
WELSH STATUTORY INSTRUMENTS

2021 No. 401 (W. 130)

EDUCATION, WALES

The Additional Learning Needs (Wales) Regulations 2021

Made - - - - at 1.40 p.m. on 24
March 2021
Coming into force 1 September 2021

**THE ADDITIONAL LEARNING
NEEDS (WALES) REGULATIONS 2021**

PART 1

GENERAL

1. Title, commencement and revocation
2. General interpretation
3. Giving notice etc. under these Regulations
4. Giving notice etc. under Part 2 of the 2018 Act: amendment of section 88

PART 2

INDIVIDUAL DEVELOPMENT PLANS

5. Categories of looked after child prescribed under section 15 of the 2018 Act

Local authority decisions on necessity of individual development plans for young people

6. Interpretation of regulations 6 to 9 and Schedule 1
7. Potential programme of study
8. Necessity of a plan: programmes of study at maintained schools and further education institutions in Wales and certain institutions in England
9. Other cases: reasonable needs for education or training and necessity of an individual development plan
10. Notification of decision under section 14(1)(c)(ii) of the 2018 Act that plan not necessary

Changes to legislation: There are currently no known outstanding effects for the The Additional Learning Needs (Wales) Regulations 2021. (See end of Document for details)

Time limits for section 20 referrals and requesting reconsideration of decision to cease to maintain plans

11. Time limit for NHS body responding to section 20 referral
12. Time limit for requesting reconsideration of decision to cease to maintain plan

Transfer of responsibility for individual development plans

13. Local authority request to transfer plan to governing body of further education institution
14. Local authority referral to the Welsh Ministers to determine whether governing body of further education institution should maintain plan
15. Giving copies of individual development plans in transfer situations
16. Review periods where child has become looked after or child or young person has ceased to be looked after
17. Securing other provision where transfer of responsibility for plan

Detained persons

18. Necessity of individual development plan for detained person upon release
19. Amendments to section 44 of the 2018 Act

Detention under Part 3 of Mental Health Act 1983; application of 2018 Act

20. Interpretation of regulations 20 to 25 and Schedule 2
21. Relevant local authority
22. Child or young person with individual development plan prior to detention in hospital
23. Child or young person without individual development plan prior to detention in hospital
24. Release of child or young person detained in hospital
25. Child or young person transfers from hospital detention to detention in relevant youth accommodation

PART 3

SUPPLEMENTARY FUNCTIONS

Additional learning needs co-ordinator

26. Interpretation of regulations 26 to 30
27. Prescribed qualification or experience of an additional learning needs co-ordinator at a school
28. Prescribed qualification of an additional learning needs co-ordinator at an institution in the further education sector
29. Additional learning needs co-ordinator functions at a school
30. Additional learning needs co-ordinator functions at an institution in the further education sector

Time limit for complying with section 65 request

31. Time limit for complying with local authority request for information or other help

Goods and services

32. Provision of goods or services in relation to additional learning provision

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

33. Amendment to section 68 of the 2018 Act

PART 4

PARENTS AND YOUNG PEOPLE LACKING CAPACITY

34. Interpretation of this Part
35. When a child's parent lacks capacity
36. When a parent of a child who is a detained person lacks capacity
37. When a young person lacks capacity
38. When a detained person who is a young person lacks capacity
39. Arrangements for avoidance and resolution of disagreements under section 68 of the 2018 Act
40. Independent advocacy services under section 69 of the 2018 Act
41. Representation in appeals
42. Mental Capacity Act 2005
Signature

SCHEDULE REASONABLE NEEDS FOR EDUCATION OR TRAINING

- 1
1. Suitable programme of study
2. Additional factors where young person on programme of study
3. Programme of study intended to last for more than 2 years
4. Extension to a programme of study
5. Additional programme of study
6. Other exceptional circumstances

SCHEDULE APPLICATION WITH MODIFICATIONS OF THE 2018 ACT IN RELATION TO PERSONS DETAINED IN HOSPITAL UNDER PART 3 OF THE 1983 ACT

- 2
1. (1) The powers and duties conferred or imposed on a...
Explanatory Note

Changes to legislation:

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