



# 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*

#### **56 List of independent special post-16 institutions**

- (1) The Welsh Ministers must establish and maintain a list of independent special post-16 institutions in Wales and England (“the list”) for the purpose of subsection (3).
- (2) The Welsh Ministers must publish the list, as amended from time to time.
- (3) A local authority may only exercise its functions under this Part to secure education or training for a child or young person at an independent special post-16 institution in Wales or England if the institution is included in the list, subject to any prescribed exemptions.
- (4) The Welsh Ministers may only include an institution in the list on application by its proprietor.
- (5) Regulations must provide for—
  - (a) the contents of the list;
  - (b) requirements to be complied with as a condition of being included in the list;

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*Status: This is the original version (as it was originally enacted).*

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- (c) requirements to be complied with while the institution is listed (including requirements for approval by the Welsh Ministers of arrangements at the institution and change of such arrangements);
  - (d) removal of the institution from the list;
  - (e) rights of appeal to the First-tier Tribunal for proprietors of institutions against decisions—
    - (i) to refuse to list an institution;
    - (ii) to remove an institution from the list;
    - (iii) not to approve or not to approve a change to arrangements at the institution.
- (6) In this section, “independent special post-16 institution” means an institution which provides education or training for persons over compulsory school age and is specially organised to provide such education or training for persons with additional learning needs, and which is not—
- (a) an institution within the further education sector,
  - (b) an independent school included in the register of independent schools in Wales (kept under section 158 of the [Education Act 2002 \(c. 32\)](#)),
  - (c) an independent educational institution (within the meaning of Chapter 1 of Part 4 of the [Education and Skills Act 2008 \(c. 25\)](#)), which has been included in the register of independent educational institutions in England (kept under section 95 of that Act), or
  - (d) a 16 to 19 Academy.