

*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**

#### **Transfer of plans**

#### ***Section 36 – Request to transfer plan to governing body of further education institution***

98. **Section 36** permits a local authority to request the governing body of an FEI to become responsible for maintaining an IDP for a young person, where that young person is enrolled at the FEI and the local authority currently maintains an IDP for him or her. If the governing body does not agree with the request within the period prescribed in regulations, section 36 permits the local authority to refer the matter to the Welsh Ministers for them to decide whether the governing body should maintain the plan. If the governing body agrees to the request, or if the Welsh Ministers determine that it should maintain the plan, then it is under a duty to do so (see section 12(4)).