



Additional Learning Needs and Education Tribunal (Wales) Act 2018

2018 anaw 2

PART 2

ADDITIONAL LEARNING NEEDS

CHAPTER 4

AVOIDING AND RESOLVING DISAGREEMENTS

Appeals and applications to the Tribunal

72 Appeal rights: detained persons

- (1) Subsection (2) applies to—
 - (a) decisions of a home authority in Wales under section 40;
 - (b) individual development plans kept by a home authority under section 42.
- (2) A detained person and, in the case of a detained person who is a child, the detained person's parent, may appeal to the Education Tribunal for Wales against the following matters—
 - (a) a decision of the home authority as to whether a detained person has additional learning needs;
 - (b) a decision of the home authority as to whether it will be necessary for an individual development plan to be maintained for a detained person when he or she is released from detention;
 - (c) the description of a person's additional learning needs in an individual development plan;
 - (d) the additional learning provision in an individual development plan or the fact that additional learning provision is not in a plan (including whether the plan specifies that additional learning provision should be provided in Welsh);

Status: This is the original version (as it was originally enacted).

- (e) the provision included in an individual development plan under section 40(7) or the fact that provision under that section is not in the plan;
 - (f) the school named in an individual development plan for the purpose of section 48;
 - (g) if no school is named in an individual development plan for the purpose of section 48, that fact;
 - (h) a refusal to make a decision under section 40(2) on the basis that section 41(2) (b) applies (no material change in needs and no new information that materially affects the decision).
- (3) The exercise of rights under this section is subject to—
- (a) provision made by regulations under sections 74, 75, 83 and 85(8);
 - (b) section 85(4).