



Additional Learning Needs and Education Tribunal (Wales) Act 2018

2018 anaw 2

PART 2

ADDITIONAL LEARNING NEEDS

CHAPTER 1

KEY TERMS, CODE AND PARTICIPATION

Key terms

2 Additional learning needs

- (1) A person has additional learning needs if he or she has a learning difficulty or disability (whether the learning difficulty or disability arises from a medical condition or otherwise) which calls for additional learning provision.
- (2) A child of compulsory school age or person over that age has a learning difficulty or disability if he or she—
 - (a) has a significantly greater difficulty in learning than the majority of others of the same age, or
 - (b) has a disability for the purposes of the Equality Act 2010 (c. 15) which prevents or hinders him or her from making use of facilities for education or training of a kind generally provided for others of the same age in mainstream maintained schools or mainstream institutions in the further education sector.
- (3) A child under compulsory school age has a learning difficulty or disability if he or she is, or would be if no additional learning provision were made, likely to be within subsection (2) when of compulsory school age.

Status: Point in time view as at 21/08/2023.

Changes to legislation: Additional Learning Needs and Education Tribunal (Wales) Act 2018. Cross Heading: Key terms is up to date with all changes known to be in force on or before 18 May 2024. 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)

- (4) A person does not have a learning difficulty or disability solely because the language (or form of language) in which he or she is or will be taught is different from a language (or form of language) which is or has been used at home.
- (5) This section applies for the purposes of this Act.

Commencement Information

- I1** S. 2 in force at 1.9.2021 for specified purposes by S.I. 2021/373, **arts. 3, 4** (as amended by S.I. 2021/938, **art. 2(3)**)
- I2** S. 2 in force at 1.9.2021 for specified purposes by S.I. 2021/373, **arts. 6, 7** (as amended by S.I. 2021/938, **art. 2(4)(5)**)
- I3** S. 2 in force at 1.1.2022 for specified purposes by S.I. 2021/1245, **arts. 3(a), 4** (with **art. 1(4)**)
- I4** S. 2 in force at 1.1.2022 for specified purposes by S.I. 2021/1244, **art. 3(a)** (with **arts. 4-21**) (as amended by S.I. 2021/1428, **art. 3**; (10.6.2022) by S.I. 2022/663, **art. 3** and (21.8.2023) by S.I. 2023/932, **art. 3**)
- I5** S. 2 in force at 1.1.2022 for specified purposes by S.I. 2021/1243, **art. 3(a)** (with **arts. 4-23**) (as amended by S.I. 2021/1428, **art. 2**; (10.6.2022) by S.I. 2022/663, **art. 2** and (21.8.2023) by S.I. 2023/932, **art. 2**)
- I6** S. 2 in force at 1.9.2022 for specified purposes by S.I. 2022/891, **art. 3(a)** (with **arts. 4-25**) (as amended (21.8.2023) by S.I. 2023/932, **art. 4**)
- I7** S. 2 in force at 1.9.2022 for specified purposes by S.I. 2022/897, **art. 3(a)** (with **arts. 1(8), 4-21**) (as amended (21.8.2023) by S.I. 2023/932, **art. 6**)
- I8** S. 2 in force at 1.9.2022 for specified purposes by S.I. 2022/894, **art. 3(a)**
- I9** S. 2 in force at 1.9.2022 for specified purposes by S.I. 2022/892, **art. 3(a)** (with **arts. 2, 4-18**)
- I10** S. 2 in force at 1.9.2022 for specified purposes by S.I. 2022/893, **art. 4** (with **art. 1(2)**)
- I11** S. 2 in force at 1.9.2022 for specified purposes by S.I. 2022/898, **arts. 2(a), 3**
- I12** S. 2 in force at 1.9.2022 for specified purposes by S.I. 2022/896, **art. 3(a)** (with **arts. 4-22**) (as amended (21.8.2023) by S.I. 2023/932, **art. 5**)
- I13** S. 2 in force at 1.9.2022 for specified purposes by S.I. 2022/895, **arts. 3(a), 4**

3 Additional learning provision

- (1) “Additional learning provision” for a person aged three or over means educational or training provision that is additional to, or different from, that made generally for others of the same age in—
- mainstream maintained schools in Wales,
 - mainstream institutions in the further education sector in Wales, or
 - places in Wales at which nursery education is provided.
- (2) “Additional learning provision” for a child aged under three means educational provision of any kind.
- (3) In subsection (1), “nursery education” means education suitable for a child who has attained the age of three but is under compulsory school age.
- (4) Regulations may amend this section to replace the references to the age of three with references to a different age.
- (5) This section applies for the purposes of this Act.

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Commencement Information

- I14** S. 3 in force at 1.9.2021 for specified purposes by S.I. 2021/373, **arts. 3, 4** (as amended by S.I. 2021/938, **art. 2(3)**)
- I15** S. 3 in force at 1.9.2021 for specified purposes by S.I. 2021/373, **arts. 6, 7** (as amended by S.I. 2021/938, **art. 2(4)(5)**)
- I16** S. 3 in force at 1.1.2022 for specified purposes by S.I. 2021/1244, **art. 3(a)** (with **arts. 4-21**) (as amended by S.I. 2021/1428, **art. 3**; (10.6.2022) by S.I. 2022/663, **art. 3** and (21.8.2023) by S.I. 2023/932, **art. 3**)
- I17** S. 3 in force at 1.1.2022 for specified purposes by S.I. 2021/1243, **art. 3(a)** (with **arts. 4-23**) (as amended by S.I. 2021/1428, **art. 2**; (10.6.2022) by S.I. 2022/663, **art. 2** and (21.8.2023) by S.I. 2023/932, **art. 2**)
- I18** S. 3 in force at 1.1.2022 for specified purposes by S.I. 2021/1245, **arts. 3(a), 4** (with **art. 1(4)**)
- I19** S. 3 in force at 1.9.2022 for specified purposes by S.I. 2022/895, **arts. 3(a), 4**
- I20** S. 3 in force at 1.9.2022 for specified purposes by S.I. 2022/897, **art. 3(a)** (with **arts. 1(8), 4-21**) (as amended (21.8.2023) by S.I. 2023/932, **art. 6**)
- I21** S. 3 in force at 1.9.2022 for specified purposes by S.I. 2022/894, **art. 3(a)**
- I22** S. 3 in force at 1.9.2022 for specified purposes by S.I. 2022/893, **art. 4** (with **art. 1(2)**)
- I23** S. 3 in force at 1.9.2022 for specified purposes by S.I. 2022/896, **art. 3(a)** (with **arts. 4-22**) (as amended (21.8.2023) by S.I. 2023/932, **art. 5**)
- I24** S. 3 in force at 1.9.2022 for specified purposes by S.I. 2022/898, **arts. 2(a), 3**
- I25** S. 3 in force at 1.9.2022 for specified purposes by S.I. 2022/892, **art. 3(a)** (with **arts. 2, 4-18**)
- I26** S. 3 in force at 1.9.2022 for specified purposes by S.I. 2022/891, **art. 3(a)** (with **arts. 4-25**) (as amended (21.8.2023) by S.I. 2023/932, **art. 4**)

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