

TERTIARY EDUCATION AND RESEARCH (WALES) ACT 2022

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Securing and Funding Tertiary Education and Research

Further education and training

Section 102: Persons with additional learning needs

329. This section requires the Commission to have regard to the needs of people with additional learning needs and the desirability of the availability of facilities that may aid the requirements of the Additional Learning Needs and Education Tribunal (Wales) Act 2018. The Commission must take these matters into account when it is discharging functions under the following provisions:
- section 93 (education and training for persons aged 16 to 19);
 - section 94 (education and training for eligible persons over 19);
 - section 95 (education and training for persons over 19);
 - section 97(1)(a) to (e) and (7) (financial support for further education or training);
 - section 103(1) (financial support for provision of information, advice, guidance and to form links with employers); and
 - section 103(2) (financial support for the provision of further education or training through the medium of Welsh or for the purpose of teaching Welsh).
330. If the Commission funds the provision of information, advice and guidance about education or training, it will need to take into account additional learning needs. It could, for example, require the inclusion of information about additional learning needs assessments and how learners may obtain support, as well as making information, advice and guidance accessible to those with additional learning needs. If the Commission provides financial support to learners, for example to assist with transport costs to access particular courses leading to professions where there is a skills shortage, then it must take into account additional learning needs when doing so. For example, this could mean considering the transport costs of those with additional learning needs.
331. 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.
332. [Schedule 4](#) makes amendments to the Additional Learning Needs and Education Tribunal Act 2018. The Welsh Ministers and the Commission will be required, when exercising functions under Part 2 of the 2018 Act, to have regard to any guidance that may be contained in the Additional Learning Needs Code. Additionally, the Welsh

*These notes refer to the Tertiary Education and Research (Wales)
Act 2022 (c.1) which received Royal Assent on 8 September 2022*

Ministers must consult the Commission before issuing or revising the Additional Learning Needs Code. Both the Welsh Ministers and the Commission are to be required to exercise their functions so as to provide information and other help to a local authority if it requests such assistance.