

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**

Ceasing to maintain plans

Section 31 - Ceasing to maintain individual development plans

89. **Section 31** sets out the circumstances in which a governing body's or local authority's particular duty to prepare or maintain an IDP ceases. These circumstances cover where:
- the child or young person ceases to be a registered pupil or enrolled student or the child becomes looked after (in the case of governing bodies),
 - the local authority ceases to be responsible for the child or young person, or a child becomes or ceases to be looked after (for the purposes of Part 2),
 - a looked after child ceases to be in the area of any local authority,
 - the governing body or local authority decides that the child or young person no longer has ALN,
 - in the case of a young person not at a maintained school or FEI, the local authority decides in accordance with regulations made under section 46 that it is no longer necessary to maintain the plan to meet the young person's reasonable needs for education or training.
90. Before deciding to cease to maintain an IDP because it believes the child or young person no longer has ALN or, in the case of a young person, that it is no longer necessary to maintain it, the governing body or local authority must notify the child, child's parent, young person and in the case of a looked after child, the independent reviewing officer, of the proposed decision. It must also notify the same persons when it has made its decision (together with reasons). A governing body of a maintained school must also inform those persons of their right to request a local authority reconsideration of the decision under section 32.
91. **Section 35** deals with situations where a duty to maintain an IDP is transferred to another body (see also the regulation power about transfers in section 37). Section 562 of the 1996 Act and section 44 deal with the effect on duties in the Act (including duties to maintain an IDP) where a child or young person becomes subject to a detention order. See sections 84 and 85 in respect of the requirements to notify a child.