



Additional Learning Needs and Education Tribunal (Wales) Act 2018

2018 anaw 2

PART 2

ADDITIONAL LEARNING NEEDS

CHAPTER 2

INDIVIDUAL DEVELOPMENT PLANS

Ceasing to maintain plans

32 Reconsideration by local authorities of decisions of governing bodies under section 31

- (1) Subsection (2) applies where—
 - (a) a child, a child's parent or a young person has been notified of a decision of a governing body of a maintained school under section 31, and
 - (b) the child, the child's parent or the young person makes a request within a prescribed period to the local authority responsible for the child or young person for it to decide whether the governing body's duty to maintain the plan should cease.
- (2) The local authority must decide whether the governing body should cease to maintain the plan.
- (3) The local authority must notify the governing body and 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.

Changes to legislation: Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 32 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) If the local authority decides that the plan should be maintained, the governing body must continue to maintain the plan.
- (5) If the local authority decides that the plan should not be maintained, the governing body must cease to maintain the plan, subject to section 33.

Modifications etc. (not altering text)

- C1** S. 32(1)(a)(b) modified (1.9.2021) by The Additional Learning Needs (Wales) Regulations 2021 (S.I. 2021/401), regs. 1(2), **35(1)(l)**
- C2** S. 32(1)(a) modified (1.9.2021) by The Additional Learning Needs (Wales) Regulations 2021 (S.I. 2021/401), regs. 1(2), **37(1)(p)**
- C3** S. 32(1)(b) modified (1.9.2021) by The Additional Learning Needs (Wales) Regulations 2021 (S.I. 2021/401), regs. 1(2), **37(1)(q)**
- C4** S. 32(3) modified (1.9.2021) by The Additional Learning Needs (Wales) Regulations 2021 (S.I. 2021/401), regs. 1(2), **35(1)(l)**
- C5** S. 32(3) modified (1.9.2021) by The Additional Learning Needs (Wales) Regulations 2021 (S.I. 2021/401), regs. 1(2), **37(1)(r)**

Commencement Information

- I1** S. 32 in force at 2.11.2020 for specified purposes by S.I. 2020/1182, **reg. 3(1)(c)**
- I2** S. 32 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. 32 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. 32 in force at 1.1.2022 for specified purposes by S.I. 2021/1245, **arts. 3(c), 4** (with art. 1(4))
- I5** S. 32 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**; and (10.6.2022) by S.I. 2022/663, **art. 3**; and (21.8.2023) by S.I. 2023/932, **art. 3**)
- I6** S. 32 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**)
- I7** S. 32 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**)
- I8** S. 32 in force at 1.9.2022 for specified purposes by S.I. 2022/894, **art. 3(c)**
- I9** S. 32 in force at 1.9.2022 for specified purposes by S.I. 2022/892, **art. 3(c)** (with arts. 2, 4-18)
- I10** S. 32 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**)
- I11** S. 32 in force at 1.9.2022 for specified purposes by S.I. 2022/895, **arts. 3(c), 4**
- I12** S. 32 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**)
- I13** S. 32 in force at 1.9.2022 for specified purposes by S.I. 2022/898, **arts. 2(c), 3**
- I14** S. 32 in force at 1.9.2022 for specified purposes by S.I. 2022/893, **art. 4** (with art. 1(2))

Changes to legislation:

Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 32 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- s. 32 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 (12.8.20210) 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\(o\)\(xi\)](#)