

## HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 21 Gorffennaf 2017  
Tabled on 21 July 2017

### Bil Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) Additional Learning Needs and Education Tribunal (Wales) Bill

**Alun Davies**

**22**

Section 4, page 5, after line 16, insert—

- '() The code must include the following requirements on governing bodies and local authorities—
- (a) a requirement under subsection (4)(b)(i) for the notification of a decision that a child or young person does not have additional learning needs to be given in accordance with section 9(4), 11(3), 16(3) or 37(4) before the end of a period of time specified in the code, subject to any exceptions to the requirement specified in the code;
  - (b) a requirement under subsection (4)(b)(ii) to prepare an individual development plan and give a copy of it in accordance with section 20 or 37(5) before the end of a period of time specified in the code, subject to any exceptions to the requirement specified in the code;
  - (c) a requirement under subsection (4)(b)(ii) to use the appropriate standard form set out in the code for an individual development plan; and the code must include one or more standard forms for this purpose.'

Adran 4, tudalen 5, ar ôl llinell 15, mewnosoder—

- '() Rhaid i'r cod gynnwys y gofynion a ganlyn ar gyrff llywodraethu ac awdurdodau lleol—
- (a) gofyniad o dan is-adran (4)(b)(i) i'r hysbysiad o benderfyniad nad oes gan blentyn neu berson ifanc anghenion dysgu ychwanegol gael ei roi yn unol ag adran 9(4), 11(3), 16(3) neu 37(4) cyn diwedd cyfnod o amser a bennir yn y cod, yn ddarostyngedig i unrhyw eithriadau i'r gofyniad a bennir yn y cod;



- (b) gofyniad o dan is-adran (4)(b)(ii) i lunio cynllun datblygu unigol a rhoi copi ohono yn unol ag adran 20 neu 37(5) cyn diwedd cyfnod o amser a bennir yn y cod, yn ddarostyngedig i unrhyw eithriadau i'r gofyniad a bennir yn y cod;
- (c) gofyniad o dan is-adran (4)(b)(ii) i ddefnyddio'r ffurf safonol briodol a nodir yn y cod ar gyfer cynllun datblygu unigol; a rhaid i'r cod gynnwys un neu ragor o ffurfiau safonol at y diben hwn.'

**Alun Davies** **23**

Section 12, page 12, leave out line 10.

Adran 12, tudalen 12, hepgorer llinell 11.

**Alun Davies** **24**

Section 17, page 15, leave out line 22.

Adran 17, tudalen 15, hepgorer llinell 23.

**Alun Davies** **25**

Section 19, page 16, line 35, after 'person's', insert 'additional learning'.

Adran 19, tudalen 16, llinell 36, ar ôl 'anghenion', mewnosoder 'dysgu ychwanegol'.

**Alun Davies** **26**

Section 19, page 17, after line 6, insert –

- '( ) If an NHS body does not identify a relevant treatment or service that is likely to be of benefit in addressing a child's or young person's additional learning needs following a referral under section 18 it must –
  - (a) inform the body that made the referral of that fact, and
  - (b) if the referral was not made by a body that maintains an individual development plan for the child or young person, inform the body that maintains the individual development plan of that fact.'

Adran 19, tudalen 17, ar ôl llinell 7, mewnosoder –

- '( ) Os nad yw corff GIG yn nodi triniaeth berthnasol neu wasanaeth perthnasol sy'n debygol o fod o fudd o ran ymdrin ag anghenion dysgu ychwanegol plentyn neu berson ifanc yn dilyn atgyfeiriad o dan adran 18 rhaid iddo –
  - (a) rhoi gwybod i'r corff a atgyfeiriodd y mater am y ffaith honno, a
  - (b) os nad corff sy'n cynnal cynllun datblygu unigol ar gyfer y plentyn neu'r person ifanc a atgyfeiriodd y mater, roi gwybod i'r corff sy'n cynnal y cynllun datblygu unigol am y ffaith honno.'



**Alun Davies** 27

Section 19, page 18, after line 4, insert—

'(9) Regulations may provide that where an NHS body is under a duty to inform under subsection (1) or (*subsection to be inserted by amendment 26*), it must comply with that duty within a prescribed period, unless a prescribed exception applies.'

Adran 19, tudalen 18, ar ôl llinell 4, mewnosoder—

'(9) Caiff rheoliadau ddarparu, pan fo corff GIG o dan ddyletswydd i roi gwybod o dan is-adran (1) neu (*yr is-adran sy'n cael ei mewnosod gan welliant 26*), fod rhaid iddo gydymffurfio â'r ddyletswydd honno o fewn cyfnod rhagnodedig, oni bai bod eithriad rhagnodedig yn gymwys.'

**Alun Davies** 28

Section 57, page 39, line 30, leave out 'power' and insert 'duty'.

Adran 57, tudalen 39, llinell 31, hepgorer 'bŵer' a mewnosoder 'ddyletswydd'.

**Alun Davies** 29

Section 57, page 39, line 33, leave out 'may' and insert 'must'.

Adran 57, tudalen 39, llinell 33, hepgorer 'caiff y' a mewnosoder 'rhaid i'r'.

**Alun Davies** 30

Section 85, page 56, line 25, after '12(1)(c)(ii)', insert '36(2)'.

Adran 85, tudalen 56, llinell 24, ar ôl '12(1)(c)(ii)', mewnosoder '36(2)'.

**Alun Davies** 31

Section 85, page 56, line 25, leave out 'or 76' and insert ', 76 or 86(8)'.

Adran 85, tudalen 56, llinell 24, hepgorer 'neu 76' a mewnosoder ', 76 neu 86(8)'.

**Alun Davies** 32

Section 85, page 56, after line 25, insert—

'( ) the first regulations made under section 13(2);'

Adran 85, tudalen 56, ar ôl llinell 24, mewnosoder—

'( ) y rheoliadau cyntaf a wneir o dan adran 13(2);'

**Alun Davies** 33

Schedule 1, page 66, line 16, leave out 'or 579(3C)'.

Atodlen 1, tudalen 66, llinell 17, hepgorer 'or 579(3C)'.

**Alun Davies** 34

Schedule 1, page 66, line 16, after 'or' at the third place where it appears, insert '(unless subsection (2BA) applies)'.

Atodlen 1, tudalen 66, llinell 17, ar ôl 'or' yn y trydydd lle y mae'n ymddangos, mewnosoder '(unless subsection (2BA) applies)'.



**Alun Davies**

**35**

Schedule 1, page 66, after line 16, insert –

‘() after subsection (2B), insert –

“(2BA) A statutory instrument which contains (whether alone or with other provision) regulations made by the Welsh Ministers under both section 562J(4) and section 36(2) of the Additional Learning Needs and Education Tribunal (Wales) Act 2017 may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.

(2BB) A statutory instrument which contains (whether alone or with other provision) regulations under section 579(3C) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.”;’.

Atodlen 1, tudalen 66, ar ôl llinell 17, mewnosoder –

‘() ar ôl is-adran (2B), mewnosoder –

“(2BA) A statutory instrument which contains (whether alone or with other provision) regulations made by the Welsh Ministers under both section 562J(4) and section 36(2) of the Additional Learning Needs and Education Tribunal (Wales) Act 2017 may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.

(2BB) A statutory instrument which contains (whether alone or with other provision) regulations under section 579(3C) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.”;’.

**Alun Davies**

**36**

Schedule 1, page 74, after line 14, insert –

‘() In section 196 (orders and regulations), in subsection (6), after paragraph (c) insert –

“(ca) the first regulations made under section 83(2B);”.’.

Atodlen 1, tudalen 74, ar ôl llinell 15, mewnosoder –

‘() Yn adran 196 (gorchmynion a rheoliadau), yn is-adran (6), ar ôl paragraff (c) mewnosoder –

“(ca) y rheoliadau cyntaf a wneir o dan adran 83(2B);”.’.

