

Subordinate Legislation with Clear Reports

22 March 2021

SL(5)799 – The Additional Learning Needs Code for Wales 2021

Background and Purpose

The Additional Learning Needs Code (“the Code”) is issued under the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (“the Act”). The Act, together with the Code and regulations made under the Act, provides the statutory system for meeting the additional learning needs (ALN) of children and young people.

The Code includes statutory guidance about the exercise of functions under Part 2 of the Act (which establishes the statutory system in Wales for meeting the ALN of children and young people). The Code also includes statutory guidance on other matters connected with identifying ALN and meeting the needs of children and young people with ALN, and describes relevant statutory requirements, including ones in the Act.

The following public authorities (referred to in the Code as “relevant persons”) must have regard to relevant guidance in the Code when exercising functions under Part 2 of the Act:

- a local authority in Wales or England;
- the governing body of a maintained school in Wales or England;
- the governing body of a further education institution (FEI) in Wales or England;
- the proprietor of an Academy;
- a youth offending team for an area in Wales or England;
- a person in charge of relevant youth accommodation in Wales or England;
- a Local Health Board;
- an NHS Trust;
- the National Health Service Commissioning Board;
- a clinical commissioning group;
- an NHS foundation trust;
- a Special Health Authority.

The Education Tribunal for Wales must have regard to any provision of the Code that appears to it to be relevant to a question arising on an appeal under Part 2 of the Act.

The Code includes guidance relevant to local authority funded, non-maintained providers of nursery education to which such providers, in accordance with the local authority’s funding arrangements, are required to have regard.



The Code imposes requirements on local authorities in respect of their duties under the Act to make arrangements for the-

- provision of advice and information,
- avoidance and resolution of disagreements, and
- provision of independent advocacy services.

The Code imposes requirements on the governing bodies of maintained schools, FEIs and on local authorities in respect of-

- decisions about whether a child or young person has ALN,
- the preparation, content, form, review and revision of individual development plans ("IDPs"), and
- ceasing to maintain IDPs.

The Code also sets out what is required of local authorities and NHS bodies to discharge their duties to have due regard to United Nations' Conventions.

Procedure

Draft affirmative

Parent Act: Additional Learning Needs and Education Tribunal (Wales) Act 2018

SL(5)788 – The Candidate Election Expenses (Senedd Elections) Code of Practice 2021 (Appointed Day) Order 2021

Background and Purpose

This Order appointed 9 March 2021 as the day on which the Candidate Election Expenses (Senedd Elections) Code of Practice 2021 ("the Code of Practice") came into force.

The Electoral Commission prepared the Code of Practice and submitted it to the Welsh Ministers for approval. The Welsh Ministers have approved the Code of Practice, which was laid before Senedd Cymru on 20 January 2021.

This Committee reported on the Code of Practice on 1 February 2021.

The Senedd did not resolve not to approve the Code of Practice and, as a result, the Welsh Ministers made this Order for the Code of Practice to come into force on 9 March 2021.

Procedure

No procedure



Parent Act: National Assembly for Wales (Representation of the People) Order 2007

Date Made: 8 March 2021

SL(5)794 – The Senedd Cymru (Returning Officers’ Charges) Order 2021

Background and Purpose

This Order contains the maximum amounts a returning officer may recover for services rendered and expenses incurred for, or in connection with, the conduct of the 2021 Senedd Cymru election.

Articles 4, 5 and 6 of this Order specify the maximum amounts for services rendered and expenses incurred for, or in connection with, a contested constituency election. The amounts are listed in the table in Schedule 1.

Articles 7, 8 and 9 of this Order specify the maximum amounts for services rendered and expenses incurred for, or in connection with, a contested regional election. The amounts are listed in the table in Schedule 2.

Article 10 specifies the maximum amount for an uncontested constituency election, whereas article 11 specifies the maximum amount for an uncontested regional election.

Procedure

No procedure

Parent Act: The National Assembly for Wales (Representation of the People) Order 2007

Date Made: 12 March 2021

