



# 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*

#### **14 Duties to prepare and maintain plans: local authorities**

- (1) The duty in subsection (2) applies if a local authority is responsible for a child or young person and—
- (a) in the case of a child the local authority decides under section 13 that the child has additional learning needs,
  - (b) in the case of a young person who is a registered pupil at a maintained school in Wales or enrolled as a student at an institution in the further education sector in Wales, the local authority decides under section 13 that the young person has additional learning needs, or
  - (c) in the case of any other young person, the local authority—
    - (i) decides under section 13 that the young person has additional learning needs, and
    - (ii) decides in accordance with regulations under section 46 that it is necessary to prepare and maintain a plan under this section for the young person to meet his or her reasonable needs for education or training.
- (2) The local authority must—

---

*Changes to legislation:* Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 14 is up to date with all changes known to be in force on or before 23 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) View outstanding changes

---

- (a) prepare and maintain an individual development plan for that child or young person, or
  - (b) if the child or young person is, or is to be, a registered pupil at a maintained school in Wales and the authority considers it appropriate—
    - (i) prepare an individual development plan and direct the governing body of the school to maintain the plan, or
    - (ii) direct the governing body of the school to prepare and maintain a plan.
- (3) But the duty in subsection (2) does not apply if the plan is about a young person and the young person does not consent to the plan being prepared or maintained.
- (4) A local authority that maintains an individual development plan for a child or young person who is a registered pupil at a maintained school in Wales may direct the governing body of the school to maintain the plan.
- (5) A local authority that prepares or maintains an individual development plan for a child or young person, or reconsiders a plan under section 27, must—
- (a) consider whether additional learning provision should be provided to the child or young person in Welsh, and
  - (b) if it decides that a particular kind of additional learning provision should be provided in Welsh, specify in the plan that it should be provided in Welsh.
- (6) If the reasonable needs of a child or young person for additional learning provision cannot be met unless a local authority also secures provision of the kind mentioned in subsection (7), the authority must include a description of that other provision in the plan.
- (7) The kinds of provision are—
- (a) a place at a particular school or other institution;
  - (b) board and lodging.
- (8) The duty in subsection (6)—
- (a) does not apply to a place at a particular school or other institution that is not a maintained school in Wales if the person or body responsible for admissions to the school or other institution does not consent;
  - (b) is subject to the duties in sections 55, 56(3) and 59.
- (9) If the duty in subsection (6) applies to a local authority, it may not give a direction under subsection (2)(b) or (4).
- [<sup>F1</sup>(9A) If the additional learning provision described in an individual development plan includes provision of the kind mentioned in section 41(1) of the Curriculum and Assessment (Wales) Act 2021, a local authority may not give directions to the governing body of a school under subsection (2)(b) or (4) in relation to the plan.]
- (10) Where a local authority maintains an individual development plan for a child or a young person, the authority must—
- (a) secure the additional learning provision described in the plan,
  - (b) secure any other provision described in the plan in accordance with subsection (6), and
  - (c) if the plan specifies that a particular kind of additional learning provision should be provided in Welsh, take all reasonable steps to secure that it is provided to the child or young person in Welsh.

---

**Changes to legislation:** Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 14 is up to date with all changes known to be in force on or before 23 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) View outstanding changes

---

### Textual Amendments

- F1** S. 14(9A) inserted (30.4.2021) by [Curriculum and Assessment \(Wales\) Act 2021](#) (asc 4), s. 84(1), **Sch. 2 para. 74** (with savings and transitional provisions in [S.I. 2022/111](#), regs. 1, 3)

### Modifications etc. (not altering text)

- C1** S. 14(3) modified (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021](#) (S.I. 2021/401), regs. 1(2), **37(1)(f)**
- C2** S. 14(10): 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)**)

### Commencement Information

- I1** S. 14 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. 14 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. 14 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**)
- I4** S. 14 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**)
- I5** S. 14 in force at 1.1.2022 for specified purposes by [S.I. 2021/1245](#), **arts. 3(b), 4** (with **art. 1(4)**)
- I6** S. 14 in force at 1.9.2022 for specified purposes by [S.I. 2022/892](#), **art. 3(b)** (with **arts. 2, 4-18**)
- I7** S. 14 in force at 1.9.2022 for specified purposes by [S.I. 2022/894](#), **art. 3(b)**
- I8** S. 14 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**)
- I9** S. 14 in force at 1.9.2022 for specified purposes by [S.I. 2022/893](#), **art. 4** (with **art. 1(2)**)
- I10** S. 14 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**)
- I11** S. 14 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**)
- I12** S. 14 in force at 1.9.2022 for specified purposes by [S.I. 2022/898](#), **arts. 2(b), 3**
- I13** S. 14 in force at 1.9.2022 for specified purposes by [S.I. 2022/895](#), **arts. 3(b), 4**

**Changes to legislation:**

Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 14 is up to date with all changes known to be in force on or before 23 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.

[View outstanding changes](#)

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

- s. 14 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\(o\)\(xi\)](#)