



# Learning and Skills (Wales) Measure 2009

## 2009 nawm 1

### PART 3

#### SERVICES RELATED TO EDUCATION, TRAINING AND SKILLS

##### *Learning Pathways*

#### **43 The learning pathway document**

- (1) This section makes provision for a relevant pupil and a relevant student to be provided with a document which records his or her learning pathway (a “learning pathway document”).
- (2) In subsection (1), a pupil's or student's “learning pathway” means—
  - (a) the courses of study (if any) that the pupil or student is entitled to follow under section 116E(1) of the Education Act 2002 or section 33F(1) of the Learning and Skills Act 2000; and
  - (b) the learner support services (if any) to be provided to a pupil or student by virtue of section 40 of this Measure.
- (3) The learning pathway document—
  - (a) must be provided within a reasonable period of time following an entitlement arising as described in subsection (2)(a) or a decision being taken to provide services as described in subsection (2)(b); and
  - (b) must subsequently be amended or re-issued within a reasonable period of time following—
    - (i) a variation in such an entitlement or decision; or
    - (ii) such an entitlement arising or such a decision being taken.
- (4) The duty to provide a learning pathway document under subsection (3)(a) is a duty of—
  - (a) in the case of a relevant pupil, the head teacher of the pupil's maintained school when an event described in subsection (3)(a) occurs; and

*Changes to legislation: Learning and Skills (Wales) Measure 2009, Cross Heading: Learning Pathways is up to date with all changes known to be in force on or before 23 February 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) in the case of a relevant student, the principal of the student's institution when an event described in subsection (3)(a) occurs.
- (5) The duty to amend or re-issue a learning pathway document under subsection (3)(b) is a duty of—
- (a) in the case of a relevant pupil, the head teacher of the pupil's maintained school when an event described in subsection (3)(b) occurs; and
  - (b) in the case of a relevant student, the principal of the pupil's institution when an event described in subsection (3)(b) occurs.
- (6) A head teacher of a maintained school and principal of an institution must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under this section.

**Annotations:**

**Commencement Information**

**II** S. 43 in force at 7.12.2009 by [S.I. 2009/3174](#), [art. 2\(1\)\(n\)](#)

#### 44 Learning pathways: interpretation

In this section and section 43—

“institution” (“*sefydliad*”) means an institution within the further education sector in Wales, and, in relation to a relevant student, means the institution whose governing body is responsible for providing, or arranging for the provision of, all or the majority of his or her education;

“institution within the further education sector” (“*sefydliad yn y sector addysg bellach*”) has the same meaning as in the Education Act 1996 (c. 56);

[<sup>F1</sup> “local authority in Wales” (“*awdurdod lleol yng Nghymru*”) has the meaning given by section 579(1) of the Education Act 1996; ]

“maintained school” (“*ysgol a gynhelir*”) means—

- (a) any community, foundation or voluntary school maintained by a [<sup>F2</sup>local authority] in Wales, or
- (b) any community <sup>F3</sup>... special school which is maintained by a [<sup>F2</sup>local authority] in Wales and is not established in a hospital,

and, in relation to a relevant pupil, means the maintained school of which he or she is a registered pupil;

“principal” (“*pennaeth sefydliad*”) means the principal or other head of an institution;

“registered pupil” (“*disgybl cofrestredig*”) has the same meaning as in section 434 of the Education Act 1996;

“relevant pupil” (“*disgybl perthnasol*”) means a registered pupil of a maintained school; and

“relevant student” (“*myfyriwr perthnasol*”) means a person who—

- (a) receives the majority of his or her education at, or under arrangements made by the governing body of, an institution; and
- (b) has not attained the age of nineteen or such later age as may be prescribed in regulations made by the Welsh Ministers.

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#### Annotations:

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#### Amendments (Textual)

- F1** Words in s. 44 inserted (5.5.2010) by Local Education Authorities and Children's Services Authorities (Integration of Functions) (Wales) Order 2010 (S.I. 2010/1148), arts. 1, **3(3)**
- F2** Words in Measure substituted (5.5.2010) by Local Education Authorities and Children's Services Authorities (Integration of Functions) (Wales) Order 2010 (S.I. 2010/1148), arts. 1, **3(2)**
- F3** Words in s. 44 omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 26(2)**; S.I. 2013/1800, art. 3(j)
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#### Commencement Information

- I2** S. 44 in force at 7.12.2009 by S.I. 2009/3174, **art. 2(1)(o)**

**Changes to legislation:**

Learning and Skills (Wales) Measure 2009, Cross Heading: Learning Pathways is up to date with all changes known to be in force on or before 23 February 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

**Changes and effects yet to be applied to the whole Measure associated Parts and Chapters:**

- Measure text amended by [S.I. 2010/1148 art. 3\(2\)](#)