



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

2018 anaw 2

## PART 2

### ADDITIONAL LEARNING NEEDS

#### CHAPTER 2

##### INDIVIDUAL DEVELOPMENT PLANS

*Local authority reconsideration of governing body decisions and plans*

#### **28 Local authority duty to decide whether to take over governing body plans**

(1) Subsection (3) applies where—

- (a) a governing body of a maintained school or an institution in the further education sector maintains an individual development plan for a child or young person under section 12(1) or 12(3), and
- (b) any of the persons mentioned in subsection (2) requests the local authority responsible for a child or young person to consider taking over responsibility for maintaining the plan.

(2) The persons are—

- (a) the child or young person,
- (b) in the case of a child, the child's parent, or
- (c) the governing body.

(3) The local authority must decide whether it should take over responsibility for maintaining an individual development plan maintained by the governing body.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Where a governing body makes the request, the local authority must inform the child or young person and, in the case of a child, the child's parent of the request and invite representations.
- (5) Where a child, a child's parent or a young person makes the request, the local authority must inform the governing body of the request and invite representations from the governing body.
- (6) A local authority may decide to take over responsibility for maintaining a plan maintained by a governing body of a maintained school if it decides under section 27(6) that the plan should be revised.
- (7) The local authority must notify the child or young person, in the case of a child, the child's parent, and the governing body of—
  - (a) a decision under subsection (3) or (6), and
  - (b) the reasons for the decision.
- (8) If the local authority decides to take over responsibility for maintaining the plan—
  - (a) it is to be treated as maintained by the authority under section 14 for the purposes of this Part, and
  - (b) the governing body is not required to maintain it, from the date on which notice is given under subsection (7).