



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

2018 anaw 2

## PART 2

### ADDITIONAL LEARNING NEEDS

#### CHAPTER 3

##### SUPPLEMENTARY FUNCTIONS

*Additional learning provision in particular kinds of school or other institution*

#### **51 Duty to favour education for children at mainstream maintained schools**

- (1) A local authority exercising functions under this Part in relation to a child of compulsory school age with additional learning needs who should be educated in a school must secure that the child is educated in a mainstream maintained school unless any of the circumstances in paragraphs (a) to (c) of subsection (2) apply.
- (2) The circumstances are—
  - (a) that educating the child in a mainstream maintained school is incompatible with the provision of efficient education for other children;
  - (b) that educating the child otherwise than in a mainstream maintained school is appropriate in the best interests of the child and compatible with the provision of efficient education for other children;
  - (c) that the child's parent wishes the child to be educated otherwise than in a mainstream maintained school.
- (3) A local authority may not rely on the exception in subsection (2)(a) unless there are no reasonable steps the authority could take to prevent the incompatibility.

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**Status:** *This is the original version (as it was originally enacted).*

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- (4) Where a child's parent wishes his or her child to be educated otherwise than in a mainstream maintained school, subsection (2)(c) does not require a local authority to secure that the child is educated otherwise than in a mainstream maintained school.
- (5) Subsection (1) does not prevent a child from being educated in—
- (a) an independent school, or
  - (b) a school approved under section 342 of the [Education Act 1996 \(c. 56\)](#),
- if the cost is met otherwise than by a local authority.