
Cynulliad Cenedlaethol Cymru
Y Pwyllgor Plant, Pobl Ifanc ac Addysg

National Assembly for Wales
Children, Young People and Education Committee

Kirsty Williams, AM
Minister for Education
Welsh Government

22 March 2019

Dear Kirsty

Draft Additional Learning Needs Code: Welsh Government Consultation

Thank you for your letter of 11 December 2018, setting out the details of the Welsh Government consultation on the draft Additional Learning Needs Code (the draft Code), and other regulations.

Section 4 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 requires Welsh Ministers to issue a Code on additional learning needs, and section 5 of that Act sets out the procedure for making the Code. In accordance with that procedure, Welsh Ministers must consult specified persons before issuing a Code – and the Children, Young People and Education Committee is one of the statutory consultees listed in the Act under section 5(1), as the relevant National Assembly Committee.

The Committee is very pleased to be responding to the consultation in that statutory capacity. In responding, I thought it would also be useful to set out some background to the Committee's work in scrutinising the ALN Bill, and the process we put in place to consider the draft Code. We believe this will help set out some added context to our response.

During its early scrutiny of the ALN Bill, the Committee was concerned that the Code should be subject to scrutiny by the Assembly before it was issued. In line with the Committee's recommendation 44, the Bill was amended at Stage 2 to provide for an enhanced procedure to apply to the making of the Code. This included consultation with the "relevant Assembly Committee" and approval of the draft Code by the Assembly.



As one of the statutory consultees, the CYPE Committee considered how best to approach its scrutiny of the draft Code in order to input into the Government's consultation effectively. The Committee agreed to call together a 'working group' to enable direct engagement with expert stakeholders to discuss the detail of the draft Code and to inform the Committee's formal response to the consultation. In doing so, we were mindful not to duplicate the Welsh Government's consultation and proceeded on that basis with stakeholders who we have encouraged to submit their own response to the consultation.

The main purpose of the working group was therefore to gather the views of expert stakeholders on the content of the Code, whether it meets the needs of stakeholders / practitioners and most importantly whether it would help enable the effective implementation of the provisions of the ALN Act in order to support learners with ALN.

Members of the working group included representatives from a number of organisations that had been involved with the work the Committee undertook in scrutinising the ALN Bill during its passage through the Assembly. The Committee wanted to build on this previous scrutiny, and the detailed work undertaken in collaboration with stakeholders. Its considerations were conducted in two parts:

Part 1 – the working group considered an analysis of Welsh Government commitments made during scrutiny of the Bill. This analysis also took account of issues raised during the technical briefing provided by Welsh Government officials on 30 January 2019.

Part 2 – the working group members were asked to lead a more general discussion on the draft Code to highlight any areas of concern, or areas where they believed the draft Code would work well.

The Committee also received written comments from organisations who were involved in the working group, but unfortunately could not attend the Group's meeting on 13 February. Written comments received were circulated to the working group in advance and discussed during its considerations.



The Committee's Response

The Committee's detailed response on the content of the draft Code is set out in the [Annex to this letter](#). This detailed response is based on the table of analysis that formed the basis of the working groups considerations, and contains:

- details of Welsh Government commitments made during the Bill's passage and how these are addressed in draft Code (Part 1 of the table);
- details of other issues raised by stakeholders (Part 2 of the table);
- a summary of stakeholder views on the commitments and other issues; and
- the Committee's view and findings on each of the areas considered.

The Committee urges the Welsh Government to consider carefully the evidence presented by the working group, and the findings made by the Committee. We are fully aware that the drafting of the Code is an ongoing process and that the final Code will need to be laid before and approved by the Assembly before it can be issued. The Committee will therefore consider the Welsh Government's response to the consultation, and may if appropriate, report to the Assembly to inform its decision on whether to approve the Code.

The Committee would like to thank all those who contributed to the working group's considerations, either during the meeting, or through their written representations. Those involved included representatives from SNAP Cymru, Welsh Local Government Association, National Deaf Children's Society, the Office of the Welsh Language Commissioner, Royal College of Speech and Language Therapists, Children in Wales, Royal College of Occupational Therapists, Mudiad Meithrin, Association of Educational Psychologists, NHS Confederation and the Office of the Children's Commissioner for Wales.


This was the first time the Committee has established a working group to consider a specific piece of work, and the contribution of those expert stakeholders helped ensure our scrutiny was as effective as it could be in the short time we had available.

The Committee is fully aware that those stakeholders / organisations who were involved with the group may also be responding to the Welsh Government's consultation in their own right – and we would encourage that. It is vital that the Welsh Government hears from those delivering support for our children and young people – in whatever role they play. The 2018 Act was widely welcomed.



In delivering the new system that fully supports children and young people of Wales with ALN it is vital that we get the ALN Code right so it can effectively underpin the legislation.

Yours sincerely



Lynne Neagle AC / AM
Cadeirydd / Chair

