



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

44 Certain provisions of Part 2 not to apply to children and young persons in detention

- (1) The duties imposed by the provisions in subsection (2) on the following bodies cease to apply in relation to a detained person from the beginning of that person's detention—
 - (a) the governing body of a maintained school;
 - (b) the governing body of an institution in the further education sector;
 - (c) a local authority.
- (2) The provisions are—
 - (a) section 11 (governing body's duty to decide);
 - (b) section 12 (governing body's duty to prepare and maintain a plan);
 - (c) section 13 (local authority's duty to decide);
 - (d) section 14 (local authority's duty to prepare and maintain a plan);
 - (e) section 26 (local authority's duty to reconsider governing body's decision);
 - (f) section 30(2) (governing body's duty to refer where child or young person registered or enrolled at more than one institution);

Status: This is the original version (as it was originally enacted).

- (g) section 47(2) (governing body's duty to take all reasonable steps to secure additional learning provision).
- (3) The duties imposed by the provisions in subsection (4) on the governing body of a maintained school or on the governing body of an institution in the further education sector do not apply in relation to a child or young person at any time while that child or young person is—
- (a) subject to a detention order (within the meaning given by section 562(1A)(a), (2) and (3) of the Education Act 1996), and
 - (b) detained in accommodation other than relevant youth accommodation in Wales or England.
- (4) The provisions are—
- (a) section 11 (duty to decide);
 - (b) section 12 (duty to prepare and maintain a plan);
 - (c) section 17 (duty to refer a matter to a local authority that looks after a child);
 - (d) section 30(2) (duty to refer where child or young person registered or enrolled at more than one institution);
 - (e) section 47(2) (duty to take all reasonable steps to secure additional learning provision).
- (5) Subsection (6) applies until section 49 of the [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#) (application of provisions to persons detained in relevant youth accommodation) comes fully into force in relation to Wales.
- (6) Section 562 of the [Education Act 1996 \(c. 56\)](#) is to have effect for the purpose of the powers and duties conferred or imposed by or under this Part on local authorities as though section 49 of the [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#) were fully in force in relation to Wales.
- (7) For the purposes of this Part, the reference in subsection (1) of section 562 of the [Education Act 1996 \(c. 56\)](#) to relevant youth accommodation is to have effect as though it were a reference to relevant youth accommodation in Wales or England.