



# 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 detained persons*

#### **41 Circumstances in which the duty in section 40(2) does not apply**

- (1) The duty in section 40(2) does not apply if either of the circumstances in subsection (2) apply.
- (2) The circumstances are—
  - (a) the detained person is a young person who does not consent to a decision under section 40(2)(a) being made or to a plan being prepared;
  - (b) the home authority has previously decided whether the detained person has additional learning needs and it is satisfied that—
    - (i) the detained person's needs have not changed materially since that decision was made, and
    - (ii) there is no new information that materially affects a decision under section 40(2)(a) or (b).