



Additional Learning Needs and Education Tribunal (Wales) Act 2018

2018 anaw 2

PART 2

ADDITIONAL LEARNING NEEDS

CHAPTER 3

SUPPLEMENTARY FUNCTIONS

Miscellaneous functions

63 Duty to keep additional learning provision under review

- (1) A local authority must keep under review the arrangements made by the authority and by the governing bodies of maintained schools in its area for children and young people who have additional learning needs.
- (2) The local authority must consider the extent to which the arrangements referred to in subsection (1) are sufficient to meet the additional learning needs of the children and young people for whom it is responsible, having regard to the additional learning provision that may reasonably be arranged by others.
- (3) The duty in subsection (2) includes a duty to consider—
 - (a) the sufficiency of additional learning provision in Welsh;
 - (b) the size and capability of the workforce available.
- (4) If a local authority considers that the arrangements referred to in subsection (1) (including the availability of additional learning provision in Welsh) are not sufficient, it must take all reasonable steps to remedy the matter.

Status: Point in time view as at 01/09/2021.

Changes to legislation: Additional Learning Needs and Education Tribunal (Wales) Act 2018, Cross Heading: Miscellaneous functions is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) In exercising its functions under this section, the local authority must consult such persons, and at such times, as they consider appropriate.

Commencement Information

- I1** S. 63 in force at 1.9.2021 for specified purposes by [S.I. 2021/373](#), **arts. 3, 4** (as amended by [S.I. 2021/938](#), **art. 2(3)**)
- I2** S. 63 in force at 1.9.2021 for specified purposes by [S.I. 2021/373](#), **arts. 6, 7** (as amended by [S.I. 2021/938](#), **art. 2(4)(5)**)

64 Duty of health bodies to notify parents etc.

- (1) This section applies where a health body mentioned in subsection (2), in the course of exercising its functions in relation to a child who is under compulsory school age and for whom a local authority is responsible, forms the opinion that the child has, or probably has, additional learning needs.
- (2) The health bodies are—
- a Local Health Board;
 - an NHS trust;
 - a clinical commissioning group;
 - an NHS foundation trust;
 - a Special Health Authority.
- (3) The health body must inform the child's parent of its opinion and of its duty in subsection (4).
- (4) After giving the parent an opportunity to discuss the health body's opinion with an officer of the body, the health body must bring it to the attention of the local authority that is responsible for the child or, if the child is looked after, to the attention of the local authority that looks after the child, if the health body is satisfied that doing so would be in the best interests of the child.
- (5) If the health body is of the opinion that a particular voluntary organisation is likely to be able to give the parent advice or other assistance in connection with any additional learning needs that the child may have, it must inform the parent accordingly.

Modifications etc. (not altering text)

- C1** S. 64(3)(4) modified (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021](#) ([S.I. 2021/401](#)), **regs. 1(2), 35(1)(m)**

Commencement Information

- I3** S. 64 in force at 1.9.2021 for specified purposes by [S.I. 2021/373](#), **arts. 3, 4** (as amended by [S.I. 2021/938](#), **art. 2(3)**)
- I4** S. 64 in force at 1.9.2021 for specified purposes by [S.I. 2021/373](#), **arts. 6, 7** (as amended by [S.I. 2021/938](#), **art. 2(4)(5)**)

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65 Duties to provide information and other help

- (1) Subsection (2) applies if a local authority requests a person mentioned in subsection (4) to exercise the person's functions to provide the authority with information or other help, which it requires for the purpose of exercising its functions under this Part.
- (2) The person must comply with the request unless the person considers that doing so would—
 - (a) be incompatible with the person's own duties, or
 - (b) otherwise have an adverse effect on the exercise of the person's functions.
- (3) A person that decides not to comply with a request under subsection (1) must give the local authority that made the request written reasons for the decision.
- (4) The persons are—
 - (a) another local authority;
 - (b) a local authority in England;
 - (c) the governing body of a maintained school in Wales or England;
 - (d) the governing body of an institution in the further education sector in Wales or England;
 - (e) the proprietor of an Academy;
 - (f) a youth offending team for an area in Wales or England;
 - (g) a person in charge of relevant youth accommodation in Wales or England;
 - (h) a Local Health Board;
 - (i) an NHS trust;
 - (j) the National Health Service Commissioning Board;
 - (k) a clinical commissioning group;
 - (l) an NHS foundation trust;
 - (m) a Special Health Authority.
- (5) Regulations may provide that, where a person is under a duty to comply with a request under this section, the person must comply with the request within a prescribed period, unless a prescribed exception applies.

Commencement Information

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| I5 | S. 65 in force at 2.11.2020 for specified purposes by S.I. 2020/1182 , reg. 3(1)(h) |
| I6 | S. 65 in force at 1.9.2021 for specified purposes by S.I. 2021/373 , arts. 3, 4 (as amended by S.I. 2021/938 , art. 2(3)) |
| I7 | S. 65 in force at 1.9.2021 for specified purposes by S.I. 2021/373 , arts. 6, 7 (as amended by S.I. 2021/938 , art. 2(4)(5)) |

66 Right of local authority to access premises of schools and other institutions

- (1) This section applies where a local authority maintains an individual development plan under this Part for a child or young person.
- (2) A person authorised by the local authority is entitled to have access at any reasonable time to any place where education or training is provided for the child or young person at the premises of an institution listed in subsection (3) if access to the place is necessary for the purpose of exercising the local authority's functions under this Part.

Status: Point in time view as at 01/09/2021.

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(3) The institutions are—

- (a) an independent school in Wales or England;
- (b) a maintained school in the area of another local authority in Wales or England;
- (c) an institution within the further education sector in Wales or England;
- (d) an Academy;
- (e) a non-maintained special school;
- (f) an independent special post-16 institution included in the list under section 56.

Commencement Information

- I8** S. 66 in force at 1.9.2021 for specified purposes by [S.I. 2021/373](#), [arts. 3, 4](#) (as amended by [S.I. 2021/938](#), [art. 2\(3\)](#))
- I9** S. 66 in force at 1.9.2021 for specified purposes by [S.I. 2021/373](#), [arts. 6, 7](#) (as amended by [S.I. 2021/938](#), [art. 2\(4\)\(5\)](#))

67 Provision of goods or services in relation to additional learning provision

- (1) Regulations may provide for a local authority to supply goods or services to—
- (a) a person exercising functions under this Part, or
 - (b) a person making additional learning provision in connection with the exercise of functions under this Part.
- (2) The regulations may, among other things, provide for the terms and conditions on which goods and services may be supplied.

Commencement Information

- I10** S. 67 in force at 2.11.2020 by [S.I. 2020/1182](#), [reg. 2\(f\)](#)

Status:

Point in time view as at 01/09/2021.

Changes to legislation:

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