



Llywodraeth Cymru
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GUIDANCE, DOCUMENT

Additional learning needs (ALN) and elective home education

Guidance on how the ALN Act and the ALN code apply to home-educated 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** ('the ALN Act') (<https://www.legislation.gov.uk/anaw/2018/2/contents>). It supplements the statutory **Additional Learning Needs Code for Wales** ('ALN code') (<https://www.gov.wales/additional-learning-needs-code>).

It does not alter the principles or statutory requirements of the relevant legislation. Instead, it provides information to:

- enhance understanding of how the ALN Act and the ALN code apply to home-educated 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This guidance may be updated or withdrawn at any time to reflect: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

In this guidance, references to home-educated children are those of compulsory school age (between 5 and 16). Unless otherwise stated, these references do not include early years (0 to 5) or young people (16 to 25).

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.

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Who this guidance is for

This guidance is intended for:

- local authorities
- governing bodies of maintained schools
- other professionals supporting home-educated children with ALN
- parents who have chosen to home educate their children

Relevant legislation and guidance

- **Additional Learning Needs and Education Tribunal (Wales) Act 2018 ('ALN Act')** (<https://www.legislation.gov.uk/anaw/2018/2/contents>).
- **The Additional Learning Needs Code for Wales 2021 ('ALN code')** (<https://www.gov.wales/additional-learning-needs-code>).
- **The Education Act 1996** (<https://www.legislation.gov.uk/ukpga/1996/56/contents>) (section 7 and section 436A).
- **Elective home education guidance ('EHE guidance')** (<https://www.gov.wales/elective-home-education-guidance>): statutory guidance for local authorities on home education.
- **Specific learning difficulties framework** (<https://www.gov.wales/specific-learning-difficulties-framework>): guidance on the difficulties that learners with specific learning difficulties face and how to make appropriate adjustments.
- **Parents and parental responsibility: guidance for schools** (<https://www.gov.wales/parents-and-parental-responsibility-guidance-schools>) explains who schools must involve in issues about a learner's education.

Overview of elective home-educated children with additional learning needs (ALN)

Elective home education describes a situation when a **parent**

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(<https://www.legislation.gov.uk/ukpga/1996/56/section/576>) chooses to educate their child themselves instead of sending them to school. Some parents may choose to remove their child from school, whilst other parents may never have applied for a school place for their child.

The **Elective home education guidance** (<https://www.gov.wales/elective-home-education-guidance>) references section 7 of the **Education Act 1996** (<https://www.legislation.gov.uk/ukpga/1996/56/section/436A>). This places a duty on the parent to ensure that their child receives an efficient full-time education. This education must be suitable to:

- their age
- their ability
- their aptitude
- any additional learning needs (ALN) that they might have

A parent can meet this duty by:

- ensuring that their child regularly attends school
- home educating them

Children with ALN have **significantly greater difficulty in learning** (<https://www.legislation.gov.uk/anaw/2018/2/section/2>) than the majority of others of the same age. They require additional learning provision (ALP) to meet those needs, whether they are home-educated or attend a school.

If a local authority becomes aware that a home-educated child for whom it is responsible may have ALN, it must decide whether the child has ALN. If the child does have ALN, the local authority must:

- prepare and maintain an individual development plan (IDP)
- secure the ALP described in the IDP

IDPs are statutory plans of support for learners with ALN. This legal protection must not be removed when a child becomes home-educated. The IDP can only be ceased if the responsible body makes an informed decision and follows the appropriate procedures, as set in the **ALN code** (<https://www.gov.wales/additional->

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[learning-needs-code](#)).

A local authority preparing or reviewing an IDP for a home-educated child should:

- work with the child and their parent to identify the appropriate ALP
- make sure the appropriate ALP is secured

This means understanding what type of support the child needs and deciding whether the parent can:

- deliver that support themselves
- arrange for someone else to deliver it

If the parent is delivering the ALP as part of the child's home education, the local authority must be assured that the parent is delivering it effectively.

Where parents cannot provide all the ALP called for by the child's needs, the local authority must consider how the ALP can be secured. This could involve:

- arranging additional support to supplement the education provided by the parent
- providing training to help the parent deliver the required ALP

In some cases, the local authority may need to exercise its education functions to secure education for the child at a particular school.

Duties and responsibilities

The right of a parent to home educate their child

In Wales, education is compulsory but attending school is not. If a child is home-educated, there is an obligation on parents to ensure that their child receives an 'efficient' and 'suitable' full-time education. This obligation is found at [section 7 of the Education Act 1996](#) (<https://www.legislation.gov.uk/ukpga/1996/56/section/7>).

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Parents who choose to home educate their children must be prepared to assume full financial responsibility. This includes bearing the cost of public examinations.

However, local authorities are expected to assist home-educating parents and may provide support where appropriate. They should, where possible, promote access to learning opportunities available to all children in their area.

Local authorities should also recognise that home-educating parents can:

- adopt a rich and diverse range of approaches to home education
- use a variety of philosophies and methods

Duty to ensure that a home-educated child receives a suitable education

Local authorities need to be assured that home education will give the child a suitable education.

Meetings with home-educating families should take place **at least once a year** (<https://www.gov.wales/elective-home-education-guidance-html#167391>) to ensure that the:

- suitability of education is maintained
- child is making suitable progress

However, in some circumstances, a local authority may decide more frequent visits will be appropriate.

This is different to the duty on a local authority to annually review the IDP. However, where possible, a local authority may undertake both tasks at the same time. For more information, see paragraphs 22.39 to 22.43 of the **ALN code** (<https://www.gov.wales/additional-learning-needs-code>).

The designated coordinator is responsible for arranging the IDP review meeting and should lead it.

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Duty to decide whether a child has ALN

Where it is brought to its attention or otherwise appears to a local authority that a home-educated child for whom it is responsible may have ALN, the local authority must decide whether or not the child has ALN. If it decides that the child has ALN, it must promptly, and in any event within 12 weeks:

- prepare and maintain the IDP
- give a copy of the IDP to the child and their parent
- ensure the ALP described in the IDP is delivered

Chapter 20 of the **ALN code** (<https://www.gov.wales/additional-learning-needs-code>) provides guidance on determining whether a child or young person has ALN.

Chapter 4 of the ALN code provides more information on involving and supporting children, their parents and young people in decisions relating to ALN.

In addition, **guidance sets out how maintained schools and local authorities should ensure transparent, evidence-informed decision-making and communication** (<https://www.gov.wales/additional-learning-needs-decision-making-and-communication-0>).

A local authority may use all available relevant evidence when deciding whether a home-educated child has ALN. The views, wishes and feelings of the home-educated child and their parent must be considered. As the parent is the child's primary educator, the principles of engagement and participation will be particularly relevant for families who choose to home-educate.

Duty to prepare and maintain an individual development plan (IDP)

A local authority preparing an IDP for a home-educated child should work with other relevant parties to identify the appropriate ALP and then secure it. This includes:

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- the child
- the child's parent
- other relevant professionals known to the child

This involves identifying:

- the type of ALP called for by the child's ALN
- whether the parent will be able to deliver it, either directly or by arranging for someone else to deliver it

The local authority must review the IDP at least every 12 months and may carry out additional reviews if needed. This ensures that the IDP:

- continues to accurately reflect the needs of the child
- details the provision required to meet those needs

When a local authority takes over responsibility for maintaining an IDP from a school (for example when a learner becomes home educated), the annual review period remains in place. It is important that the school informs the local authority of the IDP annual review date when responsibility transfers to the local authority.

Additional learning provision (ALP) for home-educated children

There is no specific or different legal definition for ALP for home-educated children. Home education in itself is not ALP, although ALP may be delivered by the parent as part of home education. The local authority, in partnership with the child and their parent, must identify what ALP the child needs.

The key differences are practical:

- who delivers the ALP
- in what setting do they deliver it

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It is worth noting that the ALN may:

- present differently at home compared to a classroom
- may be particularly affected by different learning environments

The IDP should accurately reflect the needs of the child along with the corresponding ALP. The home setting should also be considered.

As with ALP for learners in school, the ALN Act does not give an entitlement to provision which goes beyond that which is called for by the child or young person's ALN. The local authority can consider the efficient use of resources when deciding between:

- different options for the ALP
- different ways of delivering it

This is as long as each of those options or ways of delivery would:

- meet the learner's ALN
- follow any other rules set out in the ALN Act that apply in the circumstances

Some home-educated children may no longer require an IDP following a change of their learning environment. For example, a child's barrier to learning may have been particularly affected by their classroom environment. Learning at home may remove those barriers. If the same support becomes part of the child's usual home education, such as one-to-one support or a quiet learning space, and the child no longer has any barriers causing ALN, the local authority may decide:

- that ALP is no longer required
- to cease maintaining the IDP

However, other children who become home-educated may continue to have a disability or a significantly greater difficulty in learning. They will have ALN despite the change in environment and will still require ALP. For these children, the local authority must continue to maintain their IDP and secure the ALP.

To revise the ALP, or to cease to maintain an IDP, a local authorities must follow

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the appropriate steps. These are set out in chapter 29 of the [ALN code](https://www.gov.wales/additional-learning-needs-code) (<https://www.gov.wales/additional-learning-needs-code>).

Duty to ensure the ALP is being secured

The ALP for home-educated children will often be delivered by the parent in the home. If the parent is to deliver the ALP as part of the child's home education, the local authority will need to satisfy itself that it is being delivered.

However, where parents cannot provide all the ALP called for by the child's needs, the local authority still has a duty to secure the ALP and will need to consider how this is done.

There may be various ways of doing this. For example, the local authority could:

- arrange for extra provision arranged by the local authority to supplement the education being provided by the parent at home
- provide training to help the parent deliver the required ALP at home

In other cases, the local authority may need to exercise its functions to secure education for the child at a particular school.

It is important to note that a local authority's duty to secure the ALP does not mean that they are required to deliver the ALP in the home or in accordance with a parent's preference.

Duty to ensure the ALP is being delivered

The local authority is responsible for:

- maintaining the IDP for home-educated children they are responsible for
- securing the ALP described in the IDP
- ensuring that the ALP is being appropriately delivered

The local authority can do this as part of their duty to ensure the child is

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receiving a sufficient and suitable full-time education. The process for reviewing an IDP for a home-educated child, and ensuring they are receiving a suitable education, relate to separate duties. Although these 2 processes could be undertaken at the same time, they could also be separated.

Local authorities cannot insist on home visits for home-educated children. However, such visits can be a practical way to confirm that the child is receiving:

- a suitable education
- the ALP called for by their ALN

Where home visits are not possible, the local authority may not be able to ensure that the ALP is being appropriately delivered.

In this situation, the local authority should work with parents to explore alternative ways of securing ALP. This could include using settings where its delivery can be monitored.

Resolving disputes about ALN

The usual routes of resolving disputes with the local authority may be followed if there are any disagreements relating to the home-educated child's IDP. This applies whether they relate to the:

- description of ALN or ALP
- arrangements of how the ALP is to be secured or where it will be delivered

More information is set out in chapter 32 of the **ALN code** (<https://www.gov.wales/additional-learning-needs-code>).

Rights to appeal

Home-educated children and their parents have the same rights to appeal as children receiving their education in school or other settings.

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A home-educated child, or their parent, may appeal to the Education Tribunal for Wales (ETW) about:

- a decision by a local authority as to whether the child has ALN
- the description of a child's ALN in an IDP
- the ALP in an IDP, or the fact that ALP is not in an IDP, including whether the plan specifies that ALP should be provided in Welsh
- the provision included in an IDP by a local authority under sections 14(6) or 19(4) of the ALN Act or the fact that provision under those sections is not in an IDP
- a decision to cease to maintain an IDP
- a refusal to decide a matter on the basis that there is no material change in needs or no new information that materially affects the decision

The ETW may also decide on a child's capacity, either following an application from the child or their parent or on its own initiative.

Difference between elective home education (EHE) and education otherwise than at school (EOTAS)

Education otherwise than at school (EOTAS) is education provision, provided or commissioned by the local authority. It is provided to meet specific needs of learners who, for whatever reason, cannot attend a mainstream or special school. While maintained schools have powers to fund or refer learners for external provision, this does not constitute formal EOTAS.

Elective home education (EHE) is the term used when a parent has made the decision to educate their child themselves instead of sending them to school. Home-educated children will no longer be registered on a school's roll (admissions register). Parents who choose to home educate their child take on the legal responsibility of delivering a **'suitable education'** (<https://www.legislation.gov.uk/ukpga/1996/56/section/7>).

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It is important that the parental decision to home educate is a positive choice. Where children are becoming disengaged from their education, local authorities are expected to work with the learner and their family to:

- understand whether they need additional support
- consider securing ALP

Flexi-schooling

Flexi-schooling is a full-time education approach where a child:

- attends school part-time
- is educated at home for the remaining time

This arrangement is distinct from but aligned to home education. It follows a request by a parent to the school to educate their child at home for part of the week. The decision to allow flexi-schooling rests with the headteacher.

The local authority's duties are as outlined in the [Home education: handbook for home educators](https://www.gov.wales/home-education-handbook-home-educators) (<https://www.gov.wales/home-education-handbook-home-educators>). The proportion of the education received at school must be considered when deciding whether that duty is met.

For learners with a school maintained IDP requesting to be flexi-schooled, the agreement between the school and parent should include details and arrangements relating to the:

- learner's ALN
- delivery of the ALP described in the IDP for when the learner is being educated at home

When a parent requests flexi-schooling, a headteacher should consider the parent's ability to deliver any ALP at home.

For learners with a local authority maintained IDP, the school should involve the local authority in this consideration. If the local authority is satisfied that the

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parent could effectively deliver the ALP themselves and the headteacher agrees to the flexi schooling request, then the IDP should be reviewed to reflect those changes.

Consent and the role of the parent

Participation is a key principle of the ALN system. Local authorities have statutory duties that reflect the person-centred practice underpinning the system. These duties include:

- considering the views, wishes and feelings of parents in all decisions affecting their child
- providing parents with the information and support they need to understand the process
- supporting parents to participate as fully as possible in decisions

In some cases, a parent may be unwilling to engage with the local authority. They may even refuse their consent for an IDP to be prepared and maintained for their child.

What happens when a parent refuses to engage with the individual development plan (IDP) process

A parent's refusal to engage with a local authority does not prevent the local authority from performing its statutory duties under the ALN Act. This includes reviewing and revising the IDP as necessary.

A parent's voice must be considered in all decisions about their child's ALN. However, the child's right to ALP is not dependent on the parent's consent. A parent cannot refuse their child to have suitable education. For children with ALN, a suitable education includes ALP.

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When a parent is refusing to engage, the local authority will need to decide whether it is satisfied of the suitability of the education provided by the parents on the information available. This is stated in paragraphs 4.19 to 4.31 of the **Elective home education guidance** (<https://www.gov.wales/elective-home-education-guidance>).

Local authorities may decide to request a meeting with a child if this is necessary to decide whether the ALP they receive is suitable. If that request is refused, the local authority may not be in a position to be satisfied that the education being provided is suitable.

If local authorities remain unsatisfied with the suitability of education provided at home, they may consider using their powers to make:

- school attendance orders
- education supervision orders

See section 5 of the **Elective home education guidance** (<https://www.gov.wales/elective-home-education-guidance>) for more information on enforcement powers.

Ceasing to maintain an individual development plan (IDP)

The process for ceasing to maintain an IDP is set out in chapter 29 of the **ALN code** (<https://www.gov.wales/additional-learning-needs-code>). It is relevant for children and young people with IDPs, including those who are:

- home-educated
- in the processes of becoming home-educated

The statutory process for ceasing an IDP must be followed. This includes sending all relevant notifications related to the decisions and the right to appeal to the Education Tribunal for Wales (ETW) against the decision.

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Transitioning from home education

All learners go through certain transitions during their education and training. Children and young people with ALN may find transitions more challenging than their peers. This may mean that they require additional support to ensure their education or training, including their ALP, is not adversely affected by the transition.

Transitioning from home education back into mainstream school, into further education institutions (FEIs) or other settings may be particularly challenging for learners with ALN. Therefore, local authorities should pay particular care and attention to good transition planning for this cohort of learners.

Chapter 27 of the **ALN code** (<https://www.gov.wales/additional-learning-needs-code>) provides general principles and good practice on planning for transitions. It highlights the additional support some learners with ALN may require to overcome common issues related to transitions.

Considerations when planning transitions from home education into further education institutions (FEIs)

To help prepare young people with their transition to a FEI, local authorities could work with the home-educating family and young person to involve the FEI with early transition planning. If this is not possible, local authorities could facilitate discussions with the FEI to discuss matters relating to the young person's ALN.

Local authorities could provide opportunities to become familiar with a new setting, including:

- access to virtual tours of a campus
- meeting teaching staff
- taking part in taster sessions
- an open day

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They could support the young person to think about:

- what questions they might want to ask
- which matters to consider, when moving into a new education setting

This could include specific questions about the delivery of their ALP or more general questions such as the:

- expectations placed on learners in terms of behaviour and attendance
- structure of each day's education and training

Scenarios

This section contains different scenarios related to ALN and EHE.

Parent withdraws their child without an IDP to become home-educated and the child appears to have ALN

Where it is brought to its attention, or otherwise appears to a local authority, that a child for whom it is responsible may have ALN, the local authority must decide whether the child has ALN (unless exceptions apply). Where a local authority decides that the child does have ALN, the duties to prepare and maintain an IDP apply. These duties must be complied with promptly, and in any event, within 12 weeks.

Parent withdraws their child with a school-maintained IDP to home educate them

If a child has an IDP prior to being home-educated, and is maintained by a school, the school is no longer responsible for maintaining the IDP once the child ceases to be a registered pupil (see [section 31 of the ALN Act](https://www.legislation.gov.uk/anaw/2018/2/section/31) (<https://www.legislation.gov.uk/anaw/2018/2/section/31>)). However, IDPs should not be ceased unless they are no longer required (for example the child no longer

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has ALN or is no longer in Wales). To ensure continuity throughout the transition from school to home education, the duty to maintain the plan will need to transfer to the local authority.

A **school must** (<https://www.legislation.gov.uk/wsi/2010/1954/regulation/12>) inform the local authority within 10 days if a pupil is removed from its admissions register. For pupils who attend a special school, the **local authority must** (<https://www.legislation.gov.uk/wsi/2010/1954/regulation/8>) provide its consent in order for the school to remove the pupil from its admission register.

Once the school has been informed the child will become home-educated, the school should request that the IDP is transferred over to the responsible local authority. This should happen at the same time it informs the local authority of the parent's decision to home educate their child. The 'school' could be:

- a teacher
- an additional learning needs coordinator (ALNCo)
- a designated coordinator
- another member of staff

This process aims to:

- maintain continuity of provision for the child
- avoid a potential delay of up to 12-weeks should the IDP be ceased by the school and a 'new' IDP issued by the local authority

A local authority may review an IDP at any time. As the ALP will no longer be secured or delivered by the school, an early review involving the child and their parents will usually be appropriate.

Following the review, the local authority may decide that an IDP is no longer required and cease to maintain the IDP. Each case must be determined on its own merits, and local authorities must follow the appropriate procedures, as set out in chapter 29 of the **ALN code** (<https://www.gov.wales/additional-learning-needs-code>).

However, there may be other types of ALN which will remain unchanged in the

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home environment which will still require the same or similar ALP to be made. In these cases, the requirement to maintain the IDP and secure the ALP will continue.

Parent withdraws their child with a local authority-maintained IDP to home educate them

The local authority must continue to maintain the IDP, unless and until any of the circumstances occur which result in the duty to maintain it ceasing. These are set out in chapter 29 of the **ALN code** (<https://www.gov.wales/additional-learning-needs-code>).

As above, a change in setting will likely require an early review by the local authority.

Legal duty to provide sufficient full-time education once a home-educated child with ALN turns 16

The legal duty on parents to provide efficient, full-time education for their child applies only to compulsory school aged children. The **Elective home education (EHE) guidance** (<https://www.gov.wales/elective-home-education-guidance>) and the term 'elective home education (EHE)' itself applies to compulsory school age children only.

There is no duty to educate or train a young person once they are over compulsory school age. However, parents may choose to continue to educate or train a young person at home.

If a young person does not consent to a decision on ALN being made, or to an IDP being prepared or maintained, the relevant duties on the local authority do not apply.

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Glossary and legal definitions

This section contains a glossary of terms and legal definitions used throughout this guidance.

Additional learning needs (ALN)

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

(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.

(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.

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Additional learning provision (ALP)

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

(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.

Child

(**section 99 of the ALNET Act** (<https://www.legislation.gov.uk/anaw/2018/2/section/99>))

1. In this Act—
“child” (“plentyn”) means a person not over compulsory school age.

Compulsory education

(**section 7 of the Education Act 1996** (<https://www.legislation.gov.uk/ukpga/1996/56/section/7>))

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable—

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- (a) to his age, ability, and aptitude, and
- (b) to any special educational needs (in the case of a child who is in the area of a local authority in England) or additional learning needs (in the case of a child who is in the area of a local authority in Wales) he may have,

either by regular attendance at school or otherwise.

Elective home education (EHE)

‘Elective home education (EHE)’ is a term used to describe when a parent has made the decision to educate their child themselves, instead of sending them to school. Home-educated children will no longer be registered on a school or maintained setting’s roll.

Individual development plans (IDPs)

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

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

(**section 576 of the Education Act 1996** (<https://www.legislation.gov.uk/ukpga/1996/56/section/576>))

(1) In this Act, unless the context otherwise requires, “parent”, in relation to a child or young person, includes any person—

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- (a) who is not a parent of his, but who has parental responsibility for him, or
- (b) who has care of him.

Suitable education

(**section 436A of the Education Act 1996** (<https://www.legislation.gov.uk/ukpga/1996/56/section/436A>))

In this Chapter, “suitable education”, in relation to a child [of compulsory school age], means efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have (in the case of a local authority in England) or suitable to the child’s age, ability and aptitude and to any additional learning needs the child may have (in the case of a local authority in Wales).

Young person

(**section 99 of the ALNET Act** (<https://www.legislation.gov.uk/anaw/2018/2/section/99>))

1. In this Act—
“young person” (“person ifanc”) means a person over compulsory school age, but under 25.

Contact details

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