



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

2018 anaw 2

## PART 2

### ADDITIONAL LEARNING NEEDS

#### CHAPTER 3

##### SUPPLEMENTARY FUNCTIONS

*Additional learning provision in particular kinds of school or other institution*

#### **56 List of independent special post-16 institutions**

- (1) The Welsh Ministers must establish and maintain a list of independent special post-16 institutions in Wales and England (“the list”) for the purpose of subsection (3).
- (2) The Welsh Ministers must publish the list, as amended from time to time.
- (3) A local authority may only exercise its functions under this Part to secure education or training for a child or young person at an independent special post-16 institution in Wales or England if the institution is included in the list, subject to any prescribed exemptions.
- (4) The Welsh Ministers may only include an institution in the list on application by its proprietor.
- (5) Regulations must provide for—
  - (a) the contents of the list;
  - (b) requirements to be complied with as a condition of being included in the list;

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**Changes to legislation:** Additional Learning Needs and Education Tribunal (Wales) Act 2018, Section 56 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](#)

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- (c) requirements to be complied with while the institution is listed (including requirements for approval by the Welsh Ministers of arrangements at the institution and change of such arrangements);
  - (d) removal of the institution from the list;
  - (e) rights of appeal to the First-tier Tribunal for proprietors of institutions against decisions—
    - (i) to refuse to list an institution;
    - (ii) to remove an institution from the list;
    - (iii) not to approve or not to approve a change to arrangements at the institution.
- (6) In this section, “independent special post-16 institution” means an institution which provides education or training for persons over compulsory school age and is specially organised to provide such education or training for persons with additional learning needs, and which is not—
- (a) an institution within the further education sector,
  - (b) an independent school included in the register of independent schools in Wales (kept under section 158 of the Education Act 2002 (c. 32)),
  - (c) an independent educational institution (within the meaning of Chapter 1 of Part 4 of the Education and Skills Act 2008 (c. 25)), which has been included in the register of independent educational institutions in England (kept under section 95 of that Act), or
  - (d) a 16 to 19 Academy.

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#### Commencement Information

- I1** S. 56 in force at 2.11.2020 for specified purposes by [S.I. 2020/1182, reg. 3\(1\)\(f\)](#)
- I2** S. 56 in force at 1.9.2021 in so far as not already in force by [S.I. 2021/373, art. 8\(d\)](#)
- I3** S. 56(1) in force at 4.1.2021 in so far as not already in force by [S.I. 2020/1182, reg. 4\(2\)\(a\)](#)
- I4** S. 56(4)-(6) in force at 4.1.2021 in so far as not already in force by [S.I. 2020/1182, reg. 4\(2\)\(b\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- 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 (12.8.20210) 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\(o\)\(xi\)](#)