

Explanatory Memorandum to The Education (Information About Individual Pupils and Children in Alternative Provision) (Miscellaneous Amendments) (Wales) Regulations 2026

This Explanatory Memorandum has been prepared by the Education Department of the Welsh Government and is laid before Senedd Cymru in conjunction with the above Regulations in accordance with Standing Order 27.1.

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Education (Information About Individual Pupils and Children in Alternative Provision) (Miscellaneous Amendments) (Wales) Regulations 2026. I am satisfied the benefits will justify the costs.

Lynne Neagle MS
Cabinet Secretary for Education
24 February 2026

1. Description

- 1.1 The Education (Information About Individual Pupils and Children in Alternative Provision) (Miscellaneous Amendments) (Wales) Regulations 2026 (“the 2026 Regulations”) amend the Education (Information About Individual Pupils) (Wales) Regulations 2007. The amendments are to Schedule 2, Part 1, paragraphs 9 and 9A, and they also introduce new paragraphs 9B and 9C.
- 1.2 The 2026 Regulations also amend the Education (Information About Children in Alternative Provision) (Wales) Regulations 2009. The amendments are to Schedule 1, Paragraph 4 and 4A, and they also introduce new paragraphs 4B and 4C.
- 1.3 The amendments enable the Welsh Government to collect a more comprehensive range of Additional Learning Needs data about children and young people educated in Wales through education statutory data collections, allowing them to align with the ALN and Tribunal (Wales) Act 2018.
- 1.4 The 2026 Regulations set out the additional information the Welsh Government may collect about children and young people in maintained schools or alternative provision in Wales through the Pupil level annual school census (PLASC) and the Educated other than at school (EOTAS) census.
- 1.5 The additional information includes:
 - **ALN decision-making information:**
 - the date on which the governing body or local authority (LA) was first informed, or otherwise became aware, that a pupil may have ALN
 - the decision made regarding the pupil’s ALN status
 - the date that decision was made
 - **Information on pupils with Education, Health and Care (EHC) plans** under the special educational needs system in England, where applicable. This includes:
 - the needs identified in the EHC plan
 - the support being provided
 - **The date of the most recent review** of a pupil’s individual development plan (IDP).
 - **Alternative Provision**
For pupils educated through alternative provision, the regulations also allow the collection of information on the type and level of support being provided to children and young people with ALN.
- 1.6 The introduction of the new data requirements have implications for data protection, privacy, and administrative burden. The Welsh Government has engaged with the Information Commissioner’s Office (ICO) to ensure compliance with UK GDPR and the Data Protection Act 2018. A Data

Protection Impact Assessment (DPIA) has been completed and will be kept under review.

- 1.7 An eight-week consultation on data required to monitor the ALN system was held in autumn 2025. While some of the proposed data items can already be collected under existing regulations, others require the amendments as set out in the 2026 Regulations to enable their collection.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

- 2.1 None

3. Legislative background

- 3.1 The 2026 Regulations are made in exercise of the powers conferred on the Welsh Ministers by sections 537A(1), (2) and (4), 537B(1) and (2) and 569(4) and (5) of the Education Act 1996 and which were transferred to Welsh Ministers by the Government of Wales Act 2006.

- 3.2 Sections 537A (1) and (2), 537B (1) and (2) and 569(4) and (5) of the Education Act 1996 provide the lawful basis for the Welsh Minister's to collect 'such individual pupil information as may be prescribed'. The sections are the enabling powers for:

- **The Education (Information About Individual Pupils) (Wales) Regulations 2007 (“the 2007 Regulations”)**

These Regulations provide the statutory basis for recording, collecting and sharing pupil-level data which is essential for monitoring attainment, inclusion, and resource allocation. With the Additional Learning Needs (ALN) reforms now in full force, accurate and timely data is critical. These Regulations ensure that information about learners including those with ALN is captured consistently across maintained schools, enabling Welsh Ministers and local authorities to plan provision effectively.

- **The Education (Information About Children in Alternative Provision) (Wales) Regulations 2009 (“the 2009 Regulations”)**

These Regulations underpin Wales' commitment to education by ensuring that children educated outside mainstream settings are not overlooked. They align with broader reforms such as the Curriculum for Wales and the Additional Learning Needs (ALN) system, which emphasise equity and personalised support for learners at risk of disengagement.

They were introduced to strengthen statutory arrangements for collecting and sharing information about children receiving education funded by local authorities outside mainstream schools, commonly referred to as alternative provision. This includes education at pupil

referral units (PRUs), independent schools funded by local authorities, and other education arranged under section 19 of the Education Act 1996 for children unable to attend mainstream school due to exclusion, illness, or other reasons.

- 3.3 The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Consequential Amendments) (No. 3) Regulations 2021 were made in consequence of the ALNET 2018. These Regulations made amendments to the 2007 and 2009 Regulations to enable Welsh Ministers to collect some information about children and young people's additional learning needs from the start of the ALN system implementation (September 2021). This included whether the pupil had an IDP and whether this is maintained by the governing body or the LA.
- 3.4 The 2026 Regulations are being made under the Senedd annulment procedure.

4. Purpose and intended effect of the legislation

- 7.1 The transition to the ALN system in Wales (introduced under ALNET 2018 and the ALN Code for Wales 2021 and its regulations) completed in August 2025. Therefore, changes are required to the data schools, local authorities and the Welsh Government record and collect to effectively support learners with ALN, and to monitor, evaluate and improve the ALN system.
- 7.2 Arad Research carried out an independent, multi-year evaluation of the ALN system which provides a tested theory of change and structured approach to assessing system impacts. The [scoping report](#) of this confirms the need for improved data to support the evaluation and monitoring of the ALN reforms.
- 7.3 The Welsh Government has worked collaboratively with key stakeholders to develop a proposed data set (section 5 provides further information). While the 2007 and 2009 Regulations provide the legal basis to collect most elements of this data, the items outlined in 1.5 cannot be collected under the existing framework.
- 7.4 The 2026 Regulations amend the 2007 and 2009 Regulations to enable the Welsh Government to lawfully collect the full range of proposed data through the PLASC and EOTAS Census. The amendments will enable the Welsh Government to gather comprehensive, consistent, proportionate and meaningful individual-level information about learners with ALN in maintained schools and those who are EOTAS, enabling the Welsh Government and delivery partners to:
- Monitor the performance of the ALN system and its outcomes, ensuring it is meeting the individual needs of children and young people and can be continually improved.
 - Understand how well duties under the ALN legislative framework are being met

- Enable stakeholders to effectively implement and manage the best possible provision to support their learners.
- Inform evidence-based strategic planning and policy decisions
- Provide meaningful information and reporting on ALN in Wales for the education sector and stakeholders.

7.5 The 2026 Regulations would enable the Welsh Government to collect information to:

- **Understand whether a LA or school has made a formal decision about whether a learner has ALN.** The information will provide the Welsh Government, local authorities and education settings with insight on how many ALN decisions the workforce is making. The evidence will inform resource planning, facilitate the monitoring of trends in the outcomes of decisions, and enable us to better understand, at a local and national level, the outcomes of learners who have had a decision of no ALN.
- **Know how many learners attending school in Wales have a statutory education, health and care plan (EHCP) under the Special Educational Needs and Disabilities (SEND) system in England, and their needs.** In addition to providing a consistent means for local authorities and settings to record this information, the data will ensure an accurate picture of all learners attending school in Wales who require additional learning provision and support resource planning. It will also strengthen national understanding of cross border arrangements and their resourcing implications.
- **Assess the timeliness of ALN decisions being made and IDP's being reviewed at a local and national level.** This information will provide insight into whether timely support is being offered to learners, and will support schools, local authorities and the Welsh Government to ensure the system works fairly and effectively.
- **Understand the support being provided to learners who are EOTAS.** This will support resource planning and ensure our understanding of support required by EOTAS learners aligns with the level of insight already possible through the 2007 regulations about learners in maintained schools.

5. Consultation

5.1 The Welsh Government has undertaken engagement and a consultation to develop proposed changes to the ALN data it collects.

5.2 In Autumn 2024, the Welsh Government engaged with representatives of the education sector to support the development of proposed data changes. This elicited suggestions of meaningful data to support schools and local authorities to monitor and improve the ALN system and support learners to reach their potential.

- 5.3 Between 08 October and 03 December 2026, the Welsh Government sought views on its proposed changes to the ALN data it collects through statutory data collections, through a public consultation. The consultation noted that amendments to regulations would be required to collect some of the proposed data.
- 5.4 In total, the consultation received 99 responses. Over half of the responses (48) were from the education workforce, 17 from local authorities and 14 from parents and carers. Fewer responses came from learners, third sector organisations, suppliers, health practitioners, academics or researchers, stakeholder organisations, school governors and Further Education Institutions (FEIs). We also published easy read and plain English versions of the consultation for children and young people and parents and carers. The consultation surveys were supplemented by 8 focus groups which engaged 36 individuals (LA representatives or Additional Learning Need Coordinators (ALNCos)).
- 5.5 We have engaged with the UK Government regarding our proposal to collect EHC plan information, and they have responded to the public consultation indicating their support for the proposals.
- 5.6 The consultation and a summary of the responses are published (from 12 February 2026) on the [Welsh Government website](#).

6. Regulatory Impact Assessment (RIA)

- 6.1 A regulatory impact assessment has been prepared (Annex A) in respect of the amended Regulations. It considers the costs and benefits for schools, suppliers, local authorities, and the Welsh Government. The assessment concludes that, while there may be increased administrative requirements, the improved data will support better outcomes for learners with ALN and those in alternative provision.

Annex A – Regulatory impact assessment

7. Options

Option 1: Status Quo

- 7.1 This would retain current ALN-based data about learners in maintained school and non-school settings. The data capture would be limited to recording whether learners have an IDP that is maintained by the governing body or the LA, and a list of ALN types which do not align to the ALN areas of need as referenced in the ALN code.
- 7.2 Discounted because the current ALN-related fields do not provide sufficient insight into how the ALN system is being delivered, the needs of learners, or the support they receive, and therefore cannot be used to effectively monitor or improve the system. Evidence and stakeholder feedback calls for stronger local and national monitoring of the ALN system.

Option 2: Limit changes to the PLASC and EOTAS data collections to those which do not require amendments to the information regulations

- 7.3 This approach would restrict the scope of updates to a small number of changes to the PLASC and EOTAS data collections, all of which are already permitted under existing regulations.
- 7.4 Changes would include the recording and collection of the following information from September 2026:
- Four areas of need for ALN learners as outlined in the ALN code:
 - communication and interaction
 - cognition and learning
 - behaviour, emotional and social development
 - sensory and/or physical.
 - Whether an ALN learner's IDP includes provision secured by an NHS body (PLASC only)
 - Whether an ALN learner's IDP includes the requirement for additional learning provision (ALP) to be provided in Welsh, and whether this is provided in Welsh (PLASC only)
 - Whether an ALNCo is a member of the senior leadership team (to be collected through the school workforce annual census (SWAC)).
 - Possible additional information in relation to special classes and whether an individual spends time in a special class
- 7.5 While this would offer some improvement in monitoring and evaluating how the ALN system is delivered, it would not provide comprehensive insight into resource demand or learner support needs to meaningfully inform self-evaluation or sector improvement.

Option 3: Expand the PLASC and EOTAS census data collections to capture all proposed information needed to monitor the ALN system, including information that would require regulatory amendments (Preferred Option)

- 7.6 Introduce all proposed ALN-specific data items into statutory collections from September 2026. This would include data to capture ALN decisions, EHC Plans (for cross-border learners), the timeliness of ALN decisions and reviews, and the support provided for learners in alternative provision. Section 1.5 of the explanatory memorandum provides further information.
- 7.7 Chosen option for alignment with ALNET, improved monitoring of the ALN system, and support for evidence-based policy. The option presents proportionate regulatory changes. Evaluation evidence and stakeholder consultation support this option.

Is there evidence to demonstrate that the preferred policy option has worked elsewhere?

- 7.8 The Welsh Government receives, via a secure online data transfer website, individual level data on children, young people and school workforce members. This is received directly from schools, early years providers, and local authorities as part of statutory data collections. The existing PLASC and EOTAS data collections have historically provided reliable data to support oversight of the Special Educational Needs (SEN) system, enabling monitoring and informing local and national planning.
- 7.9 However, as the ALN system has replaced SEN, the legacy SEN-based data fields no longer capture the core constructs or statutory duties introduced by the ALNET Act and ALN Code. As a result, amendments are required to existing obligations for processing of personal data, including obligations to collect additional data, to reflect better the current situation following the evolution from SEN to ALN and to ensure that statutory data collections remain capable of supporting system-level monitoring and evaluation.
- 7.10 The UK Government collects individual-level data on children with SEN in their statutory, national data collections. As part of their local authority data collection (SEN2), they also collect information on the volume of EHC plans issued during the previous calendar year, requests for EHC needs assessments, assessments carried out and EHC plans issued in the statutory timeframe. This aligns with the new information we will collect as proposed in Option 3.

8. Costs and Benefits

Costs to deliver the Policy Options

- 8.1 Option 3 is preferred over Option 2 when comparing relative costs. This information is needed by schools and LAs to ensure the ALN system meets the needs of learners.

- 8.2 There are likely to be additional implementation costs as well as potential cost-savings. LAs and education settings need this information to plan effectively, ensuring they can put in place the right provision and workforce to meet children's needs. Access to accurate and timely information can help reduce future costs through early intervention and by enabling appropriate support to be arranged at an early stage. However, it may also lead to increased costs where additional or expanded provision is required to meet identified needs.
- 8.3 The activities required such as updating management information systems (MIS), working with MIS suppliers, and providing support and guidance to the sector will need to be carried out regardless of the option chosen. As a result, Option 3 does not introduce significant additional costs relative to Option 2, while offering greater benefits through the creation of a more complete dataset to support the sector in delivering its duties.
- 8.4 MIS systems are used by a school or LA to record and manage a range of data that allows them to effectively and efficiently run themselves daily and meet their statutory obligations.
- 8.5 All information Welsh Government collects from schools, including that proposed in option 3, must have a clear purpose and be needed by and already known to the school itself to carry out its functions and support learners.
- 8.6 Collecting information through statutory data collections ensures that it is gathered and stored in a nationally consistent and standardised way, resulting in high-quality and comprehensive data. This approach supports data sharing, accountability and transparency, enabling stakeholders and sector bodies to carry out their functions more effectively and cost-efficiently. Without expanding the range of data collected in this way, localised solutions might emerge, leading to inconsistency, reduced data sharing, and ultimately higher costs.

Who the costs fall to

- 8.7 The proposal is not expected to incur significant new costs in the action to update data collection and management. However, it is possible that there will be some small financial implication to LAs and schools due to the proposed ALN changes, depending on their contractual arrangements with their MIS supplier (there are several suppliers operating in Wales). This may vary by school/LA depending on their existing contracts. The Welsh Government is keeping MIS suppliers informed of proposed changes through existing mechanisms such as the Supplier Development Forum.
- 8.8 Welsh Government costs include development of guidance, communication and training to support data quality. This work will be carried out as part of routine annual developments and collection cycles and will not incur additional costs over and above current costs.

8.9 LA and schools' costs may include local system configuration and process updates, staff support and training, ongoing data quality assurances. However, new information we are proposing to collect is already held and needed by schools to carry out their duties under ALNET.

8.10 MIS suppliers' costs include system design, build and testing.

8.11 The costs for meeting the needs of learners with ALN, including the cost of provision and the workforce are already a statutory requirement on LAs. The new data should help to gain a better understanding of the costs of delivering the ALN system. This could help to develop financially sustainable models of delivery.

Start-up and ongoing costs

8.12 There is expected to be only a minimal financial impact, with most costs limited to routine updates required within management information systems (MIS). However, the extent of these costs may vary between schools and LAs, depending on the terms and flexibility of their existing MIS supplier contracts. The Welsh Government is actively engaging with MIS suppliers to support a smooth and consistent implementation process across settings. Alongside this, clear guidance and training will be provided to ensure that schools and LAs understand the requirements and can implement any changes effectively.

Stakeholder engagement

8.13 There will be ongoing engagement with LAs, schools, and MIS suppliers to ensure that all stakeholders remain informed and supported throughout the process. Potential workforce implications were explored during the consultation period, and the Welsh Government will continue to work with LAs and school to ensure solutions are workable as data changes are introduced. In addition, engagement with the Information Commissioner's Office (ICO) will continue to ensure that data protection requirements are fully considered and appropriately addressed.

Cumulative impacts

8.14 Aligns with broader digital transformation and education reforms.

Impact on learners

8.15 The impact on children and young people of introducing the proposed ALN data is anticipated to be positive in that it will ensure the Welsh Government, schools and LAs have the right information to support learners with ALN to meet their full potential, as well as monitor, evaluate and improve the ALN system.

8.16 The proposed changes to statutory ALN data collections will enable a more granular and inclusive understanding of learner experiences across diverse

groups. Introducing individual-level data, for example, on ALN decisions and provision, will have a disproportionate positive impact on children and their families living in socio-economic disadvantage, some ethnic minority children, disabled children, younger children, girls and boys.

- 8.17 The Welsh Government will be better positioned to monitor how ALN learners from these different groups and protected characteristics are identified and supported within the ALN system. This enhanced visibility will support efforts to identify disparities in access to support and ensure that the implementation of the ALN system promotes equity and consistency across all learner groups. This data will help to inform future policy and legislation to improve practice and outcomes of children with ALN. Further information is included within [the children's rights impact assessment and equality impact assessment](#).

Impact on the delivery partners

- 8.18 The Welsh Government has undertaken engagement and a consultation to develop proposed changes to the ALN data (section 4 of the explanatory memorandum provides further information). In developing the proposed new ALN data, we have applied the principles that any new data the Welsh Government collects should support and enhance understanding without placing unnecessary additional burdens on the workforce. Where possible these changes will improve the data capture and self-evaluation process for the sector.
- 8.19 The proposed data aims to ensure an efficient process for recording and managing ALN system data, in a standardised way, to support schools and LAs. It aims to provide information which schools and LAs need to deliver their functions, for strategic planning, and to effectively implement and manage the best possible provision to support their learners.
- 8.20 It also aims to ensure that the Welsh Government has the information it needs to better understand the impact of the ALN system on LAs, schools and learners. This includes developing a clearer picture of the resources and provision available for learners with ALN across Wales, as well as the overall demand and capacity within the system. Strengthening the evidence base in this way will support an assessment of the feasibility of statutory timeframes and how these requirements influence learner outcomes. It will therefore enable improved planning of provision at both local authority level and nationally and will also help to build a better understanding of the costs and financial pressures across the system.
- 8.21 The Welsh Government is aware that when new data items are introduced, there may be initial, additional data capture for ALNCoS or other school practitioners and ALN teams in LAs. The Welsh Government will continue to engage with the education workforce to ensure changes remain workable for schools and LAs and will provide guidance and training to support the workforce.

The benefits of the Policy Option

- 8.22 The policy option will support the development of national policy, legislation and funding arrangements, including national approaches to workforce development, capital investment, and funding models needed to meet learners' needs. Further information on the benefits of the policy option is in our [integrated impact assessment](#).

Who benefits

- 8.23 Those who will benefit include learners with ALN and their families, as well as schools, LAs, the Welsh Government, and the wider education sector, including Estyn. For learners in particular, improved data, planning and provision can lead to earlier identification of needs, more timely and appropriate support. Families may benefit from greater clarity, consistency and transparency in the support offered. Schools and LAs can use more accurate and comprehensive information to plan staffing, specialist provision and training more effectively. The Welsh Government and Estyn will benefit from stronger evidence to inform national policy, oversight, and system-wide improvement. Over time, these benefits can be monitored through measures such as learner progress and attainment, timeliness of support, improved satisfaction among learners and families, and system-level indicators such as workforce capacity, stability of provision, and compliance with statutory timeframes.

Economic, environmental, social impacts

- 8.24 The economic, environmental and social impacts include improved support and outcomes for learners, a greater ability to monitor equity and inclusion across the system, strengthened bilingual provision alongside more effective multi-agency working. There are also long-term efficiency gains for delivery partners as planning, provision and resource allocation become more targeted and sustainable.

Financial benefits

- 8.25 The financial benefits include more streamlined data capture, which reduces administrative burden and supports more accurate and timely information gathering, alongside improved self-evaluation processes within schools and local authorities. These improvements also enable better strategic planning and more effective resource allocation, helping the sector to target funding and support where it is most needed and ultimately improving value for money across the system.

9. Policy Impacts on the policy (preferred option)

Areas impacted and how/why

- 9.1 The impact on children and young people of the regulatory changes and proposed data is anticipated to be positive as it will ensure schools and local authorities have the right information to support learners with ALN to meet their full potential, as well as monitor, evaluate and improve the ALN system.
- 9.2 The policy option is expected to have a positive impact on equality and human rights by strengthening support for disadvantaged groups, ethnic minority learners and disabled children, and by further embedding inclusive education practices. They will also support the development and delivery of bilingual ALN provision, helping to ensure that learners can access support in both Welsh and English.
- 9.3 In terms of sustainable development, the changes contribute to wider well-being goals by improving the system's ability to plan support, target resources effectively and promote positive learner outcomes. They also align with a whole-school approach to mental health and wellbeing, recognising the important links between effective ALN provision and improved health outcomes for children and young people.
- 9.4 Privacy considerations are integral to the proposals, with all data collected through the statutory data collections governed by the Welsh Government's established [privacy notice](#) to ensure that personal information is handled lawfully and transparently. The rights of children and young people are also strengthened through enhanced monitoring, improved identification of needs and more consistent support across settings.
- 9.5 Further information is included in our [children's rights impact assessment](#) and [equality impact assessment](#).
- 9.6 Other areas such as the justice system, rural proofing and biodiversity are not expected to be directly affected by the proposals.

10. Competition Assessment

Market affected

- 10.1 MIS suppliers operating in Wales

Competition filter test

- 10.2 The competition filter assessment indicates that there is no evidence of any single supplier holding a dominant share of the market.

- 10.3 As a result, the regulatory changes are not expected to place disproportionate costs on specific firms, nor are they likely to influence the competitive balance within the sector.
- 10.4 The introduction of the regulation is also unlikely to alter the overall market structure or restrict the choices available to those procuring systems or services. The sector itself is not characterised by rapid technological change, meaning that the regulation is not expected to inhibit innovation or limit the entry of new suppliers.
- 10.5 Furthermore, no adverse effects are anticipated in relation to the price, quality, range or geographical availability of products.
- 10.6 Taken together, these factors suggest that the regulatory proposals should not have any significant negative impact on competition within the market.

11. Conclusion

- 11.1 The Welsh Government's policy is that schools and LAs are free to use their own discretion to develop and/or procure any educational software solution and supplier they wish that best meets their needs, requirements and budget. The only advisory provided is that any software solution developed or procured must enable the school and LA to fulfil their statutory obligations. This includes the accurate recording and management of individual level data in accordance with legislation such as the Data Protection Act 2018 and UK GDPR, as well as the submission of statutory data collections.
- 11.2 The intention of this policy is to enable customers (i.e. schools and LAs) to adopt software solutions that are the best fit for their specific circumstances, as well as to not advocate for any specific software solution or supplier, thereby ensuring Welsh Government does not distort or interfere with natural market competition in this area.
- 11.3 In recent years, competition within the school management information system (MIS) market in Wales has increased, with the number of suppliers being procured rising from 2 to 4. This expansion is due, in significant part, to the Welsh Government's policy position, which supports open competition and allows schools and LAs the freedom to change their suppliers as they deem appropriate as contracting customers.
- 11.4 No significant detrimental effect on market competition is expected from this proposal.

12. Post Implementation review

- 12.1 Ongoing monitoring will take place through regular engagement with MIS suppliers, LAs, schools and wider stakeholders to ensure that the data collected continues to support partners as intended. This routine dialogue will help identify any emerging issues, ensure that systems are functioning

effectively, and confirm that the information is being used in the most beneficial way.

- 12.2 The impact of the changes will also be evaluated through statutory data reviews and feedback from stakeholders. This will allow the Welsh Government and delivery partners to assess whether the intended outcomes are being achieved, highlight any areas requiring improvement and ensure that the system remains fit for purpose over time.
- 12.3 In addition, we will review the Data Protection Impact Assessment (DPIA) on an ongoing basis. This will ensure that data protection considerations remain central as processes evolve, and that any new risks are identified and addressed promptly.