



Additional Learning Needs and Education Tribunal (Wales) Act 2018

2018 anaw 2

PART 2

ADDITIONAL LEARNING NEEDS

CHAPTER 3

SUPPLEMENTARY FUNCTIONS

Functions relating to securing additional learning provision

48 Duty to admit children to named maintained schools

- (1) Subsection (2) applies if a maintained school in Wales is named in an individual development plan prepared or maintained for a child by a local authority for the purpose of securing admission of the child to the school.
- (2) The governing body of the school must admit the child.
- (3) Before naming a school under this section, the local authority must consult—
 - (a) the governing body of the school, and
 - (b) in the case of a maintained school where neither the local authority nor its governing body is the admissions authority for the school, the local authority for the area in which the school is located.
- (4) A local authority may only name a maintained school in an individual development plan for the purpose of securing admission of a child if—
 - (a) the authority is satisfied that the child's interest requires the additional learning provision identified in his or her plan to be made at the school, and
 - (b) it is appropriate for the child to be provided with education or training at the school.

Changes to legislation: Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 48 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

- (5) Subsection (2) has effect despite any duty imposed on the governing body of a school by section 1(6) of the School Standards and Framework Act 1998 (c. 31) (limits on infant class sizes).
- (6) Subsection (2) does not affect any power to exclude a pupil from a school.
- (7) In this section, “admissions authority” has the meaning given by section 88 of the School Standards and Framework Act 1998.

Commencement Information

- I1** S. 48 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. 48 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. 48 in force at 1.1.2022 for specified purposes by [S.I. 2021/1244](#), **art. 3(f)** (with **arts. 4-21**) (as amended by [S.I. 2021/1428](#), **art. 3**; and (10.6.2022) by [S.I. 2022/663](#), **art. 3** and (21.8.2023) by [S.I. 2023/932](#), **art. 3**)
- I4** S. 48 in force at 1.1.2022 for specified purposes by [S.I. 2021/1245](#), **arts. 3(f), 4** (with **art. 1(4)**)
- I5** S. 48 in force at 1.1.2022 for specified purposes by [S.I. 2021/1243](#), **art. 3(f)** (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. 48 in force at 1.9.2022 for specified purposes by [S.I. 2022/897](#), **art. 3(f)** (with **arts. 1(8), 4-21**) (as amended (21.8.2023) by [S.I. 2023/932](#), **art. 6**)
- I7** S. 48 in force at 1.9.2022 for specified purposes by [S.I. 2022/892](#), **art. 3(f)** (with **arts. 2, 4-18**)
- I8** S. 48 in force at 1.9.2022 for specified purposes by [S.I. 2022/898](#), **arts. 2(f), 3**
- I9** S. 48 in force at 1.9.2022 for specified purposes by [S.I. 2022/895](#), **arts. 3(f), 4**
- I10** S. 48 in force at 1.9.2022 for specified purposes by [S.I. 2022/896](#), **art. 3(f)** (with **arts. 4-22**) (as amended (21.8.2023) by [S.I. 2023/932](#), **art. 5**)
- I11** S. 48 in force at 1.9.2022 for specified purposes by [S.I. 2022/894](#), **art. 3(f)**
- I12** S. 48 in force at 1.9.2022 for specified purposes by [S.I. 2022/893](#), **art. 4** (with **art. 1(2)**)
- I13** S. 48 in force at 1.9.2022 for specified purposes by [S.I. 2022/891](#), **art. 3(f)** (with **arts. 4-25**) (as amended (21.8.2023) by [S.I. 2023/932](#), **art. 4**)

Changes to legislation:

Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 48 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.

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Changes and effects yet to be applied to :

- s. 48 coming into force by [S.I. 2022/893 art. 2\(f\)](#)
- 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\(o\)\(xi\)](#)