

Status: This version of this provision is prospective.

Changes to legislation: Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 72 is up to date with all changes known to be in force on or before 14 July 2018. 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)



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

PROSPECTIVE

72 Appeal rights: detained persons

- (1) Subsection (2) applies to—
 - (a) decisions of a home authority in Wales under section 40;
 - (b) individual development plans kept by a home authority under section 42.
- (2) A detained person and, in the case of a detained person who is a child, the detained person's parent, may appeal to the Education Tribunal for Wales against the following matters—
 - (a) a decision of the home authority as to whether a detained person has additional learning needs;
 - (b) a decision of the home authority as to whether it will be necessary for an individual development plan to be maintained for a detained person when he or she is released from detention;
 - (c) the description of a person's additional learning needs in an individual development plan;

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- (d) the additional learning provision in an individual development plan or the fact that additional learning provision is not in a plan (including whether the plan specifies that additional learning provision should be provided in Welsh);
 - (e) the provision included in an individual development plan under section 40(7) or the fact that provision under that section is not in the plan;
 - (f) the school named in an individual development plan for the purpose of section 48;
 - (g) if no school is named in an individual development plan for the purpose of section 48, that fact;
 - (h) a refusal to make a decision under section 40(2) on the basis that section 41(2)(b) applies (no material change in needs and no new information that materially affects the decision).
- (3) The exercise of rights under this section is subject to—
- (a) provision made by regulations under sections 74, 75, 83 and 85(8);
 - (b) section 85(4).

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act restricted by 1996 (c. 56), s. 569(2BA) (as inserted) by [2018 anaw 2 Sch. 1 para. 4\(30\)\(b\)](#)