



Llywodraeth Cymru
Welsh Government

GUIDANCE, DOCUMENT

Additional learning needs (ALN) and looked after children

Guidance on how the ALN Act and the ALN Code apply to looked after children.

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Introduction

This non-statutory guidance is based on the provisions of the **Additional Learning Needs and Education Tribunal (Wales) Act 2018** (<https://www.legislation.gov.uk/anaw/2018/2/contents>) ('the ALN Act'). It supplements the statutory **Additional Learning Needs Code for Wales 2021** (<https://www.gov.wales/additional-learning-needs-code>) ('the ALN Code'). It does not alter the principles or statutory requirements of the relevant legislation but provides information to:

- enhance understanding of how the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>) and the **ALN Code** (<https://www.gov.wales/additional-learning-needs-code>) apply specifically to looked after children
- strengthen implementation in practice across Wales

It has been co-developed with local authorities in response to the ALN legislative review. The review identified areas for improved clarity, consistency and understanding in the application of the ALN legislative framework.

This guidance may be updated or withdrawn at any time to reflect:

- changes in legislation
- policy developments
- emerging evidence of effective practice

Where the guidance says 'parent', this includes any person who is not a parent but who has parental responsibility for a child and any person who has care of a child.

Who this guidance is for

This guidance is intended for:

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- local authorities
- governing bodies of maintained schools
- management committees of pupil referral units (PRUs)
- further education institutions (FEIs)
- looked after children education (LACE) co-ordinators
- additional learning needs co-ordinators (ALNCos)
- early years additional learning needs lead officers (ALNLOs)

It may also be of interest to professionals from other sectors who support looked after children and young people with ALN.

For this guidance the term ‘looked after children’ is used to correspond with ALN legislation. However, local authorities often use the terms ‘children in care’ or ‘children looked after’ (CLA).

Relevant legislation and useful documents

- **Additional Learning Needs and Education Tribunal (Wales) Act 2018** (<https://www.legislation.gov.uk/anaw/2018/2/contents>) (‘the ALN Act’)
- **The Additional Learning Needs Code for Wales 2021** (<https://www.gov.wales/additional-learning-needs-code>) (‘the ALN Code’)
- **The Additional Learning Needs (Wales) Regulations 2021** (<https://www.legislation.gov.uk/wsi/2021/401/contents>) (Regulation 5 and 16)
- **Children and Families Act 2014** (<https://www.legislation.gov.uk/ukpga/2014/6/contents>)
- **The Education Act 1996** (<https://www.legislation.gov.uk/ukpga/1996/56/contents>)
- **Social Services and Well-being (Wales) Act 2014** (<https://www.legislation.gov.uk/anaw/2014/4>)
- **Personal education plans for children looked after** (<https://www.gov.wales/personal-education-plans-children-looked-after-draft-guidance-practitioners-html-0>)

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An overview of looked after children with additional learning needs (ALN)

Looked after children are among the most vulnerable learners, and it is essential that their educational experience supports them to thrive. By working collaboratively, schools, local authorities, and other partners can help ensure these learners receive the support they need to reach their full potential.

Part 6 of the **Social Services and Well-being (Wales) Act 2014**

(<https://www.legislation.gov.uk/anaw/2014/4>) sets out the legal definition of a 'looked-after child'. Section 74 provides that a child is considered looked after by a local authority if they are either of the following:

- provided with accommodation by the local authority, under section 76 (voluntary accommodation)
- subject to a care order or emergency protection order placing them under the care of the local authority

Sections 15 and 99 of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>) and regulation 5 of the **Additional Learning Needs (Wales) Regulations 2021** (<https://www.legislation.gov.uk/wsi/2021/401/contents>) sets out what a 'looked after child' is for the purposes of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>).

Paragraphs 1.27 to 1.31 of the **ALN Code** (<https://www.gov.wales/additional-learning-needs-code>) provide guidance on this. For the purposes of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>), a child is deemed to be a looked after child if they are:

- a child (not over compulsory school age)
- looked after by a local authority for the purposes of Part 6 of the **Social Services and Well-being (Wales) Act 2014** (<https://www.legislation.gov.uk/anaw/2014/4>)
- have a personal education plan that is included in the care and support plan maintained for them under section 83(2A) of the **Social Services and Well-**

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being (Wales) Act 2014 (<https://www.legislation.gov.uk/anaw/2014/4>)

- not a detained person

It should be noted that the meaning of ‘looked after by the local authority’ is more conditional in the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>) than in the **Social Services and Well-being (Wales) Act 2014** (<https://www.legislation.gov.uk/anaw/2014/4>).

Chapter 14 of the **ALN Code** (<https://www.gov.wales/additional-learning-needs-code>) outlines the statutory framework and specific provisions for identifying and meeting the ALN of looked after children. These children are recognised as a particularly vulnerable group, requiring prioritised and coordinated support to ensure equitable access to education.

Duties and responsibilities

There are 2 broad approaches within the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>) and the **ALN Code** (<https://www.gov.wales/additional-learning-needs-code>) to making decisions about whether a looked after child has ALN and, where required, preparing and maintaining an individual development plan (IDP) for them.

The **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>) makes a clear distinction regarding the allocation of responsibility for determining ALN and for preparing and maintaining IDPs, based on whether a looked after child in the care of a Welsh local authority is placed within Wales or in England.

In line with sections 18 and 19 of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>), the Welsh local authority that looks after the child has the duty to:

- determine whether a looked-after child living in Wales has ALN
- prepare and maintain an IDP where required

This responsibility remains with the placing authority even when the child resides

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in a different Welsh local authority area. This approach ensures that the local authority with overall responsibility for planning for the child's needs (including their educational needs) also retains responsibility for identifying, planning for and maintaining the IDP.

When determining (in accordance with section 579(3A) of the **Education Act 1996** (<https://www.legislation.gov.uk/ukpga/1996/56/contents>)) whether a child (including a looked after child) is 'in the area' of an English local authority, the fact that the child lives in England is to be disregarded if the local authority in Wales is securing provision made under Part 2 of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>) for the child (for example the local authority in Wales has placed the child at a residential school in England and has named the school in section 2D of the child's IDP). In this scenario, the child would be seen as being 'in the area' of Wales. This is because the responsible local authority in this scenario will be the body with responsibility for securing education for the child, rather than the body where the child currently lives.

Section 579(3A) of the **Education Act 1996** (<https://www.legislation.gov.uk/ukpga/1996/56/contents>) also provides that if a child is in the area of an English local authority, this is to be disregarded if the child is wholly or mainly resident in Wales.

Foster placements involve a child living with approved foster carers in a family setting, whereas residential care homes provide care in a staffed, group-living environment. These differences can affect:

- how responsibilities are exercised
- how plans are coordinated
- which professionals are involved

It is important to note that residential care home placements differ from foster placements.

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Rights and appeals

Looked after children have the same rights to appeal as other children receiving their education in school or other settings.

For looked after children, the local authority will always be the decision-maker. Its decisions can be appealed to the Education Tribunal for Wales in the same way as for any other local authority decision. An appeal may be made by:

- the child
- the local authority acting as corporate parent
- any person who retains parental responsibility
- a case friend (if the child lacks capacity)
- an independent reviewing officer

The personal education plan (PEP)

A personal education plan (PEP) (see **Personal education plans for children looked after: draft guidance for practitioners** (<https://www.gov.wales/personal-education-plans-children-looked-after-draft-guidance-practitioners-html-0>)) is a statutory component of a looked after child's care and support plan, designed to record and support their education and training. A PEP:

- ensures that a clear and up-to-date record is maintained of a child's educational progress
- sets out what needs to happen for a child to achieve their full potential

The local authority is responsible for ensuring that the PEP:

- fully reflects the child's educational needs
- remains appropriate to the child's age, ability, and aptitude
- is implemented effectively

For looked after children with ALN, their IDP must be incorporated into the PEP. This integration supports a holistic approach, ensuring that the child's additional

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learning provision (ALP) and wider educational support are aligned and mutually reinforcing.

Where appropriate, the IDP may be prepared, reviewed or revised at the same time as the PEP or other relevant plans, to streamline planning and ensure coherence across the child's support. The inclusion of the IDP within the PEP supports effective monitoring and review, particularly during transitions or changes in placement.

IDPs must be reviewed when a child becomes looked after or ceases to be looked after, ensuring that their educational needs are reassessed in light of changes to their care status. (See Regulation 16 of **The Additional Learning Needs (Wales) Regulations 2021** (<https://www.legislation.gov.uk/wsi/2021/401/contents>)).

Chapters 14 and 24 of the **ALN Code** (<https://www.gov.wales/additional-learning-needs-code>) provide further detail on this area.

Role of maintained schools in Wales

In cases where a child is looked after by a Welsh local authority and lives in Wales, the local authority that looks after the child has responsibility for:

- identifying ALN
- preparing an IDP
- securing the required ALP

Where a local authority maintains an IDP for a learner attending a maintained school, including looked after children, the school has a statutory duty under section 13 of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>) to take all reasonable steps to assist the local authority in securing the ALP specified in the IDP.

Effective collaboration between schools, the responsible local authority and relevant agencies is essential to ensure that the child's educational needs are met in a timely and coordinated manner.

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Maintained schools are not subject to duties to decide upon whether looked after children have ALN or to prepare and maintain IDPs for them (except those that are in the area of a local authority in England). However, other duties on maintained schools in relation to children with ALN will apply equally to looked after children who have ALN.

The exception to this is where a child is looked after by a local authority in Wales and attends a school in Wales and is 'in the area of' a local authority in England (resides wholly or mostly in England). In this case, responsibility for making a decision and preparing and maintaining an IDP is placed on the school in Wales. The local authority that governs the school has a duty to reconsider decisions made by the school where this is requested by the child or the child's parents.

Role of schools in England

While English schools are not bound by Welsh legislation, they are expected to co-operate under inter-authority arrangements and safeguarding duties.

Under section 65 of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>), local authorities have the power to require co-operation from schools, FEIs, health bodies and other agencies when they need information or assistance to fulfil their ALN duties.

Independent schools

Independent schools in Wales are not subject to the statutory duties of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>), including the requirements to determine whether a learner has ALN or to maintain an IDP.

All independent schools must comply with the Independent School Standards (Wales) Regulations 2024 to maintain their registration. These standards include expectations around the quality of education, welfare and support for learners with ALN.

Applications to register an independent school must include information about

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the types of ALP the school intends to offer.

Where a local authority is responsible for identifying ALN or preparing or reviewing an IDP for a learner attending an independent school, it should work collaboratively with the school to assess the learner's needs and ensure that the specified ALP is delivered effectively.

Role of the educational psychologist

Looked after children do not necessarily require involvement from an educational psychologist (EP) for a determination of ALN. However, EPs often play a key advisory role when a local authority is considering whether a looked after child has ALN.

There is no legal requirement in the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>) or the **ALN Code** (<https://www.gov.wales/additional-learning-needs-code>) that mandates an EP assessment for every looked after child.

The decision to involve an EP is based on the individual circumstances and complexity of the child's needs.

The **ALN Code** (<https://www.gov.wales/additional-learning-needs-code>) articulates that when determining whether a looked after child has ALN, the local authority must consider whether to seek advice from an EP. The local authority is required to seek such advice if it considers that this is necessary in order to establish:

- the extent or nature of the child's ALN
- the ALP required to meet the child's needs

While EP involvement is not mandatory, their input may be used as part of the evidence base for determining ALN and planning appropriate ALP.

More information is available in Chapter 14.16 of the **ALN Code** (<https://www.gov.wales/additional-learning-needs-code>).

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Common queries

Young people above compulsory school age

Young people above compulsory school age are not considered ‘looked after’ for the purposes of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>).

If young people above compulsory school age are looked after under the **Social Services and Well-being (Wales) Act 2014** (<https://www.legislation.gov.uk/anaw/2014/4>) and have ALN, they may still require an IDP. In these cases, the standard provisions of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>) and the **ALN Code** (<https://www.gov.wales/additional-learning-needs-code>) apply. This means:

- they will not use the specific looked after children IDP template, but instead will use the standard form in Annex A of the **ALN Code** (<https://www.gov.wales/additional-learning-needs-code>)
- the local authority may not be responsible for maintaining the IDP

Child has been given a placement order and awaiting to be adopted

For those children given a placement order and awaiting adoption, they are still classed as a looked after child until the adoption takes place. Therefore, these children will continue to have a local authority-maintained IDP.

Once a child is adopted and no longer looked after, the provisions of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>) would apply in the same way as for any other child.

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What happens to an IDP when a looked after child from Wales is placed in a care home in England

When a looked after child from Wales with an IDP is placed into a care home in England, the IDP would not automatically convert to an education, health and care plan (EHCP).

If a child is placed in a care home in England in order to secure education provision under Part 2 of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>), the child is still regarded as being 'in the area' of Wales.

As a result, the IDP continues to have effect, and the Welsh local authority remains responsible for maintaining it because the placement is named in section 2D of the IDP.

If the child has been placed into the care home in England for any other reason, the **Children and Families Act 2014** (<https://www.legislation.gov.uk/ukpga/2014/6/contents>) would need to be considered. This is because the English local authority would be responsible for the child as the child would be deemed to be 'in the area' of the local authority in England.

A local authority in England has a duty to identify children within their area who have or may have special educational needs under section 22 of the **Children and Families Act 2014** (<https://www.legislation.gov.uk/ukpga/2014/6/contents>).

The local authority in England must determine whether it is appropriate to secure special education provision in accordance with an EHCP for the child by undertaking an education, health and care (EHC) needs assessment, however not every child who has or may have special educational needs will require an EHCP to be made for them.

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What happens to an EHCP when a looked after child from England is placed in a care home in Wales

When a looked after child from England with an EHCP is placed into a care home in Wales, an EHCP would not automatically convert into an IDP.

If the child was placed into the care home in Wales to secure a provision under Part 3 of the **Children and Families Act 2014** (<https://www.legislation.gov.uk/ukpga/2014/6/contents>), the child would be seen as being 'in the area' of England. The EHCP would therefore continue to take effect and the local authority in England would be responsible for maintaining it.

If the child has been placed into the care home in Wales for any other reason, the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>) would need to be considered as the Welsh local authority would be responsible for the child.

Scenarios

Duty to refer a matter to a local authority that looks after a child

Where it is brought to the attention of, or otherwise appears to, a governing body of a maintained school in Wales that a looked after child who is a registered pupil at the school may have ALN, the governing body must refer the matter to the local authority that looks after the child

See sections 17, 18 and 19 of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>).

Example

- Lily is a 10-year-old child who is looked after by Newport City Council. Lily is

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placed in foster care in Cardiff, Wales and attends a maintained primary school in Cardiff.

- Lily's teachers note that she is not making expected progress, even after using tailored learning and teaching support strategies and making environmental adjustments. School staff on behalf of the governing body suspect Lily may have ALN.
- The responsibility for deciding whether Lily has ALN and securing the ALP lies with the local authority that looks after Lily and not the school or the local authority where Lily currently lives or is educated. Even though Lily attends school in Cardiff, the school must refer the concern to Newport City Council, because they look after the child.

Children who are looked after by a local authority in Wales who are living within the area of that authority

When a child is looked after by a Welsh local authority and living within the area of that same authority (not placed out of area), then the local authority has direct and complete responsibility for deciding whether the child has ALN and securing ALP under the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>) and the **ALN Code** (<https://www.gov.wales/additional-learning-needs-code>).

See sections 17, 18 and 19 of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>).

Example

- Sion is an 11-year-old child who is looked after by Gwynedd Council. Sion is placed in foster care in Gwynedd, Wales and attends a maintained primary school in Gwynedd.
- Sion has learning difficulties affecting classroom participation. His teachers note that he is not making expected progress, even after using tailored learning and teaching and support strategies.
- Because Sion is both looked after and living in Gwynedd, the local authority has a clear and direct duty to decide if Sion has ALN and to prepare and

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maintain an IDP if ALN is identified. Gwynedd Council also have a responsibility to ensure that Sion's school delivers the required support.

Children who are looked after by a local authority in Wales and are living in another local authority area in Wales

The local authority in Wales that looks after the child, even though the child is living in a different Welsh local authority area, is responsible for:

- making the decision about whether the child has ALN
- preparing and maintaining the IDP (where required)

See sections 17, 18 and 19 of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>).

Example

- Haf is a 9-year-old child who is looked after by Swansea Council. Haf is placed in a foster care in Carmarthenshire, Wales and attends a maintained primary school in Carmarthenshire.
- Haf has behavioural, emotional and social difficulties. Her teachers note that she is not making expected progress, even after using tailored learning and teaching support strategies and making environmental adjustments.
- Swansea Council is responsible for deciding whether Haf has ALN and, where required, for developing and maintaining the IDP. Swansea will work with the school in Carmarthenshire to ensure that Haf's learning needs are met.

Children who are looked after by a local authority in Wales, live in Wales and attend a school in England

Even though the child attends a school in England, the local authority in Wales

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that looks after the child is responsible for:

- making the decision about whether the child has ALN
- preparing and maintaining the IDP (where required)

See section 18 of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>).

Example

- Alys is a 13-year-old child who is looked after by Denbighshire County Council. Alys lives in Rhyl, Wales and attends a secondary school in Chester, England.

Alys has social, emotional and communication difficulties. Her teachers note that she is not making expected progress, even after using tailored learning and teaching support strategies and making environmental adjustments.

Denbighshire County Council is responsible for deciding whether Alys has ALN and, where required, for developing and maintaining the IDP.

- Denbighshire County Council will work with the school in Chester to ensure that Alys's learning needs are met. The child may also have an EHCP, depending on whether Alys meets the eligibility criteria for one in England.

Children looked after by a local authority in Wales who live in England but attend a school in Wales

Where a child is looked after by a local authority in Wales but is living in the area of a local authority in England, and is registered at a maintained school in Wales, duty lies on the maintained school in Wales to:

- determine whether the child has ALN
- prepare and maintain an IDP (where required)

See sections 13, 14 and 18 of the **ALN Act** (<https://www.legislation.gov.uk/anaw/>

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[2018/2/contents](#)).

Please note the circumstances that must be disregarded for the purposes of determining whether a child lives in England (section 579(3A) **Education Act 1996** (<https://www.legislation.gov.uk/ukpga/1996/56/contents>)).

Example

- Dylan is a 14-year-old child who is looked after by Wrexham County Borough Council. Dylan lives in Oswestry, England and attends a maintained secondary school in Wrexham.
- Dylan has sensory and processing difficulties affecting his learning. His teachers note that he is not making expected progress and needs additional structured literacy support, even after using tailored learning, teaching and support strategies.
- The maintained secondary school is responsible for deciding whether Dylan has ALN and, where required, for developing and maintaining the IDP. The school may also refer the matter to the English local authority to request an assessment under section 36 of the **Children and Families Act 2014** (<https://www.legislation.gov.uk/ukpga/2014/6/contents>). However, if the English local authority decides not to secure that assessment, the governing body must prepare an IDP for the child (see section 12(5) and paragraph 12.39 of the **ALN Code** (<https://www.gov.wales/additional-learning-needs-code>)).
- As the Welsh local authority is not responsible for the child in this scenario, it does not have duties under sections 13 or 14 of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>).

Children who are looked after by a local authority in England who live in Wales and attend a school in Wales

Where a child is looked after by a local authority in England, lives in Wales and is a registered pupil at a maintained school in Wales, the child is not looked after for the purposes of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>) and the **ALN Code** (<https://www.gov.wales/additional-learning-needs-code>). Thus, the

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duties placed on schools to decide whether the child has ALN and, where required, to prepare and maintain an IDP apply. If a school decides a child has ALN, it may refer the case to the school's local authority (in this scenario to Wrexham local authority) instead of preparing the IDP, but only where it believes the child's ALN requires ALP the school cannot:

- reasonably provide
- adequately assess
- adequately determine

See sections 11, 12, 13 and 14 of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>).

Example

- Freya is a 12-year-old child who is looked after by Cheshire West and Chester Council. Freya lives in Wrexham, Wales, and attends a maintained secondary school in Wrexham.
- Freya has sensory difficulties. Her teachers note that she is not making expected progress, even after using tailored learning and teaching support strategies and making environmental adjustments.
- The maintained secondary school is responsible for deciding whether Freya has ALN and, where required, for developing and maintaining the IDP. Cheshire West and Chester Council may support care planning but does not manage ALN needs under Welsh law.
- If the maintained secondary school decides that Freya has ALN, it may refer the case to the responsible local authority (Wrexham) instead of preparing the IDP, but only where it believes that Freya's ALN requires ALP the school cannot reasonably provide or cannot adequately assess or determine.

Children who are looked after by a local authority in England who live in England and attend a school in Wales

Where a child is looked after by a local authority in England, lives in England, and is a registered pupil at a maintained school in Wales, the child is not looked

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after for the purposes of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>) and the **ALN Code** (<https://www.gov.wales/additional-learning-needs-code>). Thus, the duties placed on schools to decide whether the child has ALN and, where required, to prepare and maintain an IDP apply.

See sections 11, 12 and 14 of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>).

Example

- Leo is an 11-year-old child who is looked after by Shropshire Council (England). Leo lives in Oswestry, England and attends a maintained school in Powys, Wales.
- Leo is not making expected progress, even after using tailored learning and teaching and support strategies.
- The maintained school is responsible for deciding whether Leo has ALN and, where required, for developing and maintaining the IDP.
- The maintained school may also refer the matter to the English local authority to request an assessment under section 36 of the **Children and Families Act 2014** (<https://www.legislation.gov.uk/ukpga/2014/6/contents>). However, if the English local authority decides not to secure that assessment, the governing body must prepare an IDP for the child (see section 12(5) of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>) and paragraph 12.39 of the **ALN Code** (<https://www.gov.wales/additional-learning-needs-code>)).

Children who are looked after by a local authority in Wales who live in England but attend a school in England

Where a child is looked after by a Welsh local authority but lives in England and attends a maintained school in England, the Welsh local authority does not have a duty to determine whether or not the child has ALN. However, the Welsh local authority would be expected to work with the English school and local authority to ensure the child's needs are met.

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See sections 15 and 18(2)(c) of the **ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>).

Please note however the circumstances that must be disregarded for the purposes of determining whether a child lives in England (section 579(3A) **Education Act 1996** (<https://www.legislation.gov.uk/ukpga/1996/56/contents>)).

Example

- Isla is a 10-year-old child who is looked after by Powys County Council (Wales). Isla lives in Ludlow, England and attends a primary school in Ludlow.
- Isla has learning difficulties. Her teachers note that she is not making expected progress, even after using tailored learning and teaching support strategies and making environmental adjustments.
- The school in Ludlow is responsible for identifying her needs and providing support through its whole-school approach.
- If the school is unable to meet her needs, it should refer Isla to Shropshire local authority to consider an EHC needs assessment.

Glossary and legal definitions

Additional learning needs (ALN)

(**Section 2 of the ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>))

- (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 which

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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.
- (4) A person does not have a learning difficulty or disability solely because the language (or form of language) in which he or she is or will be taught is different from a language (or form of language) which is or has been used at home.

Additional learning provision (ALP)

(**Section 3 of the ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>))

(1) “Additional learning provision” for a person aged three or over means educational or training provision that is additional to, or different from, that made generally for others of the same age in

- (a) mainstream maintained schools in Wales,
- (b) mainstream institutions in the further education sector in Wales, or
- (c) places in Wales at which nursery education is provided.

(2) “Additional learning provision” for a child aged under three means educational provision of any kind.

(3) In subsection (1), “nursery education” means education suitable for a child who has attained the age of three but is under compulsory school age.

Individual Development Plans (IDPs)

(**Section 10 of the ALN Act** (<https://www.legislation.gov.uk/anaw/2018/2/contents>))

For the purposes of this Act, an individual development plan is a document that

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contains:

- (a) a description of a person's additional learning needs;
- (b) a description of the additional learning provision which the person's learning difficulty or disability calls for;
- (c) anything else required or authorised by or under this Part.

Parent

See the meaning given in **section 576 of the Education Act 1996**

(<https://www.legislation.gov.uk/ukpga/1996/56/section/576>). That definition includes any person who is not a parent but who has parental responsibility for the child and any person who has care of the child.

The **Parents and parental responsibility: guidance for schools**

(<https://www.gov.wales/parents-and-parental-responsibility-guidance-schools-html>) also contains guidance on that definition for the purposes of the **Education Act 1996** (<https://www.legislation.gov.uk/ukpga/1996/56/contents>).

Corporate parent

The corporate parent is the local authority that becomes legally responsible for a child who is looked after. Corporate parenting is the collective responsibility of partners when a child enters care. This includes local authorities, elected members, employees and partner agencies.

Foster carer

A foster carer actively caring for a child can be involved in the ALN process. However, foster carers do not automatically hold parental responsibility. Even though they are the child's day-to-day caregivers, legal parental responsibility remains with the birth parents or the local authority. Foster carers can participate in decision-making for the child's IDP and ALN support. They may also attend reviews and meetings and be actively involved in planning the child's

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educational provision.

Child

A child can be 'looked after' from birth onwards if they are placed in the care of a local authority under Part 6 of the **Social Services and Well-being (Wales) Act 2014** (<https://www.legislation.gov.uk/anaw/2014/4>).

Summary of practical examples of looked after children

Example 1

- Local authority looking after the child: Flintshire.
- The child lives in Flintshire.
- The child is educated in Flintshire.
- Flintshire local authority is responsible for preparing and maintaining the IDP.

Example 2

- Local authority looking after the child: Cardiff.
- The child lives in Bridgend.
- The child is educated in Caerphilly.
- Cardiff local authority is responsible for maintaining the IDP.

Example 3

- Local authority looking after the child: Newport.
- The child lives in England.
- The child is educated in Newport.
- The school is responsible for maintaining the IDP.

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Example 4

- Local authority looking after the child: Ceredigion.
- The child lives in England.
- The child is educated in England.
- The school must decide and support the child's needs.
- If the school cannot meet those needs, it must refer the case to its local authority in England to consider an EHC needs assessment.

Example 5

- Local authority looking after the child: Torfaen.
- The child lives in Torfaen.
- The child is educated in England.
- Torfaen local authority is responsible for maintaining the IDP.

Example 6

- Local authority looking after the child: Swansea.
- The child lives in Cardiff.
- The child is educated in Cardiff.
- Swansea local authority is responsible for maintaining the IDP.

Example 7

- Local authority looking after the child: Pembrokeshire.
- The child lives in Monmouthshire.
- The child is educated in England.
- Pembrokeshire local authority is responsible for maintaining the IDP.

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Example 8

- Local authority looking after the child: English local authority.
- The child lives in England.
- The child is educated in Wrexham.
- The Welsh school determines ALN and must prepare and maintain an IDP if required.
- The school must support the child's needs.
- If the school cannot meet those needs, it must refer the case to the English local authority that looks after the child to consider an EHC needs assessment.

Example 9

- Local authority looking after the child: English local authority.
- Child lives in Bridgend.
- Child is educated in Cardiff.
- The school is responsible for identifying and supporting any ALN.
- If the school decides the child has ALN, it may refer the case to the responsible local authority (Cardiff in this example) instead of preparing the IDP, but only when:
 - the child's ALN require ALP that the school cannot reasonably provide or
 - the school cannot adequately assess or determine the child's ALN

Example 10

- Local authority looking after the child: English local authority.
- Child lives in Vale of Glamorgan.
- Child is educated in Vale of Glamorgan.
- The school is responsible for identifying and supporting any ALN.
- If the school decides the child has ALN, it may refer the case to the responsible local authority (Vale of Glamorgan in this example) instead of preparing the IDP, but only when:
 - the child's ALN require ALP that the school cannot reasonably provide or

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- the school cannot adequately assess or determine the child's ALN

The practical examples of looked-after children, as set out in the [ALN Code](https://www.gov.wales/additional-learning-needs-code) (<https://www.gov.wales/additional-learning-needs-code>), are provided in a printable format in the annex.

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