



Additional Learning Needs and Education Tribunal (Wales) Act 2018

2018 anaw 2

PART 2

ADDITIONAL LEARNING NEEDS

CHAPTER 3

SUPPLEMENTARY FUNCTIONS

Functions relating to securing additional learning provision

47 Duty to take all reasonable steps to secure additional learning provision

- (1) Subsection (2) applies to a child or young person—
 - (a) who has additional learning needs,
 - (b) for whom an individual development plan is not being maintained, and
 - (c) who is a registered pupil at a maintained school in Wales or an enrolled student at an institution in the further education sector in Wales.
- (2) The governing body of the maintained school or institution in the further education sector (as the case may be) must, in exercising its functions in relation to the school or institution, take all reasonable steps to secure that the additional learning provision called for by the child's or young person's additional learning needs is made.
- (3) The Code under section 4 must include guidance about the exercise of the function in subsection (2) during the period in which an individual development plan is being prepared for a child or young person but has not been given.
- (4) Subsection (5) applies to a child or young person—
 - (a) for whom an individual development plan is being maintained by a local authority, and

Status: This is the original version (as it was originally enacted).

- (b) who is a registered pupil at a maintained school in Wales or an enrolled student at an institution in the further education sector in Wales.
- (5) The governing body of the maintained school or institution in the further education sector (as the case may be) must take all reasonable steps to help the local authority that maintains the plan to secure the additional learning provision specified in it.

48 Duty to admit children to named maintained schools

- (1) Subsection (2) applies if a maintained school in Wales is named in an individual development plan prepared or maintained for a child by a local authority for the purpose of securing admission of the child to the school.
- (2) The governing body of the school must admit the child.
- (3) Before naming a school under this section, the local authority must consult—
 - (a) the governing body of the school, and
 - (b) in the case of a maintained school where neither the local authority nor its governing body is the admissions authority for the school, the local authority for the area in which the school is located.
- (4) A local authority may only name a maintained school in an individual development plan for the purpose of securing admission of a child if—
 - (a) the authority is satisfied that the child’s interest requires the additional learning provision identified in his or her plan to be made at the school, and
 - (b) it is appropriate for the child to be provided with education or training at the school.
- (5) Subsection (2) has effect despite any duty imposed on the governing body of a school by section 1(6) of the [School Standards and Framework Act 1998 \(c. 31\)](#) (limits on infant class sizes).
- (6) Subsection (2) does not affect any power to exclude a pupil from a school.
- (7) In this section, “admissions authority” has the meaning given by section 88 of the [School Standards and Framework Act 1998](#).

49 No power to charge for provision secured under this Part

- (1) No charge may be made by a governing body or a local authority to a child, a child’s parent or a young person for anything that the governing body or local authority secures for a child or young person under this Part.
- (2) A child, a child’s parent or a young person is not liable to pay any charge made by a person for anything that a governing body or local authority secures for a child or young person under this Part.
- (3) In this section, “parent” does not include a parent who is not an individual.
- (4) Schedule 1 to the [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#) is amended as follows.
- (5) In paragraph 1, in sub-paragraph (1), after “other than in the cases mentioned in sub-paragraph (8)” insert “, and in cases where charging is prohibited by or under an enactment”.

50 Welsh Ministers' duties to secure post-16 education and training

- (1) The [Learning and Skills Act 2000 \(c. 21\)](#) is amended as follows.
- (2) In section 31(3) (education and training for persons aged 16 to 19), after paragraph (c) insert—
 - “(cc) take account of the education and training that is required in order to ensure that employees and potential employees are available who are able to deliver additional learning provision in Welsh;
 - (cd) take account of the education and training that is required in order to ensure that facilities are available for assessing through the medium of Welsh whether persons have additional learning needs;”.
- (3) In section 32(3) (education and training for persons over 19), after paragraph (c) insert—
 - “(cc) take account of the education and training that is required in order to ensure that employees and potential employees are available who are able to deliver additional learning provision in Welsh;
 - (cd) take account of the education and training that is required in order to ensure that facilities are available for assessing through the medium of Welsh whether persons have additional learning needs;”.
- (4) In section 41 (persons with learning difficulties)—
 - (a) in the heading, for “learning difficulties” substitute “additional learning needs”;
 - (b) in subsection (1)—
 - (i) in paragraph (a), for “learning difficulties, and” substitute “additional learning needs;”;
 - (ii) for paragraph (b) substitute—
 - “(b) to the desirability of facilities being available which would assist the discharge of duties under the Additional Learning Needs and Education Tribunal (Wales) Act 2018.”;
 - (c) omit subsections (2), (3) and (4);
 - (d) for subsection (5) substitute—
 - “(5A) In this Part, “additional learning needs” has the meaning given by section 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018, and “additional learning provision” has the meaning given by section 3 of that Act.”;
 - (e) omit subsection (6).
- (5) Omit section 140 (assessments relating to learning difficulties).