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WELSH STATUTORY INSTRUMENTS

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**2021 No. 401 (W. 130)**

**EDUCATION, WALES**

**The Additional Learning Needs (Wales) Regulations 2021**

Made - - - - at 1.40 p.m. on 24  
March 2021  
Coming into force 1 September 2021

**THE ADDITIONAL LEARNING  
NEEDS (WALES) REGULATIONS 2021**

PART 1

GENERAL

1. Title, commencement and revocation
2. General interpretation
3. Giving notice etc. under these Regulations
4. Giving notice etc. under Part 2 of the 2018 Act: amendment of section 88

PART 2

INDIVIDUAL DEVELOPMENT PLANS

5. Categories of looked after child prescribed under section 15 of the 2018 Act

*Local authority decisions on necessity of individual development plans for young people*

6. Interpretation of regulations 6 to 9 and Schedule 1
7. Potential programme of study
8. Necessity of a plan: programmes of study at maintained schools and further education institutions in Wales and certain institutions in England
9. Other cases: reasonable needs for education or training and necessity of an individual development plan
10. Notification of decision under section 14(1)(c)(ii) of the 2018 Act that plan not necessary

*Status: This is the original version (as it was originally made).*

*Time limits for section 20 referrals and requesting reconsideration of decision to cease to maintain plans*

11. Time limit for NHS body responding to section 20 referral
12. Time limit for requesting reconsideration of decision to cease to maintain plan

*Transfer of responsibility for individual development plans*

13. Local authority request to transfer plan to governing body of further education institution
14. Local authority referral to the Welsh Ministers to determine whether governing body of further education institution should maintain plan
15. Giving copies of individual development plans in transfer situations
16. Review periods where child has become looked after or child or young person has ceased to be looked after
17. Securing other provision where transfer of responsibility for plan

*Detained persons*

18. Necessity of individual development plan for detained person upon release
19. Amendments to section 44 of the 2018 Act

*Detention under Part 3 of Mental Health Act 1983; application of 2018 Act*

20. Interpretation of regulations 20 to 25 and Schedule 2
21. Relevant local authority
22. Child or young person with individual development plan prior to detention in hospital
23. Child or young person without individual development plan prior to detention in hospital
24. Release of child or young person detained in hospital
25. Child or young person transfers from hospital detention to detention in relevant youth accommodation

PART 3

SUPPLEMENTARY FUNCTIONS

*Additional learning needs co-ordinator*

26. Interpretation of regulations 26 to 30
27. Prescribed qualification or experience of an additional learning needs co-ordinator at a school
28. Prescribed qualification of an additional learning needs co-ordinator at an institution in the further education sector
29. Additional learning needs co-ordinator functions at a school
30. Additional learning needs co-ordinator functions at an institution in the further education sector

*Time limit for complying with section 65 request*

31. Time limit for complying with local authority request for information or other help

*Goods and services*

32. Provision of goods or services in relation to additional learning provision

*Arrangements for the avoidance and resolution of disputes and independent advocacy services for detained persons*

33. Amendment to section 68 of the 2018 Act

PART 4

PARENTS AND YOUNG PEOPLE LACKING CAPACITY

34. Interpretation of this Part  
35. When a child's parent lacks capacity  
36. When a parent of a child who is a detained person lacks capacity  
37. When a young person lacks capacity  
38. When a detained person who is a young person lacks capacity  
39. Arrangements for avoidance and resolution of disagreements under section 68 of the 2018 Act  
40. Independent advocacy services under section 69 of the 2018 Act  
41. Representation in appeals  
42. Mental Capacity Act 2005  
Signature

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SCHEDULE REASONABLE NEEDS FOR EDUCATION OR TRAINING

- 1  
1. Suitable programme of study  
2. Additional factors where young person on programme of study  
3. Programme of study intended to last for more than 2 years  
4. Extension to a programme of study  
5. Additional programme of study  
6. Other exceptional circumstances

SCHEDULE APPLICATION WITH MODIFICATIONS OF THE 2018 ACT IN RELATION TO PERSONS DETAINED IN HOSPITAL UNDER PART 3 OF THE 1983 ACT

- 2  
1. (1) The powers and duties conferred or imposed on a...  
Explanatory Note