

*These notes refer to the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (c.2) which received Royal Assent on 24 January 2018*

# **ADDITIONAL LEARNING NEEDS AND EDUCATION TRIBUNAL (WALES) ACT 2018**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS OF THE ACT**

#### **Part 2 – Additional Learning Needs**

##### *Chapter 1 – Key Terms, Code and Participation*

#### **Key terms**

##### *Section 2 - Additional learning needs*

12. **Section 2** defines the term ‘additional learning needs’ (ALN) for the purposes of the Act. This definition is very similar to the definition of ‘special educational needs’ (ALN) under the 1996 Act but is not limited to children and registered pupils of a school below the age of 19, as in the case of the definition of ALN. A person has ALN if the person has a “learning difficulty or disability” (see subsections (2) – (3) for the meaning of this) which calls for additional learning provision (see section 3 for the definition of this).
13. Subsection (1) clarifies that a learning difficulty or disability may, but need not, arise from a medical condition. Also, a person is not considered to have ALN because their home language is different to the language in which they are taught (subsection (4)).

##### *Section 3 - Additional learning provision*

14. **Section 3** defines the meaning of ‘additional learning provision’ (ALP), which itself forms part of the definition of ALN in section 2. This definition is very similar to the definition of ‘special educational provision’ found in the 1996 Act but in particular widens the definition by reference to mainstream institutions in the further education sector in Wales (mainstream FEIs) because, unlike the ALN definition, it applies in relation to young people who are students at such institutions. Mainstream FEIs are defined in section 99.
15. The definition of ALP included in the Act has been made by reference to a child’s age, with a slightly different definition operating in relation to children under the age of three (compared to children under the age of two in the 1996 Act). This reflects the fact that for children under the age of three there is no formal educational provision made by the state. Regulations under this section allow the Welsh Ministers to replace the references to the age of three with references to a different age.