



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 for looked after children

18 Duty to decide whether a looked after child has additional learning needs

- (1) Where it is brought to the attention of, or otherwise appears to, a local authority that looks after a child that the child may have additional learning needs, it must decide whether the child has additional learning needs, unless any of the circumstances in subsection (2) apply.
- (2) The circumstances are—
 - (a) an individual development plan is being maintained for the child under section 19;
 - (b) the local authority has previously decided whether the child has additional learning needs and the local authority is satisfied that—
 - (i) the child'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 child is in the area of a local authority in England.

Changes to legislation: Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 18 is up to date with all changes known to be in force on or before 18 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

- (3) If the local authority decides that the looked after child does not have additional learning needs it must notify the child, the child's parent and the child's independent reviewing officer of—
- (a) the decision, and
 - (b) the reasons for the decision.

Modifications etc. (not altering text)

- C1** S. 18(3) modified (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021 \(S.I. 2021/401\)](#), regs. 1(2), **35(1)(c)**

Commencement Information

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

Changes to legislation:

Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 18 is up to date with all changes known to be in force on or before 18 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. 18 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\(o\)\(xi\)](#)