



Additional Learning Needs and Education Tribunal (Wales) Act 2018

2018 anaw 2

ADDITIONAL LEARNING NEEDS AND EDUCATION TRIBUNAL (WALES) ACT 2018

PART 1

OVERVIEW

- 1 Overview of this Act

PART 2

ADDITIONAL LEARNING NEEDS

CHAPTER 1

KEY TERMS, CODE AND PARTICIPATION

Key terms

- 2 Additional learning needs
- 3 Additional learning provision

Code of practice

- 4 Additional learning needs code
- 5 Procedure for making the code

Participation, United Nations conventions and access to information

- 6 Duty to involve and support children, their parents and young people
- 7 Duty to have regard to the United Nations Convention on the Rights of the Child

- 8 Duty to have regard to the United Nations Convention on the Rights of Persons with Disabilities
- 9 Advice and information

CHAPTER 2

INDIVIDUAL DEVELOPMENT PLANS

Preparing and maintaining individual development plans

- 10 Individual development plans
- 11 Duty to decide: maintained schools and further education institutions
- 12 Duties to prepare and maintain plans: maintained schools and further education institutions
- 13 Duty to decide: local authorities
- 14 Duties to prepare and maintain plans: local authorities

Additional learning provision for looked after children

- 15 Key terms
- 16 Amendments to the Social Services and Well-being (Wales) Act 2014
- 17 Duty to refer a matter to a local authority that looks after a child
- 18 Duty to decide whether a looked after child has additional learning needs
- 19 Duties to prepare and maintain plans for looked after children

Additional learning provision and NHS bodies

- 20 Additional learning provision: Local Health Boards and NHS trusts
- 21 Individual development plans: Local Health Boards and NHS trusts

Information about plans

- 22 Provision of information about individual development plans

Review of plans

- 23 Review and revision of individual development plans
- 24 Review and revision of individual development plans for looked after children
- 25 Relationship of individual development plans to other similar documents

Local authority reconsideration of governing body decisions and plans

- 26 Reconsideration by local authorities of decisions under section 11(1)
- 27 Reconsideration by local authorities of plans maintained under section 12
- 28 Local authority duty to decide whether to take over governing body plans
- 29 Circumstances in which the duties in sections 26(2), 27(2) and 28(3) do not apply
- 30 Registration or enrolment at more than one institution

Ceasing to maintain plans

- 31 Ceasing to maintain individual development plans
- 32 Reconsideration by local authorities of decisions of governing bodies under section 31
- 33 Limitation on ceasing to maintain plans to allow reconsideration or appeal
- 34 Individual development plan after a young person's 25th birthday

Transfer of plans

- 35 Transfer of duties to maintain plans
- 36 Request to transfer plan to governing body of further education institution
- 37 Regulations about transfer of individual development plans

Powers to direct governing bodies of maintained schools

- 38 Local authority power to direct governing bodies of maintained schools

Additional learning provision for detained persons

- 39 Meaning of "detained person" and other key terms
- 40 Duty to prepare individual development plans for detained persons
- 41 Circumstances in which the duty in section 40(2) does not apply
- 42 Duty to keep individual development plans for detained persons
- 43 Release of a detained person
- 44 Certain provisions of Part 2 not to apply to children and young persons in detention
- 45 Detention under Part 3 of the Mental Health Act 1983

Necessity of plans

- 46 Regulations about deciding whether an individual development plan is necessary

CHAPTER 3

SUPPLEMENTARY FUNCTIONS

Functions relating to securing additional learning provision

- 47 Duty to take all reasonable steps to secure additional learning provision
- 48 Duty to admit children to named maintained schools
- 49 No power to charge for provision secured under this Part
- 50 Welsh Ministers' duties to secure post-16 education and training

Additional learning provision in particular kinds of school or other institution

- 51 Duty to favour education for children at mainstream maintained schools
- 52 Children with additional learning needs in mainstream maintained schools
- 53 Additional learning provision otherwise than in schools
- 54 Amendments to registration requirements for independent schools in Wales

- 55 Conditions applicable to securing additional learning provision at independent schools
- 56 List of independent special post-16 institutions
- 57 Abolition of approval of non-maintained special schools in Wales
- 58 Abolition of approval of independent schools in Wales
- 59 Additional learning provision outside England and Wales

Additional learning needs co-ordinating officers

- 60 Additional learning needs co-ordinator
- 61 Designated education clinical lead officer
- 62 Early years additional learning needs lead officer

Miscellaneous functions

- 63 Duty to keep additional learning provision under review
- 64 Duty of health bodies to notify parents etc.
- 65 Duties to provide information and other help
- 66 Right of local authority to access premises of schools and other institutions
- 67 Provision of goods or services in relation to additional learning provision

CHAPTER 4

AVOIDING AND RESOLVING DISAGREEMENTS

Local authority arrangements

- 68 Arrangements for the avoidance and resolution of disagreements
- 69 Independent advocacy services

Appeals and applications to the Tribunal

- 70 Appeal and application rights
- 71 Decisions on appeals and applications under section 70
- 72 Appeal rights: detained persons
- 73 Decisions on appeals under section 72
- 74 Regulations about appeals and applications
- 75 Regulations about procedure
- 76 NHS Bodies: evidence and Tribunal recommendations
- 77 Compliance with orders
- 78 Power to share documents and other information with the Welsh Ministers
- 79 Offence
- 80 Allowances for attendance at the Education Tribunal for Wales
- 81 Appeals from the Education Tribunal for Wales to the Upper Tribunal

CHAPTER 5

GENERAL

Information

- 82 Regulations about disclosure and use of information

Capacity

- 83 Parents and young people lacking capacity
- 84 Capacity of children
- 85 Case friends for children who lack capacity

Higher education courses provided by further education institutions

- 86 Students at further education institutions undertaking higher education courses

Pupils and students at Welsh institutions who are resident in England

- 87 Application of reconsideration provisions to pupils and students resident in England

Giving notice etc.

- 88 Giving notice etc. under this Part

Review of additional learning provision in Welsh

- 89 Review of additional learning provision in Welsh
- 90 Power to amend duties to secure additional learning provision in Welsh

PART 3

EDUCATION TRIBUNAL FOR WALES

- 91 Constitution of the Education Tribunal for Wales
- 92 The President and members of the panels
- 93 Deputy President of the Tribunal
- 94 Remuneration and expenses

PART 4

MISCELLANEOUS AND GENERAL

Miscellaneous

- 95 Meaning of “in the area” of a local authority

General

- 96 Minor and consequential amendments and repeals
- 97 Power to make consequential and transitional provision etc.
- 98 Regulations
- 99 General interpretation
- 100 Coming into force
- 101 Short title and inclusion as one of the Education Acts

SCHEDULE 1 — MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

- 1 Local Authority Social Services Act 1970 (c. 42)
- 2 Children Act 1989 (c. 41)
- 3 Tribunals and Inquiries Act 1992 (c. 53)

- 4 Education Act 1996 (c. 56)
- 5 In section 333(5) of the Education Act 1996—
- 6 In consequence of the amendments made by paragraphs 4 and...
- 7 School Standards and Framework Act 1998 (c. 31)
- 8 Learning and Skills Act 2000 (c. 21)
- 9 Education Act 2002 (c. 32)
- 10 Constitutional Reform Act 2005 (c. 4)
- 11 National Health Service Act 2006 (c. 41)
- 12 National Health Service (Wales) Act 2006 (c. 42)
- 13 Tribunals, Courts and Enforcement Act 2007 (c. 15)
- 14 Learner Travel (Wales) Measure 2008 (nawm 2)
- 15 Education and Skills Act 2008 (c.25)
- 16 Learning and Skills (Wales) Measure 2009 (nawm 2)
- 17 Apprenticeships, Skills, Children and Learning Act 2009 (c. 22)
- 18 Education (Wales) Measure 2009 (nawm 7)
- 19 Equality Act 2010 (c. 15)
- 20 Welsh Language (Wales) Measure 2011 (nawm 1)
- 21 Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)
- 22 School Standards and Organisation (Wales) Act 2013 (anaw 1)
- 23 Children and Families Act 2014 (c. 6)
- 24 Social Services and Well-being (Wales) Act 2014 (anaw 4)