



Additional Learning Needs and Education Tribunal (Wales) Act 2018

2018 anaw 2

PART 2

ADDITIONAL LEARNING NEEDS

CHAPTER 2

INDIVIDUAL DEVELOPMENT PLANS

Local authority reconsideration of governing body decisions and plans

30 Registration or enrolment at more than one institution

(1) Subsection (2) applies where—

- (a) it is brought to the attention of, or otherwise appears to the governing body of a maintained school in Wales or an institution in the further education sector in Wales that a child or young person who is a registered pupil or enrolled student at the school or institution (as the case may be) may have additional learning needs,
- (b) the child or young person is a registered pupil or an enrolled student at another institution (that institution being a school or an institution in the further education sector),
- (c) the child or young person is to be provided with education or training at each of the institutions at which he or she is a registered pupil or an enrolled student,
- (d) an individual development plan is not being maintained for the child or young person, and
- (e) a local authority is responsible for the child or young person.

Changes to legislation: Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 30 is up to date with all changes known to be in force on or before 22 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

- (2) The governing body must refer the child's or young person's case to the local authority responsible for the child or young person for the authority to decide under section 13(1).
- (3) Subsections (4), (5) and (6) apply where—
- (a) the governing body of a maintained school in Wales or an institution in the further education sector in Wales maintains an individual development plan for a child or young person,
 - (b) the child or young person becomes a registered pupil or an enrolled student at another institution (that institution being a school or an institution in the further education sector),
 - (c) the child or young person is to be provided with education or training at each of the institutions at which he or she is a registered pupil or an enrolled student, and
 - (d) a local authority is responsible for the child or young person.
- (4) The local authority responsible for the child or young person must maintain the individual development plan instead of the governing body and the plan is to be treated as maintained by the local authority under section 14 for the purposes of this Part.
- (5) The local authority's duty in subsection (4) takes effect on the day on which the authority is informed under subsection (6) or otherwise becomes aware that the circumstances mentioned in subsection (3) apply.
- (6) If the governing body of a maintained school in Wales or an institution in the further education sector in Wales is aware that the circumstances described in subsection (3) apply in respect of a child or young person who is a registered pupil or an enrolled student at the school or institution (as the case may be), the governing body must inform the local authority responsible for the child or young person of that fact.
- (7) A local authority may not exercise its power to direct under subsections (2)(b) or (4) of section 14 in relation to a child or young person who is a registered pupil or an enrolled student at more than one institution (whether a school or an institution in the further education sector) if he or she is to be provided with education or training at each of those institutions.

Commencement Information

- I1** S. 30 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. 30 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. 30 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**)
- I4** S. 30 in force at 1.1.2022 for specified purposes by [S.I. 2021/1245](#), **arts. 3(c), 4** (with **art. 1(4)**)
- I5** S. 30 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**)
- I6** S. 30 in force at 1.9.2022 for specified purposes by [S.I. 2022/893](#), **art. 4** (with **art. 1(2)**)
- I7** S. 30 in force at 1.9.2022 for specified purposes by [S.I. 2022/895](#), **arts. 3(c), 4**
- I8** S. 30 in force at 1.9.2022 for specified purposes by [S.I. 2022/892](#), **art. 3(c)** (with **arts. 2, 4-18**)
- I9** S. 30 in force at 1.9.2022 for specified purposes by [S.I. 2022/894](#), **art. 3(c)**

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- I10** S. 30 in force at 1.9.2022 for specified purposes by [S.I. 2022/898](#), **arts. 2(c), 3**
- I11** S. 30 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**)
- I12** S. 30 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**)
- I13** S. 30 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**)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 30 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\(o\)\(xi\)](#)