



Additional Learning Needs and Education Tribunal (Wales) Act 2018

2018 anaw 2

PART 2

ADDITIONAL LEARNING NEEDS

CHAPTER 2

INDIVIDUAL DEVELOPMENT PLANS

Additional learning provision and NHS bodies

21 Individual development plans: Local Health Boards and NHS trusts

- (1) If an NHS body identifies a relevant treatment or service that is likely to be of benefit in addressing a child's or young person's additional learning needs following a referral under section 20 it must—
 - (a) inform the body that made the referral of that treatment or service,
 - (b) if the referral was not made by a body that maintains an individual development plan for the child or young person, inform the body that maintains the individual development plan of that treatment or service, and
 - (c) if it considers that the treatment or service should be provided to the child or young person in Welsh, inform the persons mentioned in paragraphs (a) and (b) that the treatment or service should be provided in Welsh.
- (2) If an NHS body does not identify a relevant treatment or service that is likely to be of benefit in addressing a child's or young person's additional learning needs following a referral under section 20 it must—
 - (a) inform the body that made the referral of that fact, and

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- (b) if the referral was not made by a body that maintains an individual development plan for the child or young person, inform the body that maintains the individual development plan of that fact.
- (3) If an NHS body informs a body that maintains an individual development plan for a child or young person that there is a relevant treatment or service likely to be of benefit in addressing a child's or young person's additional learning needs, the body that maintains the plan must describe the treatment or service in the plan, specifying that it is additional learning provision to be secured by the NHS body.
- (4) If an NHS body informs a body that maintains an individual development plan for a child or young person that a relevant treatment or service should be provided to a child or young person in Welsh, the body that maintains the plan must specify in the plan that the treatment or service is additional learning provision that should be provided in Welsh.
- (5) If an individual development plan specifies under this section that additional learning provision is to be secured by an NHS body, the following duties do not apply to that additional learning provision—
- the duty of a governing body to secure provision under section 12(7) (including the duty to take reasonable steps to secure provision in Welsh);
 - the duty of a local authority to secure provision under section 14(10)(a) and the duty to take reasonable steps to secure provision in Welsh under section 14(10)(c);
 - the duty of a local authority to secure provision under section 19(7)(a) and the duty to take reasonable steps to secure provision in Welsh under section 19(7)(c).
- (6) The description of the additional learning provision specified in a plan under this section as provision an NHS body is to secure may only be removed or changed on review of a plan in accordance with section 23 or 24 and with the agreement or at the request of the NHS body.
- (7) If, on review of a plan, the NHS body requests a governing body or a local authority that maintains an individual development plan for a child or young person to remove or change the description of the additional learning provision specified in the plan under this section as provision the NHS body is to secure, the governing body or local authority must comply with the request.
- (8) Nothing in this section affects the power of the Education Tribunal for Wales to make an order under this Part.
- (9) If the Education Tribunal for Wales orders the revision of an individual development plan in relation to additional learning provision specified under this section as provision an NHS body is to secure, an NHS body is not required to secure the revised additional learning provision unless it agrees to do so.
- (10) Regulations must provide that where an NHS body is under a duty to inform under subsection (1) or (2), it must comply with that duty within a prescribed period, unless a prescribed exception applies.

Commencement Information

II S. 21 in force at 2.11.2020 for specified purposes by [S.I. 2020/1182](#), [reg. 3\(1\)\(b\)](#)

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- I2** S. 21 in force at 1.9.2021 for specified purposes by S.I. 2021/373, **arts. 3, 4** (as amended by S.I. 2021/735, art. 2(2)(a) and S.I. 2021/938, art. 2(3))
- I3** S. 21 in force at 1.9.2021 for specified purposes by S.I. 2021/373, **arts. 6, 7** (as amended by S.I. 2021/735, art. 2(3)(a) and S.I. 2021/938, art. 2(4)(5))
- I4** S. 21 in force at 1.1.2022 for specified purposes by S.I. 2021/1244, **art. 3(c)** (with arts. 4-21) (as amended by S.I. 2021/1428, **art. 3**; (10.6.2022) by S.I. 2022/663, **art. 3** and (21.8.2023) by S.I. 2023/932, **art. 3**)
- I5** S. 21 in force at 1.1.2022 for specified purposes by S.I. 2021/1243, **art. 3(c)** (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. 21 in force at 1.1.2022 for specified purposes by S.I. 2021/1245, **arts. 3(c), 4** (with art. 1(4))
- I7** S. 21 in force at 1.9.2022 for specified purposes by S.I. 2022/895, **arts. 3(c), 4**
- I8** S. 21 in force at 1.9.2022 for specified purposes by S.I. 2022/894, **art. 3(c)**
- I9** S. 21 in force at 1.9.2022 for specified purposes by S.I. 2022/898, **arts. 2(c), 3**
- I10** S. 21 in force at 1.9.2022 for specified purposes by S.I. 2022/897, **art. 3(c)** (with arts. 1(8), 4-21 (as amended (21.8.2023) by S.I. 2023/932, **art. 6**)
- I11** S. 21 in force at 1.9.2022 for specified purposes by S.I. 2022/891, **art. 3(c)** (with arts. 4-25 (as amended (21.8.2023) by (S.I. 2023/932), **art. 4**)
- I12** S. 21 in force at 1.9.2022 for specified purposes by S.I. 2022/893, **art. 4** (with art. 1(2))
- I13** S. 21 in force at 1.9.2022 for specified purposes by S.I. 2022/896, **art. 3(c)** (with arts. 4-22 (as amended (21.8.2023) by (S.I. 2023/932), **art. 5**)
- I14** S. 21 in force at 1.9.2022 for specified purposes by S.I. 2022/892, **art. 3(c)** (with arts. 2, 4-18)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 21 coming into force by [S.I. 2022/893 art. 2\(c\)](#)
- 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\(o\)\(xi\)](#)