

**Briefing on Stage 2 of the Additional Learning Needs and Education Tribunal (Wales) Bill (stage 2) – October 2017**

1. **Background**

On 12th October 2017, the Additional Learning Needs and Education Tribunal (Wales) Bill took another step towards Royal Assent with the successful completion of Stage 2 of the legislative process. The general principles of the Bill were agreed in June and Stage 2 involved the detailed consideration of the Bill by the Children, Young People and Education Committee, with over 100 amendments being agreed. These amendments have strengthened a number of key areas of the Bill such as Welsh Language, duties on NHS bodies and the powers of the Education Tribunal. The Bill now moves into Stage 3 for detailed consideration by all Assembly Members in Plenary next month.

This briefing summarises the agreed amendments with particular relevance to recommendations most relevant to the speech and language therapy profession in Wales and includes a section on next steps with regards the bill and implementation (*section 3)*. The updated version of the bill may be found [here](http://www.senedd.assembly.wales/documents/s67440/Additional%20Learning%20Needs%20and%20Education%20Tribunal%20Wales%20Bill,%20as%20amended%20at%20Stage%202.pdf).

1. **Key points**

The Minister accepted the majority of the recommendations of the Children, Education and Young people’s committee in part or in full. Please see August Briefing for more information on these recommendations. The briefing may be found [here](https://www.rcslt.org/governments/wales).

Key terms

Section 2, page 3

The definition of ALN has been updated to ensure that learning difficulties or disabilities arising from medical conditions are not excluded from the scope of the provisions in the legislation.

‘A person has additional learning needs if he or she has a learning disability or disability that arises from a medical condition or otherwise which calls for additional learning provision).

Additional Learning Needs Code

Section 4, Pages 4-5

The code section been updated to require use of a template for individual development plans and to include timescales for both decisions about whether a child or young person has an additional learning need and for the preparation of IDPs. A draft of the code must be approved by a resolution of the National Assembly for Wales.

Individual Development Plans and NHS Trusts

Section 19 (page 17) has been updated to read;

‘If an NHS body identifies a relevant service or treatment that is likely to be of benefit in addressing a child or young person’s additional learning needs following a referral…’

An additional section has also been added in (section 19 (2), page 17) to cover occasions when a relevant service or treatment is not deemed likely to be of benefit to ensure that there is a duty for NHS bodies to inform the body that made the referral and the body that maintains the IDP.

Also an additional section has been added in at 19 (10) to provide that LHBs and trusts are under a duty to inform within a prescribed time period unless a prescribed exemption applies.

Early years

Section 58, page 41

An additional section has been added in at 58 to create a statutory early years additional learning needs officer to co-ordinate local authorities’ functions under the bill in relation to children under compulsory school age.

The legislation has also been updated to ensure that local authority funded, non-maintained nursery providers will, subject to a duty, be required to have regard to any relevant guidance in the code enforceable by the local authority.

Welsh language

The bill has been strengthened in terms of duties relating to the Welsh language. For example;

Section 59, page 42 concerning the duty to keep additional learning needs provision under review, the text has been expanded upon in 3,4 and 5 to include a duty on local authorities to consider the sufficiency of additional learning needs provision in Welsh and if not judged sufficient, to take all reasonable steps to remedy the matter.

A new section has been added in at 83 (page 57). This requires Welsh Ministers to arrange for reviews of the sufficiency of additional learning provision in Welsh and report on the outcomes of reviews.

NHS bodies: evidence and Tribunal recommendations

Section 72, page 50

An additional section has been added in to strengthen duties on health with relation to the Tribunal. NHS bodies may be required by the Education Tribunal for Wales to give evidence about the exercise of the body’s functions and the Tribunal may also make recommendations to an NHS body on the exercise of its functions. An NHS body to whom a recommendation has been made must report, within a prescribed time period, either what action it will be taking to respond to the recommendation or why it has not taken any action.

1. ***Next steps***

* Following the completion of stage 2, the Bill now moves into Stage 3 for detailed consideration by all Assembly Members in Plenary next month. We will continue to engage with the legislation via our membership of the health expert group.
* We are awaiting a consultation on the draft code for the bill and are currently planning a day for members on the new legislation and DLD in January 2018.
* The Welsh Government has indicated that the **first introduction of the new ALN system is likely to be in September 2019**. Implementation of 16-25 age-groups is likely to take place in a second tranche of implementation.