



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

2018 anaw 2

## PART 2

### ADDITIONAL LEARNING NEEDS

#### CHAPTER 2

##### INDIVIDUAL DEVELOPMENT PLANS

###### *Ceasing to maintain plans*

### **31 Ceasing to maintain individual development plans**

- (1) The duty of the governing body of a maintained school to prepare or maintain a plan for a child or young person under section 12 ceases to apply—
  - (a) in the case of a child or young person, if he or she ceases to be a registered pupil of the school, or
  - (b) in the case of a child, if the child becomes looked after by a local authority.
- (2) The duty of the governing body of an institution in the further education sector under section 12 to prepare or maintain a plan for a young person ceases to apply if the young person ceases to be enrolled as a student at the institution.
- (3) The duty of a local authority under section 14 to prepare or maintain a plan for a child or young person ceases to apply—
  - (a) in the case of a child or young person, if the local authority ceases to be responsible for the child or young person, or
  - (b) in the case of a child, if the child becomes looked after by a local authority.
- (4) The duty of a local authority to prepare or maintain a plan for a looked after child under section 19 ceases to apply if—

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*Status: This is the original version (as it was originally enacted).*

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- (a) he or she ceases to be a looked after child for the purposes of this Part (whether because he or she is over compulsory school age or otherwise (see section 15)), or
  - (b) he or she ceases to be in the area of a local authority in Wales.
- (5) Where the governing body of a maintained school or an institution in the further education sector has a duty under this Part to maintain an individual development plan for a child or young person, the governing body may cease to maintain the plan if it decides that the child or young person no longer has additional learning needs.
- (6) Where a local authority has a duty under this Part to maintain an individual development plan for a child or young person, the authority may cease to maintain the plan if the authority—
  - (a) decides that the child or young person no longer has additional learning needs, or
  - (b) in the case of a young person who is neither a registered pupil at a maintained school nor enrolled as a student at an institution in the further education sector in Wales, decides in accordance with regulations under section 46 that it is no longer necessary to maintain it to meet the young person’s reasonable needs for education or training.
- (7) Before a governing body decides under subsection (5), or a local authority decides under subsection (6), it must notify—
  - (a) the child or young person,
  - (b) in the case of a child, the child’s parent, and
  - (c) in the case of a looked after child, the child’s independent reviewing officer, that it proposes to make such a decision.
- (8) After the governing body or local authority has made its decision, it must notify the child or young person, in the case of a child, the child’s parent and, in the case of a looked after child, the child’s independent reviewing officer of—
  - (a) the decision, and
  - (b) the reasons for the decision.
- (9) And the governing body of a maintained school must also notify the child or young person and, in the case of a child, the child’s parent of his or her right to request the local authority to reconsider the matter under section 32.
- (10) See section 44 (provisions that do not apply to children and young persons in detention) for further circumstances in which the duty to maintain a plan ceases.