

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

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 29 - Circumstances in which the duties in sections 26(2), 27(2) and 28(3) do not apply

85. **Section 29** sets out that where a local authority has previously made a decision under section 26(2), 27(2) or 28(3) in relation to a child or young person and it is satisfied that there has been no material change in the person's needs or new information that would materially affect the decision, there is no duty to make a new decision under the respective section. In addition, no duty applies under these sections where a child becomes looked after.
86. For a child who has become looked after, the local authority looking after the child becomes responsible for maintaining the plan (section 35(9) and (10)) and has review functions (section 24) unless the child is in the area of a local authority in England (see section 87).
87. See section 562 of the 1996 Act and section 44 for the effect on these duties where the child or young person has become subject to a detention order.