



# 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 for looked after children*

#### **19 Duties to prepare and maintain plans for looked after children**

- (1) The duty in subsection (2) applies if a local authority that looks after a child has decided under section 18 that a looked after child has additional learning needs.
- (2) The local authority must prepare and maintain an individual development plan for the child if the child is in the area of a local authority in Wales.
- (3) A local authority that prepares or maintains an individual development plan for a child it looks after must—
  - (a) consider whether additional learning provision should be provided to the child in Welsh, and
  - (b) if it decides that a particular kind of additional learning provision should be provided in Welsh, specify in the individual development plan that it should be provided in Welsh.
- (4) If the reasonable needs of the child for additional learning provision cannot be met unless the local authority also secures provision of the kind mentioned in subsection (5), the authority must include a description of that other provision in the individual development plan.

*Status: Point in time view as at 21/08/2023.*

*Changes to legislation: Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 19 is up to date with all changes known to be in force on or before 17 May 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)*

- (5) The kinds of provision are—
- (a) a place at a particular school or other institution;
  - (b) board and lodging.
- (6) The duty in subsection (4)—
- (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.
- (7) Where a local authority that looks after a child maintains an individual development plan for the child, 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 (4), 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 in Welsh.
- (8) See section 35 for provision about the transfer of duties to maintain individual development plans for children who already have plans when they become looked after.

#### Modifications etc. (not altering text)

- C1** S. 19(7): power to modify conferred (temp.) (1.9.2021) by 2020 c. 7, Sch. 17 para. 7(5) (as amended by [The Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(Consequential Amendments\) Regulations 2021 \(S.I. 2021/861\)](#), regs. 1, **11(2)**)

#### Commencement Information

- I1** S. 19 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))
- I2** S. 19 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))
- I3** S. 19 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**)
- I4** S. 19 in force at 1.1.2022 for specified purposes by [S.I. 2021/1245](#), **arts. 3(c), 4** (with art. 1(4))
- I5** S. 19 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. 19 in force at 1.9.2022 for specified purposes by [S.I. 2022/893](#), **art. 4** (with art. 1(2))
- I7** S. 19 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**)
- I8** S. 19 in force at 1.9.2022 for specified purposes by [S.I. 2022/892](#), **art. 3(c)** (with arts. 2, 4-18)
- I9** S. 19 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**)
- I10** S. 19 in force at 1.9.2022 for specified purposes by [S.I. 2022/895](#), **arts. 3(c), 4**
- I11** S. 19 in force at 1.9.2022 for specified purposes by [S.I. 2022/894](#), **art. 3(c)**
- I12** S. 19 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**)

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**I13** S. 19 in force at 1.9.2022 for specified purposes by S.I. 2022/898, arts. 2(c), 3

**Status:**

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