



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

11 Duty to decide: maintained schools and further education institutions

- (1) Where it is brought to the attention of, or otherwise appears to, the governing body of a maintained school in Wales that a child or young person who is a registered pupil at the school may have additional learning needs, it must decide whether the child or young person has additional learning needs, unless any of the circumstances in subsection (3) apply.
- (2) Where it is brought to the attention of, or otherwise appears to the governing body of an institution in the further education sector in Wales that a young person enrolled as a student at the institution may have additional learning needs, it must decide whether the young person has additional learning needs, unless any of the circumstances in subsection (3) apply.
- (3) The circumstances are—
 - (a) an individual development plan is being maintained for the child or young person under this Part;
 - (b) the governing body has previously decided whether the child or young person has additional learning needs and the governing body is satisfied that—

Changes to legislation: Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 11 is up to date with all changes known to be in force on or before 23 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

- (i) the child's or young person's needs have not changed materially since that decision was made, and
 - (ii) there is no new information that materially affects that decision;
 - (c) the decision is about a young person and the young person does not consent to the decision being made;
 - (d) the child or young person is a registered pupil or an enrolled student at another institution (that institution being a school or an institution in the further education sector) and a local authority is responsible for him or her;
 - (e) a local authority in England maintains an EHC plan for the child or young person.
- (4) If the governing body decides that the child or young person does not have additional learning needs it must notify 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.
- (5) This section does not apply to a child who is looked after by a local authority (see section 17 (duty to refer a matter to an authority that looks after a child)), unless the child is in the area of a local authority in England.

Modifications etc. (not altering text)

- C1** S. 11(3)(c) modified (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021 \(S.I. 2021/401\)](#), regs. 1(2), **37(1)(a)**
- C2** S. 11(4) modified (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021 \(S.I. 2021/401\)](#), regs. 1(2), **37(1)(b)**
- C3** S. 11(4) modified (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021 \(S.I. 2021/401\)](#), regs. 1(2), **35(1)(a)**

Commencement Information

- I1** S. 11 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. 11 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. 11 in force at 1.1.2022 for specified purposes by [S.I. 2021/1244](#), **art. 3(b)** (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. 11 in force at 1.1.2022 for specified purposes by [S.I. 2021/1245](#), **arts. 3(b), 4** (with **art. 1(4)**)
- I5** S. 11 in force at 1.1.2022 for specified purposes by [S.I. 2021/1243](#), **art. 3(b)** (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. 11 in force at 1.9.2022 for specified purposes by [S.I. 2022/897](#), **art. 3(b)** (with arts. 1(8), 4-21) (as amended (21.8.2023) by [S.I. 2023/932](#), **art. 6**)
- I7** S. 11 in force at 1.9.2022 for specified purposes by [S.I. 2022/894](#), **art. 3(b)**
- I8** S. 11 in force at 1.9.2022 for specified purposes by [S.I. 2022/891](#), **art. 3(b)** (with arts. 4-25) (as amended (21.8.2023) by [S.I. 2023/932](#), **art. 4**)
- I9** S. 11 in force at 1.9.2022 for specified purposes by [S.I. 2022/893](#), **art. 4** (with **art. 1(2)**)
- I10** S. 11 in force at 1.9.2022 for specified purposes by [S.I. 2022/895](#), **arts. 3(b), 4**
- I11** S. 11 in force at 1.9.2022 for specified purposes by [S.I. 2022/898](#), **arts. 2(b), 3**
- I12** S. 11 in force at 1.9.2022 for specified purposes by [S.I. 2022/892](#), **art. 3(b)** (with arts. 2, 4-18)

Changes to legislation: *Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 11 is up to date with all changes known to be in force on or before 23 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](#)*

I13 S. 11 in force at 1.9.2022 for specified purposes by [S.I. 2022/896, art. 3\(b\)](#) (with arts. 4-22) (as amended (21.8.2023) by [S.I. 2023/932, art. 5](#))

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 11 coming into force by [S.I. 2022/893 art. 2\(b\)](#)
- 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\(o\)\(xi\)](#)