



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

2018 anaw 2

## PART 2

### ADDITIONAL LEARNING NEEDS

#### CHAPTER 2

#### INDIVIDUAL DEVELOPMENT PLANS

##### *Review of plans*

### **23 Review and revision of individual development plans**

- (1) A governing body or a local authority required to maintain an individual development plan must review it before the end of each review period.
- (2) The first review period is a period of 12 months starting with the date on which a copy of the plan is given under section 22.
- (3) Each subsequent review period is a period of 12 months starting with—
  - (a) the date during the preceding review period on which a copy of a revised plan is given under subsection (11) in relation to that review period, or
  - (b) where the plan has not been revised in the preceding review period—
    - (i) the date during that preceding review period on which notice of a decision is given under subsection (10) in relation to that review period, or
    - (ii) the date during that preceding review period on which notice of a decision is given under section 27(4) in relation to that review period.

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**Changes to legislation:** *Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 23 is up to date with all changes known to be in force on or before 17 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*

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- (4) But where none of the documents referred to in subsection (3)(a) and (b) has been given during the preceding review period, the subsequent review period is a period of 12 months starting with the first day after the end of that preceding review period.
- (5) Where a copy of a plan, revised plan or notice of decision is required to be given to more than one person, the reference in subsections (2) and (3) to the date on which it is given is a reference to the date on which the plan, revised plan or notice of decision is first given.
- (6) The duty in subsection (1) to review a plan before the end of a review period is treated as met if, before the end of that period—
- (a) the plan is reconsidered by a local authority under section 27,
  - (b) the Education Tribunal for Wales orders a governing body or a local authority to revise the plan, or
  - (c) in the case of a plan maintained by the governing body of a maintained school, the Education Tribunal for Wales orders a local authority to review the plan.
- (7) A governing body or local authority must review an individual development plan it is required to maintain if—
- (a) the plan includes additional learning provision that an NHS body is required to secure under section 20, and
  - (b) the NHS body asks it to review the plan.
- (8) A governing body or a local authority required to maintain an individual development plan for a child or young person must review the plan if a request is made to it by the child, the child's parent or the young person, unless it considers a review to be unnecessary.
- (9) A governing body or local authority may—
- (a) review an individual development plan at any time, and
  - (b) revise a plan following a review.
- (10) If a governing body or a local authority decides following a review (required or authorised by or under this Part) that the plan should not be revised 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.
- (11) If a governing body or a local authority revises an individual development plan (as required or authorised by or under this Part), it must give a copy of the revised plan to—
- (a) the child or young person, and
  - (b) if the plan is for a child, the child's parent.
- (12) This section does not apply if an individual development plan relates to a child who is looked after by a local authority, unless the child is in the area of a local authority in England.

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

- C1** S. 23(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)**)

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- C2** S. 23(8) modified (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021 \(S.I. 2021/401\)](#), regs. 1(2), **35(1)(f)**
- C3** S. 23(8) modified (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021 \(S.I. 2021/401\)](#), regs. 1(2), **37(1)(i)**
- C4** S. 23(10)(11) modified (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021 \(S.I. 2021/401\)](#), regs. 1(2), **35(1)(f)**
- C5** S. 23(10)(11)(a) modified (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021 \(S.I. 2021/401\)](#), regs. 1(2), **37(1)(j)**

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### Commencement Information

- I1** S. 23 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. 23 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))
- I3** S. 23 in force at 1.1.2022 for specified purposes by [S.I. 2021/1244](#), **art. 3(c)** (with arts. 4-21) (as amended by [S.I. 2021/1428](#), **art. 3**; and (10.6.2022) by [S.I. 2022/663](#), **art. 3** and (21.8.2023) by [S.I. 2023/932](#), **art. 3**)
- I4** S. 23 in force at 1.1.2022 for specified purposes by [S.I. 2021/1245](#), **arts. 3(c), 4** (with art. 1(4))
- I5** S. 23 in force at 1.1.2022 for specified purposes by [S.I. 2021/1243](#), **art. 3(c)** (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. 23 in force at 1.9.2022 for specified purposes by [S.I. 2022/892](#), **art. 3(c)** (with arts. 2, 4-18)
- I7** S. 23 in force at 1.9.2022 for specified purposes by [S.I. 2022/894](#), **art. 3(c)**
- I8** S. 23 in force at 1.9.2022 for specified purposes by [S.I. 2022/898](#), **arts. 2(c), 3**
- I9** S. 23 in force at 1.9.2022 for specified purposes by [S.I. 2022/893](#), **art. 4** (with art. 1(2))
- I10** S. 23 in force at 1.9.2022 for specified purposes by [S.I. 2022/896](#), **art. 3(c)** (with arts. 4-22) (as amended (21.8.2023) by [S.I. 2023/932](#), **art. 5**)
- I11** S. 23 in force at 1.9.2022 for specified purposes by [S.I. 2022/897](#), **art. 3(c)** (with arts. 1(8), 4-21) (as amended (21.8.2023) by [S.I. 2023/932](#), **art. 6**)
- I12** S. 23 in force at 1.9.2022 for specified purposes by [S.I. 2022/891](#), **art. 3(c)** (with arts. 4-25) (as amended (21.8.2023) by [S.I. 2023/932](#), **art. 4**)
- I13** S. 23 in force at 1.9.2022 for specified purposes by [S.I. 2022/895](#), **arts. 3(c), 4**

**Changes to legislation:**

Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 23 is up to date with all changes known to be in force on or before 17 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.

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

- s. 23 coming into force by [S.I. 2022/893 art. 2\(c\)](#)
- 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\(o\)\(xi\)](#)