



# 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*

#### **26 Reconsideration by local authorities of decisions under section 11(1)**

- (1) Subsection (2) applies where—
  - (a) a governing body of a maintained school has made a decision about a registered pupil under section 11(1) or has refused to make a decision under that section, and
  - (b) the child or young person or, in the case of a child, the child's parent requests the local authority responsible for the child or young person to reconsider the matter.
- (2) The local authority must decide whether the child or young person has additional learning needs.
- (3) Before it makes its decision, the local authority must inform the governing body of the request and invite representations from the governing body.
- (4) For the purposes of this Part, a decision under subsection (2) is to be treated as a decision under section 13(1).

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**Changes to legislation:** Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 26 is up to date with all changes known to be in force on or before 19 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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- (5) Where a local authority makes a decision under subsection (2), the previous decision of the governing body under section 11(1) ceases to have effect.

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

- C1** S. 26(1)(b) modified (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021 \(S.I. 2021/401\)](#), [regs. 1\(2\)](#), [37\(1\)\(k\)](#)
- C2** S. 26(1)(b) modified (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021 \(S.I. 2021/401\)](#), [regs. 1\(2\)](#), [35\(1\)\(h\)](#)

#### Commencement Information

- I1** S. 26 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. 26 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. 26 in force at 1.1.2022 for specified purposes by [S.I. 2021/1245](#), [arts. 3\(c\)](#), 4 (with [art. 1\(4\)](#))
- I4** S. 26 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](#))
- I5** S. 26 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](#); and (10.6.2022) by [S.I. 2022/663](#), [art. 3](#) and (21.8.2023) by [S.I. 2023/932](#), [art. 3](#))
- I6** S. 26 in force at 1.9.2022 for specified purposes by [S.I. 2022/892](#), [art. 3\(c\)](#) (with [arts. 2, 4-18](#))
- I7** S. 26 in force at 1.9.2022 for specified purposes by [S.I. 2022/898](#), [arts. 2\(c\)](#), 3
- I8** S. 26 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](#))
- I9** S. 26 in force at 1.9.2022 for specified purposes by [S.I. 2022/895](#), [arts. 3\(c\)](#), 4
- I10** S. 26 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](#))
- I11** S. 26 in force at 1.9.2022 for specified purposes by [S.I. 2022/893](#), [art. 4](#) (with [art. 1\(2\)](#))
- I12** S. 26 in force at 1.9.2022 for specified purposes by [S.I. 2022/894](#), [art. 3\(c\)](#)
- I13** S. 26 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](#))

**Changes to legislation:**

Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 26 is up to date with all changes known to be in force on or before 19 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. 26 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\(o\)\(xi\)](#)