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Written Statement: Additional Learning Needs and Education Tribunal (Wales) Act 2018 - Laying of the Additional Learning Needs Code and associated regulations

CABINET STATEMENT

Written Statement: Additional Learning Needs and Education Tribunal (Wales) Act 2018 - Laying of the Additional Learning Needs Code and associated regulations

Kirsty Williams MS, Minister for Education

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I am informing Members that I have today laid the Additional Learning Needs Code and associated regulations before the Senedd.

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The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (“the 2018 Act”) specifies that the Welsh Ministers must issue a Code on additional learning needs (“ALN”). The ALN Code provides statutory guidance on the exercise of functions under Part 2 of the 2018 Act and on other matters connected with identifying and meeting ALN.

In addition, it imposes requirements on local authorities and governing bodies of maintained schools and education institutions (“FEIs”) in respect of specific functions under the Act. Together these support the three overarching objectives of the 2018 Act which are:

- a unified legislative framework that supports all children of compulsory school age or below with ALN, and young people with ALN in in school or further education;
- an integrated, collaborative process of assessment, planning and monitoring which facilitates early, timely and effective interventions; and
- a fair transparent system for providing information and advice, and for resolving concerns and appeals.

In addition to the ALN Code, I have:

- laid The Additional Learning Needs (Wales) Regulations 2021 ([external link](#));
- laid The Education Tribunal for Wales Regulations 2021;
- made and laid The Education (Pupil Referral Units) (Management Committees etc.) (Wales) (Amendment) Regulations 2021;
- made and laid The Independent Schools (Provision of Information) (Wales) (Amendment) Regulations 2021;
- laid The Equality Act 2010 (Capacity of parents and persons over compulsory school age) (Wales) Regulations 2021.

Following the close of the consultation in March 2019, we have met with a range of stakeholders to discuss and confirm our understanding of their feedback on the draft ALN Code and associated regulations. I’d like to thank everyone who has been involved in this process, particularly given the recent challenges arising from the Covid pandemic. Without these efforts to maintain momentum and focus, we might have struggled to secure this crucial next step towards the new ALN system for learners in Wales.

In February I announced plans for commencement of the Act from September 2021, stating which learners would transition to the new system in year one of the phased implementation. It is important that the system is introduced in a phased way so that it is manageable for the practitioners implementing it and that learners for whom the new system does not yet apply, continue to have their full entitlements under the old system. I am conscious that schools and FEIs have been closed for the majority of learners for a substantial period this academic year and that this has placed a significant burden on schools, FEIs, local authorities and more. I intend to issue an implementation guide and to set out the aims and objectives for years two and three of the phased implementation plan shortly. This is so that all those involved have information to guide and support planning for the commencement of the new system and beyond.

A Plenary debate on the ALN Code and associated regulations will take place in the Senedd on 23 March. I encourage all Members to consider this subordinate legislation and approve the ALN Code and associated regulations.

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