

To: Jeremy Miles MS,
Minister for Education
and Welsh Language

Julie Morgan MS,
Deputy Minister for
Health and Social
Services

By email only

30th June 2023

Dear Ministers,

Re: Additional Learning Needs Code and private diagnoses

I write in relation to concerns raised with me by parents and professionals around what appears to be conflicting advice and practice around Additional Learning Needs diagnoses. Families are telling us that, in some instances, private diagnoses of additional learning needs are not being accepted by their local authority as evidence. This appears to conflict with the guidance within the ALN Code.

The ALN Code states:

20.2. Identifying whether a child or young person may have ALN and the subsequent decision as to whether the person has ALN requires evidence. This evidence might come from staff within a school or FEI or other education setting or other services which have been involved with the child or young person. It might also come from the child, their parents or the young person themselves.

23.76. The advice or evidence would include any recent reports and assessments undertaken by the school, FEI or local authority responsible for the IDP and by other agencies or professionals, such as relevant health and social care reports. It might also include any data which supports the identification of ALN, such as attainment data. The full report(s) can be provided in an annex.

However, the following section of the Code appears to suggest that it is up to the school, FEI or local authority to determine what evidence is sought and considered.

20.19. These decisions need to be based upon evidence. This will include any evidence already collected prior to it appearing that the child or young person may have ALN, but may also require further evidence, advice, or input from other professionals or organisations to be gathered as



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Croesawn ohebiaeth yn y Gymraeg yn ogystal â'r Saesneg ac mewn amryw o fformatau
We welcome correspondence in the medium of Welsh and English as well as alternative formats

necessary during the decision-making process. What further evidence or input is appropriate will depend upon the circumstances of each individual case and it is for the school, FEI or local authority deciding on ALN or determining ALP to determine what input to seek according to the individual circumstances.

We asked the ALN implementation team in Welsh Government to confirm the status of private diagnoses where these are sought by families. They stated to us that:

The [ALN Code](#) does not differentiate between public sector and private sector assessments and diagnoses.

When developing an individual development plan (IDP) for a child with ALN, the school or local authority may use information from a range of sources to help describe the child's ALN and the provision they require.

Although a formal diagnosis may help describe a particular need, it is not required to ensure support is provided to a learner when they need it.

A multi-agency approach to developing an IDP must also involve the child and their parents in decisions that relate to the child's ALN. Putting the child at the heart of the process that identifies their ALN and determines their ALP is a fundamental objective of the ALN system.

Finally, the Education Tribunal for Wales may consider private and/or NHS assessments during appeals, but such evidence tends to be given more weight if it is current, rather than from which body provided the assessment.

If private and public sector assessments and diagnoses are deemed equitable there should be guidance around the qualifications needed to be able to undertake assessments and provide diagnoses. Is such guidance available? If there is no such guidance, does this not mean that unqualified individuals could be undertaking assessments and providing diagnoses which are then seen as equitable to NHS diagnoses?

We are aware of businesses providing ALN relevant assessments and diagnoses where their websites list no qualifications or clinical practice experience. I would be concerned if unqualified individuals were providing diagnoses which were then accepted as evidence. On the other hand, I am acutely aware of the unacceptably long (sometimes several years) waiting lists for NHS diagnoses which are driving demand for private diagnoses.

I would be grateful if you could clarify the government position on the status of private diagnoses, and if there is confusion, how you will provide more clarity for children, families, schools and local authorities. I would also appreciate any



more information you can provide about how you plan to respond to the long waiting lists for diagnoses.

Yours sincerely,

A handwritten signature in black ink that reads "Rocio Cifuentes". The signature is written in a cursive style with a horizontal line underlining the name.

Rocio Cifuentes MBE
Children's Commissioner for Wales