



# Additional Learning Needs and Education Tribunal (Wales) Act 2018

2018 anaw 2

## PART 2

### ADDITIONAL LEARNING NEEDS

#### CHAPTER 4

#### AVOIDING AND RESOLVING DISAGREEMENTS

##### *Appeals and applications to the Tribunal*

#### **71 Decisions on appeals and applications under section 70**

- (1) On appeal under section 70(2), the Education Tribunal for Wales may—
- (a) dismiss the appeal;
  - (b) order that a person has, or does not have, additional learning needs of a kind specified in the order;
  - (c) order the governing body of an institution in the further education sector in Wales or a local authority to prepare an individual development plan;
  - (d) order the governing body of an institution in the further education sector in Wales or a local authority to revise an individual development plan as specified in the order;
  - (e) order a governing body of a maintained school in Wales or an institution in the further education sector in Wales or local authority to continue to maintain an individual development plan (with or without revisions);
  - (f) order a local authority to take over responsibility for maintaining an individual development plan;
  - (g) order a governing body of an institution in the further education sector in Wales or local authority to review an individual development plan;

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**Changes to legislation:** Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 71 is up to date with all changes known to be in force on or before 05 August 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](#)

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- (h) remit the case to the governing body of an institution in the further education sector in Wales or local authority responsible for the matter for it to reconsider whether, having regard to any observations made by the Tribunal, it is necessary for a different decision to be made or different action to be taken.
- (2) On application under section 70(3) in respect of a child, the Education Tribunal for Wales may declare that the child either does or does not have the capacity to understand—
- (a) information or documents that must be given to a child under this Part, or
  - (b) what it means to exercise the rights conferred on a child by this Part.

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**Commencement Information**

**II** S. 71 in force at 1.9.2021 by [S.I. 2021/373](#), **art. 8(f)**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- 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\(o\)\(xi\)](#)