
W E L S H S T A T U T O R Y
I N S T R U M E N T S

2021 No. 1457 (W. 373)

**EDUCATION, ENGLAND AND
WALES**

**The Additional Learning Needs and
Education Tribunal (Wales) Act
2018 (Consequential Amendments)
(No. 3) Regulations 2021**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in consequence of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (“the Act”). That Act reforms the law on education and training for children and young people with additional learning needs and renames the Special Educational Needs Tribunal for Wales as the Education Tribunal for Wales.

These Regulations make consequential amendments to secondary legislation about enhanced criminal record certificates and to secondary legislation about the provision of information about additional learning needs and individual development plans.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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**The Additional Learning Needs and
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2018 (Consequential Amendments)
(No. 3) Regulations 2021**

Made 16 December 2021

Laid before Senedd Cymru 17 December 2021

Coming into force 18 January 2022

The Welsh Ministers, in exercise of the powers conferred by section 97(1) and (2) and by section 98(2) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018(1), make the following Regulations.

Title and commencement

1. The title of these Regulations is the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Consequential Amendments) (No. 3) Regulations 2021 and they come into force on 18 January 2022.

**The Police Act 1997 (Criminal Records)
Regulations 2002**

2.—(1) Regulation 5B of the Police Act 1997 (Criminal Records) Regulations 2002(2) is amended as follows.

(2) In paragraph (9)(b)(ii), for “approved by the Welsh Ministers under section 347 of that Act” substitute “specially organised to make additional

(1) 2018 anaw 2.

(2) S.I. 2002/233. Regulation 5B was inserted by S.I. 2013/1194, regulation 2(1) and (5) and the Schedule. There are amendments to regulation 5B which are not relevant to these Regulations.

learning provision for pupils with additional learning needs (within the meaning of section 579 of that Act)”.

(3) In paragraph (9)(b)(iii), for the words from “with the consent of” to the end of paragraph (iii) substitute “during any period before 1 September 2021 when the adult was attending it, either was approved by the Welsh Ministers under section 347 of that Act or, with the consent of the Welsh Ministers under section 347(5)(b) of that Act, provided places for children with special educational needs (within the meaning of section 579 of that Act as it applied immediately before that date)”.

The Education (Information About Individual Pupils) (Wales) Regulations 2007

3.—(1) The Education (Information About Individual Pupils) (Wales) Regulations 2007⁽¹⁾ are amended as follows.

(2) In regulation 3, insert at the appropriate places—

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

““additional learning needs” (“*anghenion dysgu ychwanegol*”) has the meaning given by section 2 of the 2018 Act;”.

(3) In Schedule 2, at the beginning of paragraph 9 insert “For a pupil in relation to whom Chapter 1 of Part 4 of the 1996 Act continues to apply.”.

(4) In Schedule 2, after paragraph 9 insert—

“**9A.** For a pupil in relation to whom Part 2 of the 2018 Act applies, whether the pupil has additional learning needs and, if so, confirmation of—

- (a) all of the pupil’s additional learning needs identified;
- (b) whether the pupil has an individual development plan maintained under Part 2 of the 2018 Act and if so, whether it is maintained by the school’s governing body or the local authority; and
- (c) the support being provided.”

(1) S.I. 2007/3562 (W. 312). There are amendments to regulation 3 which are not relevant to these Regulations. Paragraph 9(a) of Schedule 2 was amended by S.I. 2016/837 (W. 211), regulation 2(c).

The Education (Information About Children in Alternative Provision) (Wales) Regulations 2009

4.—(1) The Education (Information About Children in Alternative Provision) (Wales) Regulations 2009⁽¹⁾ are amended as follows.

(2) In regulation 2, insert at the appropriate places—

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

““additional learning needs” (“*anghenion dysgu ychwanegol*”) has the meaning given by section 2 of the 2018 Act;”.

(3) In Schedule 1, at the beginning of paragraph 4 insert “For a child in relation to whom Chapter 1 of Part 4 of the 1996 Act continues to apply,”.

(4) In Schedule 1, after paragraph 4 insert—

“**4A.** For a child in relation to whom Part 2 of the 2018 Act applies, whether the child has additional learning needs and, if so, confirmation of—

- (a) the child’s additional learning needs identified; and
- (b) whether the child has an individual development plan maintained under Part 2 of the 2018 Act and if so, whether it is maintained by the governing body of a school or a local authority.”

Jeremy Miles

Minister for Education and Welsh Language, one of the Welsh Ministers

16 December 2021

(1) S.I. 2009/3355 (W. 294), to which there are amendments not relevant to these Regulations.