

*These notes refer to the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (c.2) which received Royal Assent on 24 January 2018*

# **ADDITIONAL LEARNING NEEDS AND EDUCATION TRIBUNAL (WALES) ACT 2018**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS OF THE ACT**

#### **Part 2 – Additional Learning Needs** **Chapter 2 – Individual Development Plans**

#### **Necessity of plans**

#### ***Section 46 – Regulations about deciding whether an individual development plan is necessary***

118. Generally, for young persons with ALN, if they are at a maintained school or FEI in Wales, they are entitled to an IDP (see sections 11, 14 and 31(6)(b)). If a young person is not such a student or pupil or is detained, whether or not the person is entitled to an IDP depends upon a decision involving whether it is necessary to maintain a plan for the person to meet his or her reasonable needs for education or training (see sections 14(1)(c)(ii), 31(6)(b) and 40(2)(b), although the precise wording of the decision is slightly different in each case given the different circumstances involved). Section 46 enables the Welsh Ministers to make provision in regulations about those decisions, specifically the matters listed in subsection (2).