



Additional Learning Needs and Education Tribunal (Wales) Act 2018

2018 anaw 2

PART 2

ADDITIONAL LEARNING NEEDS

CHAPTER 2

INDIVIDUAL DEVELOPMENT PLANS

Preparing and maintaining individual development plans

14 Duties to prepare and maintain plans: local authorities

- (1) The duty in subsection (2) applies if a local authority is responsible for a child or young person and—
- (a) in the case of a child the local authority decides under section 13 that the child has additional learning needs,
 - (b) in the case of a young person who is a registered pupil at a maintained school in Wales or enrolled as a student at an institution in the further education sector in Wales, the local authority decides under section 13 that the young person has additional learning needs, or
 - (c) in the case of any other young person, the local authority—
 - (i) decides under section 13 that the young person has additional learning needs, and
 - (ii) decides in accordance with regulations under section 46 that it is necessary to prepare and maintain a plan under this section for the young person to meet his or her reasonable needs for education or training.
- (2) The local authority must—

Status: This is the original version (as it was originally enacted).

- (a) prepare and maintain an individual development plan for that child or young person, or
 - (b) if the child or young person is, or is to be, a registered pupil at a maintained school in Wales and the authority considers it appropriate—
 - (i) prepare an individual development plan and direct the governing body of the school to maintain the plan, or
 - (ii) direct the governing body of the school to prepare and maintain a plan.
- (3) But the duty in subsection (2) does not apply if the plan is about a young person and the young person does not consent to the plan being prepared or maintained.
- (4) A local authority that maintains an individual development plan for a child or young person who is a registered pupil at a maintained school in Wales may direct the governing body of the school to maintain the plan.
- (5) A local authority that prepares or maintains an individual development plan for a child or young person, or reconsiders a plan under section 27, must—
- (a) consider whether additional learning provision should be provided to the child or young person in Welsh, and
 - (b) if it decides that a particular kind of additional learning provision should be provided in Welsh, specify in the plan that it should be provided in Welsh.
- (6) If the reasonable needs of a child or young person for additional learning provision cannot be met unless a local authority also secures provision of the kind mentioned in subsection (7), the authority must include a description of that other provision in the plan.
- (7) The kinds of provision are—
- (a) a place at a particular school or other institution;
 - (b) board and lodging.
- (8) The duty in subsection (6)—
- (a) does not apply to a place at a particular school or other institution that is not a maintained school in Wales if the person or body responsible for admissions to the school or other institution does not consent;
 - (b) is subject to the duties in sections 55, 56(3) and 59.
- (9) If the duty in subsection (6) applies to a local authority, it may not give a direction under subsection (2)(b) or (4).
- (10) Where a local authority maintains an individual development plan for a child or a young person, the authority must—
- (a) secure the additional learning provision described in the plan,
 - (b) secure any other provision described in the plan in accordance with subsection (6), and
 - (c) if the plan specifies that a particular kind of additional learning provision should be provided in Welsh, take all reasonable steps to secure that it is provided to the child or young person in Welsh.