



# School Standards and Organisation (Wales) Act 2013

2013 anaw 1

## PART 3

### SCHOOL ORGANISATION

#### <sup>F1</sup>CHAPTER 4

#### REGIONAL PROVISION FOR [<sup>F1</sup>SPECIAL EDUCATIONAL][<sup>F1</sup>ADDITIONAL LEARNING] NEEDS

##### Textual Amendments

- F1** Words in Pt. 3 Ch. 4 title substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 22(3)(a)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3

#### <sup>F1F2</sup>64 <sup>F1</sup>Meaning of “regional provision” and “[<sup>F2</sup>special education][<sup>F2</sup>additional learning needs] functions”

In this Chapter—

“regional provision” (“*darpariaeth ranbarthol*”) means—

- (a) provision of education for children belonging to the areas of different local authorities, at a school maintained by one of those authorities, or

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- (b) provision made by two or more local authorities for goods or services to be supplied by one of the authorities—
- (i) to the other or others, or
  - (ii) to one or more governing bodies of schools maintained by the other authority or authorities;
- [<sup>F3</sup>“special education functions” (“”) means functions under Part 4 of the Education Act 1996 (special educational needs).]
- [<sup>F3</sup>“additional learning needs functions” (“swyddogaethau anghenion dysgu ychwanegol”) means functions under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018.]

#### Textual Amendments

- F2** Words in s. 64 heading substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 22(3)(b)(i)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F3** Words in s. 64 substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 22(3)(b)(ii)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3

#### Commencement Information

- I1** S. 64 in force at 1.10.2013 by [S.I. 2013/1800, art. 3\(c\)](#)

## 65 <sup>F1</sup>Direction to consider making regional provision

- (1) The Welsh Ministers may direct local authorities to consider whether they (or any of them) would be able to carry out their [<sup>F4</sup>special education functions][<sup>F4</sup>additional learning needs functions], in respect of children with the [<sup>F5</sup>special educational needs][<sup>F5</sup>additional learning needs] specified in the direction, more efficiently or effectively if regional provision were made.
- (2) The authorities to whom a direction is given must report their conclusions to the Welsh Ministers no later than the time specified in the direction.
- (3) A direction under this section may be given to local authorities generally or to one or more authorities specified in the direction.

#### Textual Amendments

- F4** Words in s. 65(1) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act](#)

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2018 (anaw 2), s. 100(3), **Sch. 1 para. 22(3)(c)(i)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3

- F5** Words in s. 65(1) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 22(3)(c)(ii)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3

#### Commencement Information

- I2** S. 65 in force at 1.10.2013 by S.I. 2013/1800, art. 3(c)

## 66 <sup>F1</sup>Directions to make proposals to secure regional provision

- (1) This section applies where the Welsh Ministers are of the opinion that two or more local authorities would be able to carry out their [<sup>F6</sup>special education][<sup>F6</sup>additional learning needs] functions, in respect of children falling within a particular description, more effectively or efficiently if regional provision were made in relation to the areas of those authorities.
- (2) The Welsh Ministers may give one or more of the directions specified in subsection (3) for the purpose of securing that regional provision is made in relation to the description of children from the areas specified in the direction.
- (3) The directions are—
  - (a) that a local authority exercise its powers to make proposals to establish, alter or discontinue schools;
  - (b) that the governing body of a foundation or voluntary school exercise its powers to make proposals to alter its school;
  - (c) that two or more local authorities make arrangements under which—
    - (i) provision for education is made by one of the authorities in respect of persons from the area (or areas) of the other authority (or authorities), and
    - (ii) provision is made for determining the payments to be made under the arrangements in respect of the provision of that education;
  - (d) that two or more local authorities make arrangements that provide for one of those authorities to supply to the other (or others) goods or services to be specified in the arrangements on terms (including terms as to payment) to be so specified;
  - (e) that a local authority and the governing bodies of one or more foundation or voluntary schools make arrangements that provide for the authority to supply to the governing bodies goods or services to be specified in the arrangements, on terms (including terms as to payment) to be so specified.
- (4) Where the Welsh Ministers give a direction under subsection (3)(c) and a direction under subsection (3)(a) or (3)(b), the payments to which subsection (3)(c) refers may

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include an amount in respect of the costs connected with the establishment, alteration or discontinuance of the school in question.

- (5) A direction under subsection (3)(a) or (3)(b)—
- (a) must require the proposals in question to be published no later than the date specified in the direction, and
  - (b) must require the body making the proposals to send a copy of the published proposals, together with other information (of a kind specified in the direction) in connection with those proposals to the Welsh Ministers.

#### Textual Amendments

**F6** Words in s. 66(1) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 22(3)(d)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, art. 2); S.I. 2021/1243, art. 3 (with arts. 4-23) (as amended by S.I. 2021/1428, art. 2); S.I. 2021/1244, art. 3 (with arts. 4-21) (as amended by S.I. 2021/1428, art. 3); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, art. 3 (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, art. 4; S.I. 2022/894, art. 3; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, art. 3 (with arts. 1(7), 4-22); S.I. 2022/897, art. 3 (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3

#### Commencement Information

**I3** S. 66 in force at 1.10.2013 by [S.I. 2013/1800](#), **art. 3(c)**

#### 67 <sup>F1</sup>Further provision about proposals made after a direction under section 66

- (1) Proposals made in accordance with a direction under section 66 may not be withdrawn without the consent of the Welsh Ministers.
- (2) The Welsh Ministers may give consent for the purposes of subsection (1) subject to conditions.
- (3) The local authority must reimburse expenditure reasonably incurred by the governing body of a school maintained by it in making proposals in accordance with a direction under section 66.
- (4) Despite anything in Part 1 of Schedule 3 (responsibility for implementation of statutory proposals), the local authority must meet the cost of implementing proposals made by the governing body of a school maintained by the authority in accordance with a direction under section 66 which have been approved or determined to be implemented.

#### Commencement Information

**I4** S. 67 in force at 1.10.2013 by [S.I. 2013/1800](#), **art. 3(c)**

#### 68 <sup>F1</sup>Proposals by Welsh Ministers

- (1) This section applies where—
  - (a) the Welsh Ministers have given a direction under section 66, and
  - (b) either—

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- (i) proposals have been published in accordance with the direction, or
  - (ii) the time allowed under the direction for the publication of the proposals has expired.
- (2) The Welsh Ministers may make any proposals that could have been made in accordance with the direction.
- (3) Before publishing proposals under this section, the Welsh Ministers must consult on the proposals in accordance with the code issued under section 38(1) for the time being in force.
- (4) The proposals must be published in accordance with the code issued under section 38(1) for the time being in force.
- (5) The Welsh Ministers must send a copy of the proposals to—
- (a) local authorities whose areas are affected by the proposals, and
  - (b) the governing body of each school to which the proposals relate.

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**Commencement Information**

**I5** S. 68 in force at 1.10.2013 by [S.I. 2013/1800](#), [art. 3\(c\)](#)

**69** <sup>F1</sup>**Objections**

- (1) Any person may object to proposals published under section 68.
- (2) Objections must be sent in writing to the Welsh Ministers before the end of 28 days beginning with the day on which the proposals were published.

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**Commencement Information**

**I6** S. 69 in force at 1.10.2013 by [S.I. 2013/1800](#), [art. 3\(c\)](#)

**70** <sup>F1</sup>**Adoption of proposals**

- (1) The Welsh Ministers may, after considering any objections made in accordance with section 69 (and not withdrawn)—
  - (a) adopt the proposals with or without modifications, or
  - (b) determine not to adopt the proposals.
- (2) The adoption of proposals may be expressed to take effect only if an event specified in the adoption occurs by a date so specified.
- (3) Proposals adopted by the Welsh Ministers have effect as if they had been approved by the Welsh Ministers under section 50 after having been made—
  - (a) by the local authority under its powers to make proposals to establish, alter or discontinue schools, or
  - (b) in the case of proposals to alter a foundation or voluntary school, by the governing body under its powers to make proposals to alter its school.
- (4) Despite anything in Part 1 of Schedule 3 (responsibility for implementation of statutory proposals), the local authority that maintains the school in question must

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meet the cost of implementing proposals adopted under subsection (1) which have effect as mentioned in subsection (3)(b).

**Commencement Information**

**I7** S. 70 in force at 1.10.2013 by [S.I. 2013/1800](#), [art. 3\(c\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 3 Ch. 3A inserted by [2022 asc 1 Sch. 4 para. 29\(7\)](#)
- s. 1(9A) inserted by [2022 asc 1 Sch. 4 para. 29\(2\)\(a\)](#)
- s. 38(2)(ca) inserted by [2022 asc 1 Sch. 4 para. 29\(3\)\(a\)](#)
- s. 38(5)(ca) inserted by [2022 asc 1 Sch. 4 para. 29\(3\)\(b\)](#)
- s. 39(1)(ca) inserted by [2022 asc 1 Sch. 4 para. 29\(4\)](#)
- Sch. 2 para. 19(2)(c)(i) word inserted by [2022 asc 1 Sch. 4 para. 29\(12\)\(b\)](#)