

Draft Regulations laid before the National Assembly for Wales under section 98(3) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2019 No. (W.)

EDUCATION, WALES

The Additional Learning Needs Co-ordinator (Wales) Regulations 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supplement section 60 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 which requires governing bodies of maintained schools (except special schools) and further education institutions in Wales to designate a person (or persons) as the additional learning needs co-ordinator (“ALNCo”) to be responsible for co-ordinating additional learning provision (“ALP”) for pupils or students with additional learning needs (“ALN”).

The Regulations set out the qualifications and/or experience that ALNCoS must have (regulations 3 and 4) and confer functions on ALNCoS relating to the ALP for pupils or students with ALN (regulations 5 and 6).

These Regulations do not affect the governing body’s ability to confer further responsibilities upon the ALNCo.

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Made ***

Coming into force ***

The Welsh Ministers in exercise of the powers conferred on them by sections 60(4) and 98(2) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018(1) make the following Regulations.

In accordance with section 98(3) of that Act, a draft of this instrument was laid before and approved by resolution of the National Assembly for Wales.

Title and commencement

1.—(1) The title of these Regulations is the Additional Learning Needs Co-ordinator (Wales) Regulations 2019.

(2) These Regulations come into force on **.

Interpretation

2. In these Regulations—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996(2);

“the 2014 Act” (“*Deddf 2014*”) means the Education (Wales) Act 2014(3);

(1) 2018 anaw 2; see the definitions of “prescribed” and “regulations” in section 99(1).

(2) 1996 c. 56.

(3) 2014 anaw 5.

“the Act” (“*y Ddeddf*”) means the Additional Learning Needs and Education Tribunal (Wales) Act 2018;

“ALN” (“*ADY*”) means additional learning needs(1);

“ALNCo” (“*cydlynnydd ADY*”) means an additional learning needs co-ordinator(2);

“ALP” (“*DDdY*”) means additional learning provision(3);

“FEI” (“*SAB*”) means an institution within the further education sector in Wales as defined by section 91(3) of the Further and Higher Education Act 1992(4);

“further education learning support worker” (“*gweithiwr cymorth dysgu mewn addysg bellach*”) means a person who is registered with the Education Workforce Council in the category of further education learning support worker as described under table 1 of Schedule 2 to the 2014 Act;

“further education teacher” (“*athro neu athrawes addysg bellach*”) means a person who is registered with the Education Workforce Council in the category of further education teacher as described under table 1 of Schedule 2 to the 2014 Act;

“IDP” (“*CDU*”) means an individual development plan(5);

“relevant services” (“*gwasanaethau perthnasol*”) means—

- (a) advice or assistance in relation to ALP;
- (b) the management of ALP;
- (c) the assessment of ALN,
- (d) advice or assistance in relation to ALN; and
- (e) the management of pupils or students (as the case may be) with ALN;

“school learning support worker” (“*gweithiwr cymorth dysgu mewn ysgol*”) means a person who is registered with the Education Workforce Council in the category of school learning support worker as described under table 1 of Schedule 2 to the 2014 Act;

“school teacher” (“*athro neu athrawes ysgol*”) means a person who is registered with the

(1) See section 579(1) of the 1996 Act. Inserted by paragraph 4(32) of Schedule 1 to the Act.

(2) See section 60 of the Act for the definition of “additional learning needs co-ordinator”.

(3) See section 579(1) of the 1996 Act. Inserted by paragraph 4(32) of Schedule 1 to the Act.

(4) 1992 c. 13.

(5) See section 579(1) of the 1996 Act. Inserted by paragraph 4(32) of Schedule 1 to the Act.

Education Workforce Council in the category of school teacher as described under table 1 of Schedule 2 to the 2014 Act and does not include a person within the meaning of section 9(5)(1) of that Act;

“special educational needs co-ordinator” (*“cydlynnydd anghenion addysgol arbennig”*) means a person having responsibility for co-ordinating the provision for pupils identified as having special educational needs under Part 4 of the 1996 Act.

Prescribed qualification or experience of an ALNCo at a school

3. The governing body of a school(2) must ensure that the person designated as an ALNCo under section 60(2) of the Act is—

- (a) a school teacher; or
- (b) a special educational needs co-ordinator within the school immediately prior to the coming into force of these Regulations.

Prescribed qualification of an ALNCo at an FEI

4. The governing body of an FEI(3) must ensure that the person designated as an ALNCo under section 60(2) of the Act is a further education teacher.

ALNCo functions at a school

5. An ALNCo at a school is responsible for carrying out or ensuring that the following tasks are carried out—

- (a) identifying a pupil’s ALN and co-ordinating the making of ALP that meets a pupil’s ALN;
- (b) securing relevant services that will support a pupil’s ALP as required;
- (c) keeping records of decisions about ALN and IDPs, in compliance with requirements imposed on the governing body of the school under the Act or the code(4);
- (d) liaising with and providing information to the pupil and parent of the pupil about a pupil’s ALN, IDP and the ALP being made;
- (e) promoting a pupil with ALN's inclusion in the school and access to the school's curriculum, facilities and extra-curricular activities;

(1) This section provides that a person may be registered on a provisional basis.

(2) See section 60(1)(a) of the Act.

(3) See section 60(1)(b) of the Act.

(4) See section 4 of the Act.

- (f) preparing and reviewing the information required to be published by the governing body of the school pursuant to the code;
- (g) advising school teachers at the school about differentiated teaching methods appropriate for individual pupils with ALN;
- (h) supervising and training school learning support workers who work with pupils with ALN;
- (i) contributing to in-service training for school teachers at the school to assist them to carry out tasks; and
- (j) monitoring the effectiveness of any ALP made.

ALNCo functions at an FEI

6. An ALNCo at an FEI is responsible for carrying out or ensuring that the following tasks are carried out—

- (a) identifying a student's ALN and co-ordinating the making of ALP that meets a student's ALN;
- (b) securing relevant services that will support a student's ALP as required;
- (c) keeping records of decisions about ALN and IDPs, in compliance with requirements imposed on the governing body of the FEI under the Act or the code;
- (d) liaising with and providing information to the student about that student's ALN, IDP and the ALP being made;
- (e) promoting a student with ALN's inclusion in the FEI and access to the FEI's curriculum, facilities and extra-curricular activities;
- (f) preparing and reviewing the information required to be published by the governing body of the FEI pursuant to the code;
- (g) advising teachers at the FEI about differentiated teaching methods appropriate for individual students with ALN;
- (h) supervising and training further education learning support workers who work with students with ALN;
- (i) contributing to training for further education teachers at the FEI to assist them to carry out tasks; and
- (j) monitoring the effectiveness of any ALP made.

Kirsty Williams
Cabinet Secretary for Education, one of the Welsh
Ministers
Date