

*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**

#### **Local authority reconsideration of governing body decisions and plans**

#### ***Section 26 - Reconsideration by local authorities of decisions under section 11(1)***

74. **Section 26** enables a child or their parent, or the young person, to request that a local authority which is responsible for the child or young person reconsiders the decision of a maintained school governing body that one of its pupils has or does not have ALN. Where requested, the local authority must make its own decision on the issue; that decision will then replace the decision of the governing body, and the previous decision made by the governing body will cease to have effect. Before making a decision, the local authority must inform the governing body of the request and invite representations from the governing body. This section provides children and their parents, and young people, with an effective means of challenging the decision of the governing body of a maintained school in Wales, in the absence of a right of appeal to the Tribunal against these bodies. The local authority's decision is then challengeable by way of an appeal to the Tribunal under section 70. Section 29 deals with the circumstances in which the duty in this section does not apply. See sections 84 and 85 in respect of a request by a child. See also paragraph 73 above for further information.
75. The decision made under this section is treated as one under section 13(1) (subsection (4)). This means that if the decision is that the pupil does not have ALN, the requirement to notify in section 13(3) applies and if the decision is that the pupil has ALN, the duty in section 14(2) about preparing and maintaining IDPs applies.