



Additional Learning Needs and Education Tribunal (Wales) Act 2018

2018 anaw 2

PART 2

ADDITIONAL LEARNING NEEDS

CHAPTER 4

AVOIDING AND RESOLVING DISAGREEMENTS

Local authority arrangements

68 Arrangements for the avoidance and resolution of disagreements

- (1) A local authority must make arrangements with a view both to avoiding and to resolving disagreements between—
 - (a) education bodies, and
 - (b) children or young people for whom the authority is responsible, or in the case of such children, their parents,about the exercise by education bodies of their functions under this Part.
- (2) A local authority must make arrangements with a view both to avoiding and to resolving disagreements between—
 - (a) proprietors of relevant institutions, and
 - (b) children or young people who have additional learning needs for whom the authority is responsible and, in the case of such children, their parents,about the additional learning provision made for children or young people.
- (3) The arrangements under subsections (1) and (2) must include provision for parties to a disagreement to access help in resolving it from persons who are independent of the parties.

Changes to legislation: Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 68 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) A local authority must promote the use of the arrangements made under this section.
- (5) A local authority must take reasonable steps to inform children, their parents and young people that arrangements made under this section do not affect any rights they may have to appeal to the Education Tribunal for Wales.
- (6) In this section, an “education body” means any of the following—
- the governing body of a maintained school;
 - the governing body of an institution in the further education sector;
 - a local authority.
- (7) In this section, “relevant institution” means—
- a maintained school in Wales or England;
 - an institution in the further education sector in Wales or England;
 - an independent special post-16 institution on the list maintained under section 56;
 - an independent school in Wales or England;
 - a non-maintained special school;
 - an Academy.
- (8) For the purposes of this section and section 69 a local authority is also responsible for children it looks after who are not in its area [^{F1}and detained persons for whom it is the home authority].

Textual Amendments

- F1** Words in s. 68(8) inserted (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021 \(S.I. 2021/401\)](#), regs. 1(2), **33**

Commencement Information

- I1** S. 68 in force at 1.9.2021 for specified purposes by [S.I. 2021/373](#), **arts. 3, 4** (as amended by [S.I. 2021/938](#), **art. 2(3)**)
- I2** S. 68 in force at 1.9.2021 for specified purposes by [S.I. 2021/373](#), **arts. 6, 7** (as amended by [S.I. 2021/938](#), **art. 2(4)(5)**)
- I3** S. 68 in force at 1.1.2022 for specified purposes by [S.I. 2021/1244](#), **art. 3(m)** (with arts. 4-21) (as amended by [S.I. 2021/1428](#), **art. 3**; and (10.6.2022) by [S.I. 2022/663](#), **art. 3**; and (21.8.2023) by [S.I. 2023/932](#), **art. 3**)
- I4** S. 68 in force at 1.1.2022 for specified purposes by [S.I. 2021/1245](#), **arts. 3(m), 4** (with art. 1(4))
- I5** S. 68 in force at 1.1.2022 for specified purposes by [S.I. 2021/1243](#), **art. 3(m)** (with arts. 4-23) (as amended by [S.I. 2021/1428](#), **art. 2**; (10.6.2022) by [S.I. 2022/663](#), **art. 2** and (21.8.2023) by [S.I. 2023/932](#), **art. 2**)
- I6** S. 68 in force at 1.9.2022 for specified purposes by [S.I. 2022/891](#), **art. 3(m)** (with arts. 4-25) (as amended (21.8.2023) by [S.I. 2023/932](#), **art. 4**)
- I7** S. 68 in force at 1.9.2022 for specified purposes by [S.I. 2022/895](#), **arts. 3(m), 4**
- I8** S. 68 in force at 1.9.2022 for specified purposes by [S.I. 2022/896](#), **art. 3(m)** (with arts. 4-22) (as amended (21.8.2023) by [S.I. 2023/932](#), **art. 5**)
- I9** S. 68 in force at 1.9.2022 for specified purposes by [S.I. 2022/892](#), **art. 3(m)** (with arts. 2, 4-18)
- I10** S. 68 in force at 1.9.2022 for specified purposes by [S.I. 2022/893](#), **art. 4** (with art. 1(2))
- I11** S. 68 in force at 1.9.2022 for specified purposes by [S.I. 2022/897](#), **art. 3(m)** (with arts. 1(8), 4-21) (as amended (21.8.2023) by [S.I. 2023/932](#), **art. 6**)
- I12** S. 68 in force at 1.9.2022 for specified purposes by [S.I. 2022/894](#), **art. 3(m)**

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I13 S. 68 in force at 1.9.2022 for specified purposes by [S.I. 2022/898](#), [arts. 2\(m\), 3](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 68 coming into force by [S.I. 2022/893 art. 2\(m\)](#)
- specified provision(s) coming into force by [S.I. 2021/381 art. 23](#) (This commencement not applied to legislation.gov.uk. S.I. 2021/381 revoked (12.8.2021) by S.I. 2021/938, art. 3)
- specified provision(s) coming into force by [S.I. 2021/383 art. 23](#) (This commencement not applied to legislation.gov.uk. S.I. 2021/383 revoked (12.8.2021) by S.I. 2021/938, art. 4)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(3)(ca)(cb) inserted by [2022 asc 1 Sch. 4 para. 39\(2\)](#)
- s. 5(1)(da) inserted by [2022 asc 1 Sch. 4 para. 39\(3\)](#)
- s. 65(4)(da)(db) inserted by [2022 asc 1 Sch. 4 para. 39\(5\)](#)
- Sch. 1 para. 4(32)(a)(i)para. 4(32)(a)(ii)(b) coming into force by [S.I. 2022/893 art. 2\(o\)\(xi\)](#)