



# Education Act 1993

## 1993 CHAPTER 35

### PART III

#### CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

##### *Special educational provision: general*

#### **159 Review of arrangements**

A local education authority shall keep under review the arrangements made by them for special educational provision and, in doing so, shall, to the extent that it appears necessary or desirable for the purpose of co-ordinating provision for children with special educational needs, consult the funding authority and the governing bodies of county, voluntary, maintained special and grant-maintained schools in their area.

#### **160 Qualified duty to secure education of children with special educational needs in ordinary schools**

- (1) Any person exercising any functions under this Part of this Act in respect of a child with special educational needs who should be educated in a school shall secure that, if the conditions mentioned in subsection (2) below are satisfied, the child is educated in a school which is not a special school unless that is incompatible with the wishes of his parent.
- (2) The conditions are that educating the child in a school which is not a special school is compatible with—
  - (a) his receiving the special educational provision which his learning difficulty calls for,
  - (b) the provision of efficient education for the children with whom he will be educated, and
  - (c) the efficient use of resources.

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*Status: This is the original version (as it was originally enacted).*

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## **161 Duties of governing body etc. in relation to pupils with special educational needs**

- (1) The governing body, in the case of a county, voluntary or grant-maintained school, and the local education authority, in the case of a maintained nursery school, shall—
  - (a) use their best endeavours, in exercising their functions in relation to the school, to secure that if any registered pupil has special educational needs the special educational provision which his learning difficulty calls for is made,
  - (b) secure that, where the responsible person has been informed by the local education authority that a registered pupil has special educational needs, those needs are made known to all who are likely to teach him, and
  - (c) secure that the teachers in the school are aware of the importance of identifying, and providing for, those registered pupils who have special educational needs.
  
- (2) In subsection (1)(b) above, “the responsible person” means—
  - (a) in the case of a county, voluntary or grant-maintained school, the head teacher or the appropriate governor (that is, the chairman of the governing body or, where the governing body have designated another governor for the purposes of this paragraph, that other governor), and
  - (b) in the case of a nursery school, the head teacher.
  
- (3) To the extent that it appears necessary or desirable for the purpose of co-ordinating provision for children with special educational needs—
  - (a) the governing bodies of county, voluntary and grant-maintained schools shall, in exercising functions relating to the provision for such children, consult the local education authority, the funding authority and the governing bodies of other such schools, and
  - (b) in relation to maintained nursery schools, the local education authority shall, in exercising those functions, consult the funding authority and the governing bodies of county, voluntary and grant-maintained schools.
  
- (4) Where a child who has special educational needs is being educated in a county, voluntary or grant-maintained school or a maintained nursery school, those concerned with making special educational provision for the child shall secure, so far as is reasonably practicable and is compatible with—
  - (a) the child receiving the special educational provision which his learning difficulty calls for,
  - (b) the provision of efficient education for the children with whom he will be educated, and
  - (c) the efficient use of resources,
 that the child engages in the activities of the school together with children who do not have special educational needs.
  
- (5) The annual report for each county, voluntary, maintained special or grant-maintained school shall include a report containing such information as may be prescribed about the implementation of the governing body’s policy for pupils with special educational needs; and in this subsection “annual report” means the report prepared under the articles of government for the school in accordance with section 30 of the Education (No. 2) Act 1986 or, as the case may be, paragraph 8 of Schedule 6 to this Act.

## **162 Provision of goods and services in connection with special educational needs**

- (1) A local education authority may for the purpose only of assisting—
  - (a) the governing bodies of county, voluntary or grant-maintained schools in their or any other area in the performance of the governing bodies' duties under section 161(1)(a) of this Act, or
  - (b) the governing bodies of maintained or grant-maintained special schools in their or any other area in the performance of the governing bodies' duties, supply goods or services to them.
- (2) The terms on which goods or services are supplied by local education authorities to the governing bodies of grant-maintained schools or grant-maintained special schools, or to the governing bodies of county, voluntary or maintained special schools in any other area, under this section may, in such circumstances as may be prescribed, include such terms as to payment as may be prescribed.
- (3) This section is without prejudice to the generality of any other power of local education authorities to supply goods or services.

## **163 Special educational provision otherwise than in schools**

- (1) Where a local education authority are satisfied that it would be inappropriate for the special educational provision (or any part of the special educational provision) which a learning difficulty of a child in their area calls for to be made in a school, they may arrange for the provision (or, as the case may be, for that part of it) to be made otherwise than in a school.
- (2) Before making an arrangement under this section, a local education authority shall consult the child's parent.

## **164 Provision outside England and Wales for certain children**

- (1) A local education authority may make such arrangements as they think fit to enable a child for whom they maintain a statement under section 168 of this Act to attend an institution outside England and Wales which specialises in providing for children with special needs.
- (2) In subsection (1) above, "children with special needs" means children who have particular needs which would be special educational needs if those children were in England and Wales.
- (3) Where a local education authority make arrangements under this section in respect of a child, those arrangements may in particular include contributing to or paying—
  - (a) fees charged by the institution,
  - (b) expenses reasonably incurred in maintaining him while he is at the institution or travelling to or from it,
  - (c) his travelling expenses, and
  - (d) expenses reasonably incurred by any person accompanying him while he is travelling or staying at the institution.
- (4) This section is without prejudice to any other powers of a local education authority.