



# Additional Learning Needs and Education Tribunal (Wales) Act 2018

2018 anaw 2

## PART 2

### ADDITIONAL LEARNING NEEDS

#### CHAPTER 2

##### INDIVIDUAL DEVELOPMENT PLANS

###### *Review of plans*

### **23 Review and revision of individual development plans**

- (1) A governing body or a local authority required to maintain an individual development plan must review it before the end of each review period.
- (2) The first review period is a period of 12 months starting with the date on which a copy of the plan is given under section 22.
- (3) Each subsequent review period is a period of 12 months starting with—
  - (a) the date during the preceding review period on which a copy of a revised plan is given under subsection (11) in relation to that review period, or
  - (b) where the plan has not been revised in the preceding review period—
    - (i) the date during that preceding review period on which notice of a decision is given under subsection (10) in relation to that review period, or
    - (ii) the date during that preceding review period on which notice of a decision is given under section 27(4) in relation to that review period.

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- (4) But where none of the documents referred to in subsection (3)(a) and (b) has been given during the preceding review period, the subsequent review period is a period of 12 months starting with the first day after the end of that preceding review period.
- (5) Where a copy of a plan, revised plan or notice of decision is required to be given to more than one person, the reference in subsections (2) and (3) to the date on which it is given is a reference to the date on which the plan, revised plan or notice of decision is first given.
- (6) The duty in subsection (1) to review a plan before the end of a review period is treated as met if, before the end of that period—
- (a) the plan is reconsidered by a local authority under section 27,
  - (b) the Education Tribunal for Wales orders a governing body or a local authority to revise the plan, or
  - (c) in the case of a plan maintained by the governing body of a maintained school, the Education Tribunal for Wales orders a local authority to review the plan.
- (7) A governing body or local authority must review an individual development plan it is required to maintain if—
- (a) the plan includes additional learning provision that an NHS body is required to secure under section 20, and
  - (b) the NHS body asks it to review the plan.
- (8) A governing body or a local authority required to maintain an individual development plan for a child or young person must review the plan if a request is made to it by the child, the child's parent or the young person, unless it considers a review to be unnecessary.
- (9) A governing body or local authority may—
- (a) review an individual development plan at any time, and
  - (b) revise a plan following a review.
- (10) If a governing body or a local authority decides following a review (required or authorised by or under this Part) that the plan should not be revised it must notify the child or young person and, in the case of a child, the child's parent of—
- (a) the decision, and
  - (b) the reasons for the decision.
- (11) If a governing body or a local authority revises an individual development plan (as required or authorised by or under this Part), it must give a copy of the revised plan to—
- (a) the child or young person, and
  - (b) if the plan is for a child, the child's parent.
- (12) This section does not apply if an individual development plan relates to a child who is looked after by a local authority, unless the child is in the area of a local authority in England.

## **24 Review and revision of individual development plans for looked after children**

- (1) A local authority required to maintain an individual development plan for a looked after child must review the plan before the end of each review period.

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- (2) The first review period is a period of 12 months starting with the date on which a copy of the plan is first given under section 22.
- (3) Each subsequent review period is a period of 12 months starting with—
  - (a) the date during the preceding review period on which a copy of a revised plan is first given under subsection (10) in relation to that review period, or
  - (b) where the plan has not been revised in the preceding review period the date during that period on which notice of a decision is first given under subsection (9) in relation to that period.
- (4) But where neither document referred to in subsection (3)(a) and (b) has been given during the preceding review period, the subsequent review period is a period of 12 months starting with the first day after the end of that preceding review period.
- (5) The duty in subsection (1) to review a plan before the end of a review period is treated as met if, before the end of that period, the Education Tribunal for Wales orders the local authority to revise the plan.
- (6) A local authority required to maintain an individual development plan for a looked after child must review the plan if—
  - (a) the plan includes additional learning provision that an NHS body is required to secure under section 20, and
  - (b) the NHS body asks the local authority to review the plan.
- (7) A local authority required to maintain an individual development plan for a looked after child must review the plan if a request is made to it by the looked after child or the looked after child's parent, unless the authority considers a review to be unnecessary.
- (8) A local authority may—
  - (a) review an individual development plan at any time, and
  - (b) revise a plan following a review.
- (9) If a local authority decides following a review (required or authorised by or under this Part or by or under section 83 of the [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#)) that the plan should not be revised it must notify the child, the child's parent and the child's independent reviewing officer of—
  - (a) the decision, and
  - (b) the reasons for the decision.
- (10) If a local authority revises a looked after child's individual development plan (as required or authorised by or under this Part or by or under section 83 of the [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#)), it must give a copy of the revised individual development plan to—
  - (a) the looked after child,
  - (b) the looked after child's parent, and
  - (c) the looked after child's independent reviewing officer.

## **25 Relationship of individual development plans to other similar documents**

A governing body or local authority may—

- (a) prepare, review or revise a plan under this Part at the same time as it or another body is preparing, reviewing or revising another document in the case of the person concerned, and

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- (b) include the other document in the plan or include the plan in the other document.