



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

2018 anaw 2

## PART 2

### ADDITIONAL LEARNING NEEDS

#### CHAPTER 2

##### INDIVIDUAL DEVELOPMENT PLANS

###### *Additional learning provision for looked after children*

### **18 Duty to decide whether a looked after child has additional learning needs**

- (1) Where it is brought to the attention of, or otherwise appears to, a local authority that looks after a child that the child may have additional learning needs, it must decide whether the child 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 under section 19;
  - (b) the local authority has previously decided whether the child has additional learning needs and the local authority is satisfied that—
    - (i) the child's needs have not changed materially since that decision was made, and
    - (ii) there is no new information that materially affects that decision;
  - (c) the child is in the area of a local authority in England.

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*Status: Point in time view as at 01/09/2021. This version of this provision has been superseded.*

**Changes to legislation:** *Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 18 is up to date with all changes known to be in force on or before 20 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)*

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- (3) If the local authority decides that the looked after child does not have additional learning needs it must notify the child, the child's parent and the child's independent reviewing officer of—
- (a) the decision, and
  - (b) the reasons for the decision.

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

- C1** S. 18(3) modified (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021 \(S.I. 2021/401\)](#), regs. 1(2), **35(1)(c)**
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**Commencement Information**

- I1** S. 18 in force at 1.9.2021 for specified purposes by [S.I. 2021/373](#), **arts. 3, 4** (as amended by [S.I. 2021/735](#), art. 2(2)(a) and [S.I. 2021/938](#), art. 2(3))
- I2** S. 18 in force at 1.9.2021 for specified purposes by [S.I. 2021/373](#), **arts. 6, 7** (as amended by [S.I. 2021/735](#), art. 2(3)(a) and [S.I. 2021/938](#), art. 2(4)(5))

**Status:**

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