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WELSH STATUTORY INSTRUMENTS

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**2021 No. 401**

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

**PART 3 E+W**

**SUPPLEMENTARY FUNCTIONS**

*Additional learning needs co-ordinator*

**Interpretation of regulations 26 to 30 E+W**

**26.** In this regulation and regulations 27 to 30—

“the 2014 Act” (“*Deddf 2014*”) means the Education (Wales) Act 2014(1);

“further education learning support worker” (“*gweithiwr cymorth dysgu mewn addysg bellach*”) means a person who is registered with the Education Workforce Council in the category of further education learning support worker as described in table 1 of Schedule 2 to the 2014 Act;

“further education teacher” (“*athro neu athrawes addysg bellach*”) means a person who is registered with the Education Workforce Council in the category of further education teacher as described in table 1 of Schedule 2 to the 2014 Act;

“relevant services” (“*gwasanaethau perthnasol*”) means—

- (a) advice or assistance in relation to additional learning provision,
- (b) the management of additional learning provision,
- (c) the assessment of additional learning needs,
- (d) advice or assistance in relation to additional learning needs, and
- (e) the management of pupils or students (as the case may be) with additional learning needs;

“school learning support worker” (“*gweithiwr cymorth dysgu mewn ysgol*”) means a person who is registered with the Education Workforce Council in the category of school learning support worker as described in table 1 of Schedule 2 to the 2014 Act;

“school teacher” (“*athro neu athrawes ysgol*”) means a person who is registered with the Education Workforce Council in the category of school teacher as described in table 1 of Schedule 2 to the 2014 Act and does not include a person registered on a provisional basis under section 9(5) of that Act;

“special educational needs co-ordinator” (“*cydlynnydd anghenion addysgol arbennig*”) means a person having responsibility for co-ordinating the provision for pupils identified as having special educational needs under Part 4 of the Education Act 1996(2).

**Commencement Information**

**I1** [Reg. 26](#) in force at 1.9.2021, see [reg. 1\(2\)](#)

**Prescribed qualification or experience of an additional learning needs co-ordinator at a school** **E+W**

**27.** The governing body of a school may designate a person as an additional learning needs co-ordinator under section 60(2) of the 2018 Act only if that person—

- (a) is a school teacher, or
- (b) was a special educational needs co-ordinator within the school immediately prior to 4 January 2021<sup>(3)</sup>.

**Commencement Information**

**I2** [Reg. 27](#) in force at 1.9.2021, see [reg. 1\(2\)](#)

**Prescribed qualification of an additional learning needs co-ordinator at an institution in the further education sector** **E+W**

**28.** The governing body of an institution in the further education sector may designate a person as an additional learning needs co-ordinator under section 60(2) of the 2018 Act only if that person is a further education teacher.

**Commencement Information**

**I3** [Reg. 28](#) in force at 1.9.2021, see [reg. 1\(2\)](#)

**Additional learning needs co-ordinator functions at a school** **E+W**

**29.** The tasks an additional learning needs co-ordinator at a school is responsible for carrying out, or ensuring are carried out, are—

- (a) identifying a pupil’s additional learning needs and co-ordinating the making of additional learning provision that meets a pupil’s additional learning needs,
- (b) securing relevant services that will support a pupil’s additional learning provision as required,
- (c) keeping records of decisions about additional learning needs and individual development plans,
- (d) promoting a pupil with additional learning needs’ inclusion in the school and access to the school’s curriculum, facilities and extra-curricular activities,
- (e) monitoring the effectiveness of any additional learning provision made,
- (f) advising school teachers at the school about differentiated teaching methods appropriate for individual pupils with additional learning needs,
- (g) supervising and training school learning support workers who work with pupils with additional learning needs, and

<sup>(3)</sup> The Additional Learning Needs Co-ordinator (Wales) Regulations 2020 (S.I. 2020/1351 (W. 299)) came into force on 4 January 2021.

- (h) contributing to in-service training for school teachers at the school to assist the additional learning needs co-ordinator in carrying out the tasks referred to in paragraphs (a) to (e).

**Commencement Information**

**I4** Reg. 29 in force at 1.9.2021, see [reg. 1\(2\)](#)

**Additional learning needs co-ordinator functions at an institution in the further education sector** **E+W**

**30.** The tasks an additional learning needs co-ordinator at an institution in the further education sector is responsible for carrying out, or ensuring are carried out, are—

- (a) identifying a student’s additional learning needs and co-ordinating the making of additional learning provision that meets a student’s additional learning needs,
- (b) securing relevant services that will support a student’s additional learning provision as required,
- (c) keeping records of decisions about additional learning needs and individual development plans,
- (d) promoting a student with additional learning needs’ inclusion in the institution in the further education sector and access to the institution in the further education sector’s curriculum, facilities and extra-curricular activities,
- (e) monitoring the effectiveness of any additional learning provision made,
- (f) advising teachers at the institution in the further education sector about differentiated teaching methods appropriate for individual students with additional learning needs,
- (g) supervising and training further education learning support workers who work with students with additional learning needs, and
- (h) contributing to training for further education teachers at the institution in the further education sector to assist the additional learning needs co-ordinator in carrying out the tasks referred to in paragraphs (a) to (e).

**Commencement Information**

**I5** Reg. 30 in force at 1.9.2021, see [reg. 1\(2\)](#)

*Time limit for complying with section 65 request*

**Time limit for complying with local authority request for information or other help** **E+W**

**31.—(1)** A person under a duty to comply with a local authority’s request under section 65 of the 2018 Act (duties to provide information and other help) must comply with the request promptly and in any event within the period prescribed by paragraph (2).

(2) The prescribed period—

- (a) begins with the day on which the person receives the request, and
- (b) ends at the end of 6 weeks beginning with the day after the day mentioned in sub-paragraph (a).

(3) The person need not comply with the request within the period prescribed by paragraph (2) if—

- (a) it is impractical to do so due to circumstances beyond the person’s control, or
- (b) the request does not relate to the exercise of a function in respect of a particular child or young person.

**Commencement Information**

**16** Reg. 31 in force at 1.9.2021, see reg. 1(2)

*Goods and services*

**Provision of goods or services in relation to additional learning provision** **E+W**

**32.**—(1) A local authority may supply goods or services to—

- (a) a person exercising functions under Part 2 of the 2018 Act, or
- (b) a person making additional learning provision in connection with the exercise of functions under that Part,

provided that the supply of those goods or services is for the purpose of the exercise of those functions or the making of that additional learning provision, as the case may be.

(2) The terms and conditions on which a local authority supplies goods or services under paragraph (1) may include terms and conditions as to payment and may be different for different persons or on different occasions.

(3) But the local authority must secure that any terms and conditions as to payment would not, taking one financial year with another, result in payments to the authority in excess of the reasonable cost to it of supplying the goods or services in respect of which the payments are made.

**Commencement Information**

**17** Reg. 32 in force at 1.9.2021, see reg. 1(2)

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

**Amendment to section 68 of the 2018 Act** **E+W**

**33.** In section 68(8) of the 2018 Act (arrangements for the avoidance and resolution of disagreements), after “area” insert “and detained persons for whom it is the home authority”.

**Commencement Information**

**18** Reg. 33 in force at 1.9.2021, see reg. 1(2)

**Changes to legislation:**

There are currently no known outstanding effects for the The Additional Learning Needs (Wales) Regulations 2021, PART 3.