

Alun Davies AC/AM  
Gweinidog y Gymraeg a Dysgu Gydol Oes  
Minister for Lifelong Learning and Welsh Language



---

Llywodraeth Cymru  
Welsh Government

Simon Thomas AM  
Chair  
Finance Committee  
National Assembly for Wales  
Ty Hywel  
Cardiff Bay  
CF99 1NA

[SeneddFinance@assembly.wales](mailto:SeneddFinance@assembly.wales)

17 July 2017

Dear Simon,

### **ADDITIONAL LEARNING NEEDS AND EDUCATION TRIBUNAL (WALES) BILL**

I would like to thank the Finance Committee once again for its comprehensive scrutiny of the Additional Learning Needs and Education Tribunal (Wales) Bill during Stage 1 of the legislative process.

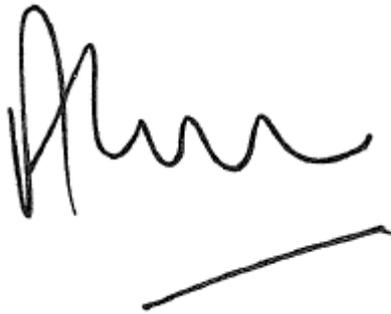
At the General Principles debate on 6 June and in my earlier letter I signalled my intention to write to you with a detailed response to each of the Committee's 9 recommendations. This response is provided below; it is based on careful and detailed consideration and reflects my current views. It will, of course, be subject to further discussions to be held throughout the remainder of this term, work to be carried out over the summer recess, and the detailed scrutiny of the Bill at Stage 2.

The response to each recommendation sets out whether I accept, or accept in principle (subject to further consideration and discussion) that recommendation. Where I do not accept a recommendation, I have set out my rationale for coming to that decision. As you will see, I am accepting or accepting in principle the majority of the Committee's 9 recommendations. Any revisions to the financial implications associated with the Bill flowing from accepting the recommendations, and those of the other Committees, will be incorporated in the revised RIA.

I hope that this information helps to inform your further scrutiny of the Bill and demonstrates my commitment to listen and to work collaboratively to deliver the most effective piece of legislation that will genuinely improve the lives of children and young people. I look forward to continuing to work with Members as the Bill progresses through the Assembly.

I will also be writing to the Chairs of the Children, Young People and Education Committee and Constitutional and Legislative Affairs Committee with regards to their Stage 1 reports. I am copying each of the letters to all three Chairs of Committee.

Cofion,

A handwritten signature in black ink, appearing to read 'Alun', with a horizontal line underneath it.

**Alun Davies AC/AM**

Gweinidog y Gymraeg a Dysgu Gydol Oes  
Minister for Lifelong Learning and Welsh Language

## **Welsh Government's response to the Finance Committee's Stage 1 report on the Additional Learning Needs and Education Tribunal (Wales) Bill**

### **Recommendation 1**

*The Committee recommends that the Regulatory Impact Assessment is updated to incorporate the relevant revisions to figures.*

I **accept** this recommendation. The Committee will be aware that I have written to all Assembly Members to confirm that a revised Regulatory Impact Assessment (RIA) will be available in September. I have agreed to attend Finance Committee following publication of the revised RIA and then intend to move the Financial Resolution motion.

### **Recommendation 2**

*The Committee recommends that there is transparency regarding the £20 million additional funding for Additional Learning Needs and that any revised Regulatory Impact Assessment makes clear whether additional funding is being made available for the purposes of the Bill.*

I **accept in principle** this recommendation. As part of the work underway to revise the RIA, consideration is being given to how we might distinguish between funding being directed towards implementation of the statutory duties in the Bill and that being provided for wider transformation. As I have said previously though, such disaggregation is not straightforward. The culture and practice change we are striving for must happen hand-in-hand with the system changes we're making through the Bill and, as such, the activities we are funding often have a dual purpose.

### **Recommendation 3**

*The Committee recommends that the Additional Learning Needs implementation grant funding provided to local authorities and other organisations should be ring-fenced to ensure that its use specifically relates to implementing obligations from the Bill.*

I **accept in principle** this recommendation. The grant funding will be specifically targeted towards implementation of the new system and this will be made clear in the grant conditions. However, as noted above, it is not my intention to separate out funding to support the narrow transition from one statutory system to another; rather funding will be provided to deliver the wider transformational change required to deliver the improvements in outcomes for learners we are striving for.

#### **Recommendation 4**

*The Committee recommends that the process for distributing grants should be well considered with a view to minimising bureaucracy, whilst ensuring value for money.*

I **accept** this recommendation. I absolutely agree these are the core principles that will shape the approach to our implementation grant funding. We are currently discussing the approach with the Directors of Education, Colegau Cymru and the principals of the FE colleges in Wales with a view to creating a grant system focused on gaining the greatest value for money and minimising bureaucracy.

#### **Recommendation 5**

*The Committee recommends that the Welsh Government considers strategies to retain and minimise turnover of Additional Learning Needs Co-ordinators, given the level of investment required to achieve the prescribed qualifications.*

I **accept** this recommendation. It is a central consideration in our ongoing development work in relation to the Additional Learning Needs Coordinator (ALNCo) role. This design and development work is happening with the direct input of practitioners through the ALNCo Expert Group.

*(No recommendation 6)*

#### **Recommendation 7**

*The Committee recommends that the funding transferred from the Welsh Government to local authorities for assessing the needs of post-16 students and securing specialist further education provision must be used for meeting the specific obligations of the Bill.*

I **accept in principle** this recommendation. I have asked my officials to feed the views of the Committee into the ongoing discussions with local government, through the Distribution Sub Group. The options for alternative mechanisms provided by the Children, Young People and Education Committee in its report will also be discussed by the Group. The approach we ultimately take will be informed by the advice of the Group.

#### **Recommendation 8**

*The Committee recommends that the Welsh Government provides an update on the outcome of the pilots and the Expert Group on Health's conclusions in relation to the funding implications of the Designated Education Clinical Lead Officer role.*

I **accept** this recommendation. I have written to the Children, Young People and Education Committee with an update on the progress made by the Health Expert Group, including development of the Designated Education Clinical Lead Officer model and the two pilots.

### **Recommendation 9**

*The Committee re-iterates the recommendation made by the previous Finance Committee, that the Welsh Government should undertake work to develop a more consistent approach across Bills to providing costs associated with subordinate legislation, to enable better scrutiny of the full costs and benefits of Bills.*

I **accept in principle** this recommendation. I am aware this is an issue the Committee has also considered in the context of other Bills. In line with usual Welsh Government practice, I intend to publish a separate RIA for the package of secondary legislation to be made in due course. This approach will enable us to reflect the most accurate information at the time the regulations (and Code) are brought forward.

The Committee will be aware of the recent review within the Welsh Government of legislation in the Fourth Assembly and that this has led to a number of changes to help deliver a consistent approach across Bills. For example, the relevant Chapter of the Government's Legislation Handbook is being updated to emphasise that Bill RIAs should outline the best estimate of the cost of the legislation as a whole, including any associated subordinate legislation.

The RIA accompanying this Bill outlines the cost of implementing the new system. The secondary legislation will contribute to this implementation and so its costs are covered within the RIA in so far as it is possible at this stage. Therefore, I am satisfied the RIA for this Bill is in line with the Government's approach.

### **Recommendation 10**

*The Committee recommends that the estimated costs of implementing subordinate legislation are provided, where possible, when a revised Explanatory Memorandum is published after Stage 2.*

I **do not accept** this recommendation. As noted above, the RIA accompanying the Bill outlines the cost of implementing the new system. Given the secondary legislation made under the Bill will contribute to this implementation, its costs are already covered in so far as it is possible and appropriate to do so at this stage. Specific reference to the secondary legislation will not feature in the RIA when laid ahead of Stage 3.