

*These notes refer to the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (c.2) which received Royal Assent on 24 January 2018*

# **ADDITIONAL LEARNING NEEDS AND EDUCATION TRIBUNAL (WALES) ACT 2018**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS OF THE ACT**

#### **Part 2 – Additional Learning Needs**

#### **Chapter 2 – Individual Development Plans**

#### **Additional learning provision for looked after children**

#### ***Section 20 - Additional learning provision: Local Health Boards and NHS Trusts***

61. **Section 20** enables a local authority and (if it is preparing or maintaining an IDP for the young person) the governing body of an FEI to ask an NHS body (defined in section 99(1) as a Local Health Board or NHS trust, but see also the power in section 99(8)) whether there is any treatment or service (normally provided as part of the comprehensive health service) which is likely to be of benefit in addressing the ALN of a child or young person. Before making such a referral, the referring body must discuss the matter with the child, the child's parent or the young person and be satisfied that making the referral is in the best interests of the child or young person (subsection (3) and, in respect of a child, see sections 84 and 85). If a referral is made, the NHS body must consider the matter and if it identifies any such treatment or service, it must secure its provision, decide whether it should be provided in Welsh and if so take all reasonable steps to secure its provision in Welsh.
62. **Section 21** deals with related procedural steps, including the consequences for the person's IDP.