



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

2018 anaw 2

## PART 2

### ADDITIONAL LEARNING NEEDS

#### CHAPTER 2

##### INDIVIDUAL DEVELOPMENT PLANS

###### *Preparing and maintaining individual development plans*

### 13 Duty to decide: local authorities

- (1) Where it is brought to the attention of, or otherwise appears to, a local authority that a child or a young person for whom it is responsible may have additional learning needs, the authority must decide whether the child or young person has additional learning needs, unless any of the circumstances in subsection (2) apply.
- (2) The circumstances are—
  - (a) an individual development plan is being maintained for the child or young person under this Part;
  - (b) the local authority has previously decided whether the child or young person has additional learning needs and it is satisfied that—
    - (i) the child's or young person's needs have not changed materially since that decision was made, and
    - (ii) there is no new information that materially affects that decision;
  - (c) section 11(1) applies and the local authority is satisfied that the question of whether or not the child or young person has additional learning needs is being decided under that section;

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- (d) the decision is about a young person and the young person does not consent to the decision being made;
  - (e) the decision is about a young person who—
    - (i) is an enrolled student at an institution in the further education sector in Wales, and
    - (ii) is not also enrolled as a student at another institution in the further education sector or a registered pupil at a school,
 and no request in respect of the young person has been made to the local authority under section 12(2)(a).
- (3) If the local authority decides that the child or young person does not have additional learning needs it must notify the child or young person and, in the case of a child, the child's parent of—
- (a) the decision, and
  - (b) the reasons for the decision.
- (4) This section does not apply to a child who is looked after by a local authority (see sections 17 (duty to refer a matter to an authority that looks after a child) and 18 (duty to decide whether a looked after child has additional learning needs)).

#### Modifications etc. (not altering text)

- C1** S. 13(1): power to modify conferred (temp.) (1.9.2021) by 2020 c. 7, Sch. 17 para. 7(5) (as amended by [The Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(Consequential Amendments\) Regulations 2021](#) (S.I. 2021/861), regs. 1, **11(2)**)
- C2** S. 13(2)(d) modified (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021](#) (S.I. 2021/401), regs. 1(2), **37(1)(d)**
- C3** S. 13(3) modified (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021](#) (S.I. 2021/401), regs. 1(2), **37(1)(e)**
- C4** S. 13(3) modified (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021](#) (S.I. 2021/401), regs. 1(2), **35(1)(b)**

#### Commencement Information

- I1** S. 13 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. 13 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)**)
- I3** S. 13 in force at 1.1.2022 for specified purposes by [S.I. 2021/1244](#), **art. 3(b)** (with **arts. 4-21**) (as amended by [S.I. 2021/1428](#), **art. 3**; (10.6.2022) by [S.I. 2022/663](#), **art. 3** and (21.8.2023) by [S.I. 2023/932](#), **art. 3**)
- I4** S. 13 in force at 1.1.2022 for specified purposes by [S.I. 2021/1245](#), **arts. 3(b), 4** (with **art. 1(4)**)
- I5** S. 13 in force at 1.1.2022 for specified purposes by [S.I. 2021/1243](#), **art. 3(b)** (with **arts. 4-23**) (as amended by [S.I. 2021/1428](#), **art. 2**; (10.6.2022) by [S.I. 2022/663](#), **art. 2** and (21.8.2023) by [S.I. 2023/932](#), **art. 2**)
- I6** S. 13 in force at 1.9.2022 for specified purposes by [S.I. 2022/891](#), **art. 3(b)** (with **arts. 4-25**) (as amended (21.8.2023) by [S.I. 2023/932](#), **art. 4**)
- I7** S. 13 in force at 1.9.2022 for specified purposes by [S.I. 2022/897](#), **art. 3(b)** (with **arts. 1(8), 4-21**) (as amended (21.8.2023) by [S.I. 2023/932](#), **art. 6**)
- I8** S. 13 in force at 1.9.2022 for specified purposes by [S.I. 2022/894](#), **art. 3(b)**
- I9** S. 13 in force at 1.9.2022 for specified purposes by [S.I. 2022/892](#), **art. 3(b)** (with **arts. 2, 4-18**)
- I10** S. 13 in force at 1.9.2022 for specified purposes by [S.I. 2022/896](#), **art. 3(b)** (with **arts. 4-22**) (as amended (21.8.2023) by [S.I. 2023/932](#), **art. 5**)

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- I11** S. 13 in force at 1.9.2022 for specified purposes by [S.I. 2022/893](#), [art. 4](#) (with [art. 1\(2\)](#))
- I12** S. 13 in force at 1.9.2022 for specified purposes by [S.I. 2022/895](#), [arts. 3\(b\)](#), 4
- I13** S. 13 in force at 1.9.2022 for specified purposes by [S.I. 2022/898](#), [arts. 2\(b\)](#), 3

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 13 coming into force by [S.I. 2022/893 art. 2\(b\)](#)
- specified provision(s) coming into force by [S.I. 2021/381 art. 23](#) (This commencement not applied to legislation.gov.uk. S.I. 2021/381 revoked (12.8.2021) by S.I. 2021/938, art. 3)
- specified provision(s) coming into force by [S.I. 2021/383 art. 23](#) (This commencement not applied to legislation.gov.uk. S.I. 2021/383 revoked (12.8.2021) by S.I. 2021/938, art. 4)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(3)(ca)(cb) inserted by [2022 asc 1 Sch. 4 para. 39\(2\)](#)
- s. 5(1)(da) inserted by [2022 asc 1 Sch. 4 para. 39\(3\)](#)
- s. 65(4)(da)(db) inserted by [2022 asc 1 Sch. 4 para. 39\(5\)](#)
- Sch. 1 para. 4(32)(a)(i)para. 4(32)(a)(ii)(b) coming into force by [S.I. 2022/893 art. 2\(o\)\(xi\)](#)