



Additional Learning Needs and Education Tribunal (Wales) Act 2018

2018 anaw 2

PART 2

ADDITIONAL LEARNING NEEDS

CHAPTER 3

SUPPLEMENTARY FUNCTIONS

Additional learning provision in particular kinds of school or other institution

51 Duty to favour education for children at mainstream maintained schools

- (1) A local authority exercising functions under this Part in relation to a child of compulsory school age with additional learning needs who should be educated in a school must secure that the child is educated in a mainstream maintained school unless any of the circumstances in paragraphs (a) to (c) of subsection (2) apply.
- (2) The circumstances are—
 - (a) that educating the child in a mainstream maintained school is incompatible with the provision of efficient education for other children;
 - (b) that educating the child otherwise than in a mainstream maintained school is appropriate in the best interests of the child and compatible with the provision of efficient education for other children;
 - (c) that the child's parent wishes the child to be educated otherwise than in a mainstream maintained school.
- (3) A local authority may not rely on the exception in subsection (2)(a) unless there are no reasonable steps the authority could take to prevent the incompatibility.

Changes to legislation: Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 51 is up to date with all changes known to be in force on or before 28 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) Where a child's parent wishes his or her child to be educated otherwise than in a mainstream maintained school, subsection (2)(c) does not require a local authority to secure that the child is educated otherwise than in a mainstream maintained school.
- (5) Subsection (1) does not prevent a child from being educated in—
- (a) an independent school, or
 - (b) a school approved under section 342 of the Education Act 1996 (c. 56), if the cost is met otherwise than by a local authority.

Commencement Information

- I1** S. 51 in force at 1.9.2021 for specified purposes by S.I. 2021/373, **arts. 3, 4** (as amended by S.I. 2021/938, **art. 2(3)**)
- I2** S. 51 in force at 1.9.2021 for specified purposes by S.I. 2021/373, **arts. 6, 7** (as amended by S.I. 2021/938, **art. 2(4)(5)**)
- I3** S. 51 in force at 1.1.2022 for specified purposes by S.I. 2021/1243, **art. 3(i)** (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**)
- I4** S. 51 in force at 1.1.2022 for specified purposes by S.I. 2021/1244, **art. 3(i)** (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**)
- I5** S. 51 in force at 1.1.2022 for specified purposes by S.I. 2021/1245, **arts. 3(i), 4** (with art. 1(4))
- I6** S. 51 in force at 1.9.2022 for specified purposes by S.I. 2022/893, **art. 4** (with art. 1(2))
- I7** S. 51 in force at 1.9.2022 for specified purposes by S.I. 2022/891, **art. 3(i)** (with arts. 4-25) (as amended (21.8.2023) by S.I. 2023/932, **art. 4**)
- I8** S. 51 in force at 1.9.2022 for specified purposes by S.I. 2022/898, **arts. 2(i), 3**
- I9** S. 51 in force at 1.9.2022 for specified purposes by S.I. 2022/896, **art. 3(i)** (with arts. 4-22) (as amended (21.8.2023) by S.I. 2023/932, **art. 5**)
- I10** S. 51 in force at 1.9.2022 for specified purposes by S.I. 2022/892, **art. 3(i)** (with arts. 2, 4-18)
- I11** S. 51 in force at 1.9.2022 for specified purposes by S.I. 2022/897, **art. 3(i)** (with arts. 1(8), 4-21) (as amended (21.8.2023) by S.I. 2023/932, **art. 6**)
- I12** S. 51 in force at 1.9.2022 for specified purposes by S.I. 2022/895, **arts. 3(i), 4**
- I13** S. 51 in force at 1.9.2022 for specified purposes by S.I. 2022/894, **art. 3(i)**

Changes to legislation:

Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 51 is up to date with all changes known to be in force on or before 28 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 51 coming into force by [S.I. 2022/893 art. 2\(i\)](#)
- 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\(o\)\(xi\)](#)