

Kirsty Williams AC/AM
Y Gweinidog Addysg
Minister for Education



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref MA-L-KW-0963-19

Lynne Neagle AM
Chair, Children, Young People Education
Committee National Assembly for Wales
Cardiff Bay
CF99 1NA

12 March 2019

Dear Lynne,

Draft Additional Learning Needs Code

Thank you for your letter of 26 February in relation to the draft Additional Learning Needs Code ('the draft Code'), requesting clarification on a number of specific points relating to sections 68 and 69 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 ('the Act').

Section 68: Arrangements for the avoidance and resolution of disagreements

Paragraphs 25.3 – 25.33 of the draft Code set out the requirements and guidance which relate to these arrangements. The arrangements will include a wide variety of activities relating to both avoidance of disagreements on the one hand, and also the resolution of disagreements, and so it is important to note that these arrangements are not a 'service' in themselves, although a service or services may form part of them. Whether these arrangements are provided directly by the local authority or by a third party would be a matter for the local authority to determine.

Paragraph 25.36 of the draft Code deals with the independence of persons helping to resolve disagreements, and sets out the way in which "independent person" should be interpreted for the purposes of s.68(3) of the Act. At this stage, I do not feel it would be appropriate for me to provide the Committee with a further interpretation beyond that which has been included in the draft Code for consultation. However, I would welcome the views of the Committee, along with those of other respondents to the consultation, about whether this interpretation is appropriate or sufficient, including views on whether the Code should impose any additional requirements (in accordance with the power to do so in s.4(5)(a) of the Act) in relation to this matter).

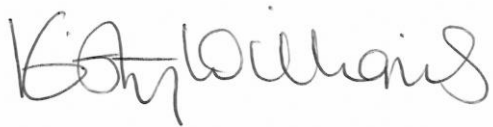
Section 69: Independent advocacy services

Paragraphs 25.66 – 25.68 of the draft Code set out the requirements and guidance relating to the independence of advocacy services. As I have said in response to your request for further clarification of the section 68 provisions above, I do not consider it appropriate at this stage for me to go further than that which is set out in

the draft Code. However, I would very much welcome the views of the Committee on how the Code might provide guidance on the interpretation of s.69(3) of the Act or indeed what further requirements might be imposed through the Code in regards to this matter.

I am determined that we achieve the overarching objectives of the Act, including the creation of a fair and transparent system for providing information and advice and for resolving concerns and appeals. The Committee has an important role in contributing to ensuring that the Code reflects the Act and its intentions. I am grateful to the Committee, and the stakeholders working with it, for their time and commitment to scrutinising the draft Code and look forward to receiving your consultation response.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kirsty Williams', written in a cursive style.

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