



# Additional Learning Needs and Education Tribunal (Wales) Act 2018

2018 anaw 2

## PART 2

### ADDITIONAL LEARNING NEEDS

#### CHAPTER 4

#### AVOIDING AND RESOLVING DISAGREEMENTS

##### *Local authority arrangements*

#### **68 Arrangements for the avoidance and resolution of disagreements**

- (1) A local authority must make arrangements with a view both to avoiding and to resolving disagreements between—
  - (a) education bodies, and
  - (b) children or young people for whom the authority is responsible, or in the case of such children, their parents,about the exercise by education bodies of their functions under this Part.
- (2) A local authority must make arrangements with a view both to avoiding and to resolving disagreements between—
  - (a) proprietors of relevant institutions, and
  - (b) children or young people who have additional learning needs for whom the authority is responsible and, in the case of such children, their parents,about the additional learning provision made for children or young people.
- (3) The arrangements under subsections (1) and (2) must include provision for parties to a disagreement to access help in resolving it from persons who are independent of the parties.

- (4) A local authority must promote the use of the arrangements made under this section.
- (5) A local authority must take reasonable steps to inform children, their parents and young people that arrangements made under this section do not affect any rights they may have to appeal to the Education Tribunal for Wales.
- (6) In this section, an “education body” means any of the following—
  - (a) the governing body of a maintained school;
  - (b) the governing body of an institution in the further education sector;
  - (c) a local authority.
- (7) In this section, “relevant institution” means—
  - (a) a maintained school in Wales or England;
  - (b) an institution in the further education sector in Wales or England;
  - (c) an independent special post-16 institution on the list maintained under section 56;
  - (d) an independent school in Wales or England;
  - (e) a non-maintained special school;
  - (f) an Academy.
- (8) For the purposes of this section and section 69 a local authority is also responsible for children it looks after who are not in its area.

## **69 Independent advocacy services**

- (1) A local authority must—
  - (a) make arrangements for the provision of independent advocacy services for the children and young people for whom it is responsible;
  - (b) refer any child or young person for whom it is responsible who requests independent advocacy services to an independent advocacy service provider;
  - (c) refer any person who is a case friend for a child for whom it is responsible and who requests independent advocacy services to an independent advocacy service provider.
- (2) In this section “independent advocacy services” means advice and assistance (by way of representation or otherwise) to a child, a young person or a case friend—
  - (a) making, or intending to make, an appeal to the Education Tribunal for Wales under this Part,
  - (b) considering whether to appeal to the Tribunal, or
  - (c) taking part in or intending to take part in arrangements made under section 68.
- (3) In making arrangements under this section, a local authority must have regard to the principle that any services provided under the arrangements must be independent of any person who is—
  - (a) the subject of an appeal to the Tribunal, or
  - (b) involved in investigating or adjudicating on such an appeal.
- (4) The arrangements may include provision for the local authority to make payments to, or in relation to, any person carrying out functions in accordance with the arrangements made under this section.