



# 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 and NHS bodies*

#### **20 Additional learning provision: Local Health Boards and NHS trusts**

- (1) The bodies specified in subsection (2) may refer a matter to an NHS body, asking it to consider whether there is any relevant treatment or service that is likely to be of benefit in addressing the additional learning needs of a child or young person.
- (2) The bodies are—
  - (a) where the referral would relate to a child, or to a young person who is a registered pupil at a maintained school, a local authority;
  - (b) where the referral would relate to a young person who is not a registered pupil at a maintained school, the body that prepares or maintains an individual development plan for the young person.
- (3) But a body may not make a referral under subsection (1) unless—
  - (a) it has informed the child or young person and, in the case of a child, the child's parent, that it intends to make the referral,
  - (b) it has given the child or young person and, in the case of a child, the child's parent, an opportunity to discuss whether the referral should be made, and

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**Changes to legislation:** Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 20 is up to date with all changes known to be in force on or before 21 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

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- (c) it is satisfied that making the referral is in the best interests of the child or young person.
- (4) If a matter is referred to an NHS body under this section, the NHS body must consider whether there is a relevant treatment or service that is likely to be of benefit in addressing the child's or young person's additional learning needs.
- (5) If the NHS body identifies such a treatment or service, it must—
- (a) secure the treatment or service for the child or young person,
  - (b) decide whether the treatment or service should be provided to the child or young person in Welsh, and
  - (c) if it decides that the treatment or service should be provided to the child or young person in Welsh, take all reasonable steps to secure that the treatment or service is provided in Welsh.
- (6) In this section, and in section 21, “relevant treatment or service” means any treatment or service that an NHS body would normally provide as part of the comprehensive health service in Wales continued under section 1(1) of the National Health Service (Wales) Act 2006 (c. 42).

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

- C1** S. 20(3)(a)(b) modified (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021 \(S.I. 2021/401\)](#), regs. 1(2), **37(1)(g)**
- C2** S. 20(3)(a)(b) modified (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021 \(S.I. 2021/401\)](#), regs. 1(2), **35(1)(d)**

#### Commencement Information

- I1** S. 20 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. 20 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. 20 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)
- I4** S. 20 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)
- I5** S. 20 in force at 1.1.2022 for specified purposes by [S.I. 2021/1245](#), arts. 3(c), 4 (with art. 1(4))
- I6** S. 20 in force at 1.9.2022 for specified purposes by [S.I. 2022/898](#), arts. 2(c), 3
- I7** S. 20 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)
- I8** S. 20 in force at 1.9.2022 for specified purposes by [S.I. 2022/892](#), art. 3(c) (with arts. 2, 4-18)
- I9** S. 20 in force at 1.9.2022 for specified purposes by [S.I. 2022/895](#), arts. 3(c), 4
- I10** S. 20 in force at 1.9.2022 for specified purposes by [S.I. 2022/893](#), art. 4 (with art. 1(2))
- I11** S. 20 in force at 1.9.2022 for specified purposes by [S.I. 2022/894](#), art. 3(c)
- I12** S. 20 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)
- I13** S. 20 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)

**Changes to legislation:**

Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 20 is up to date with all changes known to be in force on or before 21 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.

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

- s. 20 coming into force by [S.I. 2022/893 art. 2\(c\)](#)
- 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\(o\)\(xi\)](#)