptations that are made available to all pupils, regardless of their background, ability, or individual needs. This level of provision forms the foundation of everyday teaching and learning within mainstream educational settings. Typical examples include differentiated instruction, where work is tailored to accommodate different learning styles and abilities; the consistent use of class-wide visual timetables to support routine and understanding; and the establishment of a positive, inclusive school ethos that values diversity and wellbeing.

Purpose:

The central aim of universal provision is to remove the most common barriers to learning that pupils might face. By embedding inclusive strategies into the core curriculum and classroom management approaches, schools can ensure that the vast majority of children reach their full potential without the need for additional support. Effective universal provision is preventative by design; it minimises the risk that pupils will develop significant difficulties, thereby reducing the necessity for further intervention or escalation to higher tiers of support.

Targeted Support

Definition:

Targeted support describes those additional, focused interventions and resources provided for

individuals or small groups of pupils who have been identified as needing more than the universal offer, but do not require specialist or statutory provision. These are often short to medium-term measures, designed to address specific gaps in learning, development, or wellbeing. Interventions might include small group catch-up sessions in literacy or numeracy, targeted mental health or social skills groups, or time-limited nurture interventions aimed at supporting emotional regulation or social integration.

Purpose:

The primary purpose of targeted support is to bridge gaps when universal provision alone is insufficient. It aims to address emerging or moderate needs early, providing timely intervention before issues become entrenched or escalate to a level requiring statutory action. By efficiently identifying and supporting those who are at risk of falling behind or developing more complex needs, targeted intervention helps maintain steady progress for all and may prevent the need for long-term specialist provision.

Additional Learning Provision (ALP)

Definition:

Additional Learning Provision (ALP) is a legal term defined in the Additional Learning Needs and Education Tribunal (Wales) Act 2018. It refers to the specific, individualised educational provision or support required by a pupil as a result of a learning difficulty or disability. Crucially, ALP must be “additional to, or different from” the provision that is generally available to other pupils of the same age in a mainstream school or setting. ALP might include consistent one-to-one specialist teaching, the regular involvement of external professionals (such as speech and language therapists), highly individualised curriculum adaptations, or bespoke equipment and access arrangements.

Purpose:

The purpose of ALP is to secure appropriate, ongoing, and legally protected support for pupils whose needs simply cannot be met through universal or targeted approaches alone. When a pupil’s learning, development, or access to education is impeded to such a degree that their difficulties cannot be resolved within the resources and practices available to most of their peers, the law requires tailored provision to be put in place, formally documented and monitored through an Individual Development Plan (IDP). ALP is designed to uphold the rights of pupils with additional learning needs, ensuring they can meaningfully engage in learning and achieve positive outcomes alongside their peers.

Law Versus Practice in Wales

ALNET 2018 and the ALN Code: Legal Foundations

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (ALNET 2018) marked a profound shift in provision for pupils with additional needs in Wales. The Act creates a unified, statutory framework for learners aged 0–25 and replaces the former Special Educational Needs (SEN) system. Its core legal test is whether a pupil’s needs require support that is “additional to, or different from, that generally made for others of the same age” within a mainstream setting.

The ALN Code (2021) provides statutory guidance to schools, local authorities, and health boards on implementing the Act. The Code outlines the processes for assessment, provision, monitoring, and the recording of ALN (usually within an Individual Development Plan, or IDP). While “universal” and “targeted” support are commonly used operational terms, the law itself does not define these categories; it focuses solely on whether a child’s needs cross the threshold for ALP (Additional Learning Provision).

Key features of the statutory system now include:

- A single legal framework and process for all learners with ALN, spanning early years to age 25.
- Statutory Individual Development Plans for every pupil identified as having ALN, replacing the old ‘statementing’ process and closing the distinction between school-led and local authority-led plans.
- Emphasis on multi-agency co-ordination (including new statutory roles such as the Designated Education Clinical Lead Officer, or DECLO) to support holistic identification and provision.
- Clear appeal and dispute resolution rights for children, young people, and families through the Education Tribunal for Wales.

Law in Practice: Graduated Response and Real-World Challenges

In operational practice, Welsh schools almost universally employ a graduated response:

- They move from universal provision (high-quality, inclusive teaching for all) to targeted support (additional short or medium-term intervention for those at risk of underachieving), and, where these levels are insufficient, on to ALP with a statutory IDP for those with persistent, substantial, or complex needs.

However, the distinction between these levels is not always clear-cut in practice. Since the “generally available” provision is not defined by statute, local implementation varies:

- Some schools and authorities may set a high or narrow threshold for what qualifies as ‘additional’, meaning only the most visible, disruptive, or academically underperforming pupils are referred for ALP or an IDP.
- There is a risk that children with “hidden” or less observable needs (for example, those with social anxiety, sensory sensitivities, or internalising behaviours) may not be recognised as requiring ALP if universal or targeted measures are inconsistently or subjectively applied.

The disparity in interpretation can lead to:

- Variation in ALN identification rates and support offered between schools, local authorities, and regions in Wales.
- Inconsistency in resource allocation, as some local authorities budget significantly more than others for ALN provision, impacts pupil experiences.
- Occasional disputes between families and institutions as to whether a pupil’s needs are being met, and if not, whether the school is obligated to move from targeted intervention to formal ALP.

Bridging Law and Practice

Recognising these challenges, the Welsh Government and stakeholders have implemented extensive resources. This includes:

- Appointment of ALNCOs (Additional Learning Needs Coordinators) in all schools and DECLOs within health boards, to support joined-up, child-centred planning.
- Grant funding, national guidance, and ongoing awareness-raising to help schools interpret and fulfil their legal duties.
- A statutory right of appeal to the Education Tribunal for Wales for children, young people and their families, ensuring a legal safety net and promoting accountability.

Summary

While the spirit and letter of the ALNET 2018 is clear, provision “additional to, or different from” the ordinary mainstream offer must be provided when needed; the practical application is shaped by local context, resource levels, and professional judgement. The evolving graduated response model aims to ensure needs are met at the earliest possible stage, but robust, consistent, and reflective practice is required to prevent individual needs from being missed, especially when they do not fit traditional, visible patterns of difficulty. It must also be

understood that if a need is identified as needing an ALP, and therefore an IDP is written, then ALN has been recognised. ALN is ALN; there is no high or low level of need. It either is or is not.

Progression Through Universal, Targeted, and Additional Learning Provision (ALP)

Graduated Response

Support for pupils in Welsh mainstream schools follows a graduated approach. It begins with universal provision, high-quality, inclusive teaching strategies intended to meet most learners' needs. If a pupil only makes progress because of these supports, and this progress is disrupted when they are removed, targeted support may be introduced, offering more focused, short-term interventions for emerging or pronounced needs. Where difficulties persist and consistent support remains essential for learning or wellbeing, Additional Learning Provision (ALP) is considered. At this stage, a statutory Individual Development Plan (IDP) is created to formalise and protect the ongoing, individualised support necessary to ensure the pupil's continued progress and access to education.

Ongoing Holistic Assessment: "Assess, Plan, Do, Review"

Movement between these tiers is not a linear or single-step process. Schools in Wales are expected to operate a dynamic "assess, plan, do, review" cycle. This involves regular, holistic evaluation of the pupil's progress, needs, and response to interventions. Collaboration with parents, carers, and the pupil, as well as input from other professionals, supports effective decision making and early identification of persistent needs.

Critical Nuance: Sustained Support as Evidence of Need

A key principle, increasingly highlighted by research and policy in Wales, is that if a pupil's progress, wellbeing, or behaviour is only maintained when "universal" or "targeted" support is reliably in place, and their progress deteriorates when the support is withdrawn, reduced, or inconsistently applied, this is robust evidence that the support is not just helpful, but essential for their access to learning and development.

- The requirement for ongoing, consistent support, such as continual chunking of work, regular movement breaks, daily individual regulation opportunities, or personalised curriculum adaptations, demonstrates that the pupil's need surpasses what is typically provided for peers.
- When a pupil regresses, becomes dysregulated, or experiences a drop in progress in the absence of support, this is not an argument to reduce or withdraw provision, nor to refuse ALN recognition. Rather, it highlights that the pupil likely has an unmet, persistent additional learning need, requiring recognition, statutory ALP, and an IDP.
- The ALN Code and guidance call for *consistency of provision*, making clear it is not acceptable for critical support to rely on the goodwill or availability of certain teachers or the presence of temporary resources. The duty is to provide what is necessary as a matter of legal entitlement.

Example Table of Provision

Provision Area	Universal Example	Targeted Example	ALP Example
Literacy	Differentiated class phonics	8-week group catch-up/intervention	Ongoing group or one-to-one, specialist-led intervention
Regulation	Calm or quiet space accessible to all	Group emotional or social skills sessions	Individualised continuous regulation programme
Visual Support	Whole-class visual timetable	Extra visual supports for certain groups	Personal, frequently updated individual schedule

Summary

The graduated response model in Wales works most effectively when underpinned by continuous, holistic, and person-centred assessment, robust application of statutory duties, and a clear commitment to responding dynamically as needs change. Crucially, when a child's achievements or stability are contingent upon support, the system must respond by recognising this as a sign of need for sustained, legally secured provision, not as a reason to step support down. This ensures no learner is left behind due to gaps in interpretation, practice, or resource availability

Addressing Individual Needs vs. Systemic Provision

In the Welsh education system, universal and targeted strategies are essential for creating an inclusive baseline that supports the majority of learners. However, these must never become a ceiling on support or a justification for failing to meet the specific requirements of those with more complex, less visible, or persistent needs.

The Role and Limitations of Systemic Provision

Universal practices (such as differentiated teaching, positive relationships, and whole-class supports) and targeted interventions (such as catch-up groups or time-limited nurture sessions) help to raise overall standards and develop a welcoming climate for diversity. Yet, if these approaches are viewed as a "one-size-fits-all" solution, there is a risk that individual differences, especially those that are not immediately apparent, may be overlooked.

This is particularly relevant for internalising needs. Pupils who experience anxiety, trauma, social withdrawal, or sensory and medical difficulties may cope quietly, masking their challenges. Their struggles are often not accompanied by disruptive classroom behaviour or obvious academic decline. As a result, systems which primarily flag concern through academic attainment data or behavioural logs may fail to identify or adequately support these children.

Consistency and Reliability: More Than Good Practice

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (ALNET 2018) and its accompanying Code enshrine a duty to meet needs even when they are not always visible. Provision must be tailored through individual, ongoing assessment, ensuring that support is not just available in theory, but is present, consistent, and responsive to what a pupil genuinely requires.

Where there are gaps, inconsistencies, or withdrawal of support leading to regression or distress, this must be recognised as evidence of a continuing, likely persistent, additional learning need (ALN). Such occurrences are not grounds for reducing support; rather, they underscore the need for sustained, individualised provision, which may well call for statutory ALP and an Individual Development Plan (IDP).

Statutory Commitment to the Individual

Under ALNET, every child or young person identified as having ALN is entitled to a statutory IDP. These plans are bespoke and designed to “capture their individual needs and the additional learning provision (ALP) required to meet these”. No two plans should look the same, and the process is deliberately structured to avoid the pitfalls of a generic, box-ticking approach.

For learners who need support over and above that which is “generally available” for others of the same age, regardless of whether their needs are internalised or outwardly observable, the law mandates legally protected, sustained, and responsive support. This is a significant departure from the old regime, where many children whose needs did not fit a standard profile often went unrecognised.

Realising an Inclusive Vision in Practice

The ambition in Wales is for an education system where needs are identified early, supported quickly, and reviewed regularly. Professional judgement, multidisciplinary working, and person-centred planning are promoted to ensure that learners are not judged by averages but by their unique circumstances and strengths. Staff development is integral, so teachers and support workers have the skills and confidence to spot both “loud” and “quiet” signs of difficulty.

The system, therefore, must remain agile, ready to respond where “universal” and “targeted” are no longer enough, and to escalate provision when sustained, individualised support is needed. The absence of screams should not mean the absence of help; proactive identification and unwavering consistency should underpin all stages of provision.

Summary

Welsh ALN law and policy require that “universal” and “targeted” support act as foundations, not limits. Careful vigilance for less visible or non-academic needs, coupled with reliable, personalised, and consistent support, ensures that every child, no matter how quietly they struggle, is afforded their right to learn, develop, and thrive

Academic and Non-Academic Needs in the Welsh ALN System

ALN/ALP: A Holistic Approach

The Additional Learning Needs (ALN) system in Wales is designed to recognise and support a much wider spectrum of needs than simply academic attainment or delay. Under the ALNET Act 2018 and the ALN Code, a child or young person is said to have ALN if they have a learning difficulty or disability that calls for additional learning provision (ALP), which must be “additional to, or different from” what is generally available for pupils of the same age in mainstream settings.

Crucially, the ALN framework is explicitly holistic; it seeks to address not only learning or intellectual needs, but also social, emotional, behavioural, physical, medical, sensory, communication, and mental health barriers to participation and achievement.

Academic Needs: Beyond Progress and Attainment

While traditional special educational needs (SEN) systems focused mainly on pupils who struggled with reading, writing, maths, or general curriculum access, the new ALN system maintains that these “academic” learning difficulties remain vital but are not the whole picture. Academic challenges may lead to identification and ALP, for example:

- Persistent difficulties with literacy or numeracy
- Problems processing information or following typical classroom teaching
- Difficulties with understanding or using spoken language

However, a child does not need to be behind academically to have ALN, and progress alone is not the key test; it is whether specific support, over and above “universal” or “targeted” provision, is needed for them to thrive.

Non-Academic Needs: Equally Valid Triggers for ALP

ALN/ALP also encompasses a broad range of non-academic barriers, all seen as equally valid:

- **Social, Emotional, and Mental Health (SEMH)/ Behaviour, Social, Emotional Deficits (BESD):** This includes persistent anxiety, trauma, withdrawal, attachment or regulation difficulties, and behavioural presentation (whether ‘externalising’ such as challenging behaviour, or ‘internalising’ such as severe low mood).
- **Physical and Sensory Needs:** Children with conditions affecting movement, dexterity, sight, or hearing may need therapies, equipment, or adaptations, even if academically able.
- **Medical Needs:** Ongoing health conditions requiring regular care, therapy, medication, or medical management, where these impact access to, or participation in, education.
- **Communication Needs:** Pupils who have difficulty with speech, language, or social communication (including many neurodivergent pupils) might require specialist interventions, even if academically on track.
- **Other Circumstances:** Including children with interrupted schooling, complex home circumstances, or who have experienced significant trauma or loss.

Examples

- **A physically healthy, academically able child with sensory processing needs** may require frequent, planned regulation breaks or adaptations to the classroom environment to participate fully, triggering the need for ALP and an IDP if these go beyond what is generally offered.
- **A pupil with severe anxiety or emotional need** who can only access the curriculum with regular, individually tailored check-ins or a trusted adult’s support is entitled to statutory provision if this support is both ongoing and essential.
- **A child with a chronic medical condition** (such as epilepsy, diabetes, or complex allergies) might need daily medical care, monitoring, and a flexible timetable so that they can receive treatment and recover as necessary. Where these adjustments are over and above what all pupils receive, ALP is required.

Legal and Practical Implications

- **IDP and ALP as Statutory Entitlements:** Where a pupil’s academic or non-academic needs require ongoing provision beyond the universal or targeted offer, they are entitled to an Individual Development Plan (IDP) outlining the precise ALP needed. This is a legally binding document.
- **Focus on Participation and Well-being:** Even if a young person is academically achieving, if they cannot access or participate in the school day, curriculum, or wider school life without sustained support, ALP may be needed. The ALN system aims to enable meaningful engagement, progress and well-being for all learners.

- **Importance of Early and Holistic Identification:** Schools in Wales are expected to look beyond grades or visible behaviour, using ongoing, person-centred assessment to uncover hidden or non-academic barriers.

Summary Table

Type of Need	ALN/ALP Example
Academic	Ongoing, individualised 1:1 literacy intervention
SEMH/BESD (Non-academic)	Scheduled check-ins and emotion regulation support for severe anxiety
Sensory	Personalised sensory diet and equipment beyond ordinary classroom adjustments
Physical	Personal care or physiotherapy delivered in school
Medical	Individual healthcare plan requiring school-led interventions and timetable flexibility
Communication	Intensive speech and language therapy or an alternative communication system

In Practice

The Welsh ALN system's broad, inclusive scope prevents academic progress, physical presentation, or visible behaviour from becoming the sole triggers for support. Pupils whose needs, of any type, require persistent, additional, and different provision to access education are statutorily protected and must have those needs formally met.

Key Messages

A Continuum of Support: Needs Over Labels

The Welsh ALN framework is designed as a continuum of provision, rather than a set of rigid categories. "Universal", "targeted", and additional learning provision (ALP) are not simply labels or arbitrary tiers, but represent a fluid and responsive approach to meeting pupils' needs. What matters most is the nature and persistence of the child's need, alongside the effectiveness of the support provided, not the category into which the provision is placed.

The True Test: Sustained, Essential Support

If it becomes clear that a child or young person's progress or well-being is only maintained through ongoing, consistent support, and that they experience regression, distress, or a loss of access to education when that support is withdrawn or inconsistently given, this is strong evidence that the support is not just desirable, but essential. Crucially, whether this support is formally described as "universal" or "targeted" is irrelevant; what matters is its necessity for that individual. This scenario meets the legal definition for ALN and the requirement for ALP, warranting a statutory Individual Development Plan (IDP) if the need is ongoing.

Holistic, Evidence-Informed, and Child-Centred Decisions

The ALNET 2018 Act and the ALN Code are clear: decisions about support and provision must always be holistic, evidence-informed, and centred on the individual child or young person. This means:

- Looking beyond academic data or behaviour logs to gather a full picture of barriers and strengths.
- Engaging meaningfully with families and the learners themselves.
- Using professional judgement, regular multi-agency assessment, and person-centred planning to inform action.

The statutory threshold for ALP must be determined by a genuine understanding of the learner's needs, not by adherence to local customs, historical patterns, or practical convenience.

No Ceiling on Support: Timely Recognition and Formalisation

It is both law and good practice in Wales that persistent needs should be recognised and responded to at the earliest possible stage. The ALN system explicitly rejects any practice where universal and targeted supports are treated as a “ceiling”, preventing escalation to statutory ALP simply because some supports are already in place. Needs must not be left unaddressed due to narrow, oversimplified, or inconsistent interpretations of what is “generally available”. When a learner's required support is exceptional or enduring, it should be formalised through an IDP and delivered as a matter of legal right.

Conclusion

The Welsh approach is rooted in a commitment to both inclusivity and individualisation. Every child in Wales should receive the support they need, for as long as they need it, in a way that is tailored to their unique circumstances. The development of statutory ALN and ALP processes is not just about bureaucracy, but about ensuring no learner is overlooked, especially those whose difficulties are less visible or who do not fit traditional models. Ultimately, the measure of success is not the neatness of a policy framework, but the real, lived experiences and outcomes of children and young people across Wales.



Rob Jones, GMBPsS

Director at Attune-Ed CIC