



Additional Learning Needs and Education Tribunal (Wales) Act 2018

2018 anaw 2

PART 2

ADDITIONAL LEARNING NEEDS

CHAPTER 1

KEY TERMS, CODE AND PARTICIPATION

Participation, United Nations conventions and access to information

6 Duty to involve and support children, their parents and young people

A person exercising functions under this Part in relation to a child or young person must have regard—

- (a) to the views, wishes and feelings of the child and the child's parent or the young person,
- (b) to the importance of the child and the child's parent or the young person participating as fully as possible in decisions relating to the exercise of the function concerned, and
- (c) to the importance of the child and the child's parent or the young person being provided with the information and support necessary to enable participation in those decisions.

7 Duty to have regard to the United Nations Convention on the Rights of the Child

- (1) A relevant body exercising functions under this Part in relation to a child or young person must have due regard to Part 1 of the United Nations Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 ("the Convention").

- (2) For the purposes of subsection (1), Part 1 of the Convention is to be treated as having effect—
- (a) as set out for the time being in Part 1 of the Schedule to the [Rights of Children and Young Persons \(Wales\) Measure 2011 \(nawm 2\)](#), but
 - (b) subject to any declaration or reservation as set out for the time being in Part 3 of that Schedule.
- (3) Subsection (1) does not require specific consideration of the Convention on each occasion that a function is exercised.
- (4) A code issued under section 4 may make provision setting out what is required to discharge the duty in subsection (1); and subsection (1) is to be interpreted in accordance with any such provision.
- (5) In subsection (1), “relevant body” means—
- (a) a local authority;
 - (b) an NHS body.

8 Duty to have regard to the United Nations Convention on the Rights of Persons with Disabilities

- (1) A relevant body exercising functions under this Part in relation to a disabled child or young person must have due regard to the United Nations Convention on the Rights of Persons with Disabilities and its optional protocol adopted on 13 December 2006 by General Assembly resolution A/RES/61/106 and opened for signature on 30 March 2007 (“the Convention”).
- (2) The Convention is to be treated as having effect subject to any declaration or reservation made by the United Kingdom Government upon ratification, save where the declaration or reservation has subsequently been withdrawn.
- (3) Subsection (1) does not require specific consideration of the Convention on each occasion that a function is exercised.
- (4) A code issued under section 4 may make provision setting out what is required to discharge the duty in subsection (1); and subsection (1) is to be interpreted in accordance with any such provision.
- (5) In subsection (1), “relevant body” means—
- (a) a local authority;
 - (b) an NHS body.

9 Advice and information

- (1) A local authority must make arrangements to provide people with information and advice about additional learning needs and the system for which provision is made by this Part.
- (2) In making arrangements under subsection (1), a local authority must have regard to the principle that information and advice provided under the arrangements must be provided in an impartial manner.

- (3) A local authority must take reasonable steps to make the arrangements made under this section, sections 68 (avoidance and resolution of disagreements) and 69 (independent advocacy services) known to—
- (a) children and young people in its area,
 - (b) parents of children in its area,
 - (c) children it looks after who are outside its area,
 - (d) governing bodies of maintained schools in its area,
 - (e) governing bodies of institutions in the further education sector in its area,
 - (f) case friends of children in its area, and
 - (g) any other persons it considers appropriate.
- (4) Where the governing body of a maintained school is informed of arrangements under subsection (3), it must take reasonable steps to make the arrangements known to—
- (a) its pupils and their parents, and
 - (b) case friends of its pupils.
- (5) Where the governing body of an institution in the further education sector is informed of arrangements under subsection (3), it must take reasonable steps to make the arrangements known to its students.