



Education Act 1996

1996 CHAPTER 56

PART IV

SPECIAL EDUCATIONAL NEEDS

[^{F1}CHAPTER I

CHILDREN [^{F1}IN WALES] WITH SPECIAL EDUCATIONAL NEEDS

[^{F1}]^{F2} Appeals by children

Textual Amendments

- F1** Pt. 4 Ch. 1 repealed (1.9.2021 for the repeal of ss. 333(1ZA)(2)-(6), 334-335 and otherwise in force for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#) (anaw 2), s. 100(3), **Sch. 1 para. 4(9)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, **art. 2**); S.I. 2021/1243, **art. 3** (with arts. 4-23) (as amended by S.I. 2021/1428, **art. 2**); S.I. 2021/1244, **art. 3** (with arts. 4-21) (as amended by S.I. 2021/1428, **art. 3**); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, **art. 3** (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, **art. 4**; S.I. 2022/894, **art. 3**; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, **art. 3** (with arts. 1(7), 4-22); S.I. 2022/897, **art. 3** (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F2** S. 332ZA and cross-heading inserted (6.3.2012) by [Education \(Wales\) Measure 2009](#) (nawm 5), **ss. 1(2), 26(3)** (as amended (5.5.2010) by S.I. 2010/1148, arts. 1, 5(2)); S.I. 2012/320, **art. 3(a)**

332ZA Right of a child to appeal to the ^{F3}... Tribunal

(1) This section applies to the rights of a parent of a child to appeal to the ^{F4}... Tribunal under any of the following provisions—

- (a) section 325(2) (appeal against decision not to make statement);
- (b) section 326(1) (appeal against contents of statement);

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- (c) section 328(3)(b) (reviews of educational needs);
 - (d) section 329(2)(b) (assessment of educational needs at request of child's parent);
 - (e) section 329A(8)(b) (review of assessment of educational needs at request of responsible body);
 - (f) paragraph 8(3)(b) of Schedule 27 (change of named school);
 - (g) paragraph 11(2)(b) of Schedule 27 (ceasing to maintain a statement).
- (2) The child may exercise the rights conferred on the parent in respect of that child.
- (3) The child's rights are exercisable concurrently with the parent's rights.
- (4) The exercise of rights under this section is subject to provision made by regulations under sections 332ZC and 336(1).]

Textual Amendments

- F3** Word in s. 332ZA omitted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 21(3)**; [S.I. 2014/889](#), art. 7(a) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))
- F4** Word in s. 332ZA(1) omitted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 21(2)**; [S.I. 2014/889](#), art. 7(a) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))

[^{F5}332ZB] Notice and service of documents on a child

- (1) This section applies if a local authority ^{F6}... is required to give notice to or serve a document on a parent of a child under any of the following provisions—
- (a) section 325 (appeal against decision not to make statement);
 - (b) section 328 (reviews of educational needs);
 - (c) section 329 (assessment of educational needs at request of child's parent);
 - (d) section 329A(8) (review or assessment of educational needs at request of responsible body);
 - (e) paragraph 3 of Schedule 26 (manner and timing of assessments);
 - (f) paragraph 2A of Schedule 27 (amendments to a statement);
 - (g) paragraph 2B(2) of Schedule 27 (provision of additional information);
 - (h) paragraph 6 of Schedule 27 (service of statement);
 - (i) paragraph 8 of Schedule 27 (change of named school);
 - (j) paragraph 11 of Schedule 27 (ceasing to maintain a statement).
- (2) The local authority must give notice to, or serve the document on, the child as well as on the parent.
- (3) Any provision applicable to notices given to or documents served on a parent applies equally to notices given to or documents served on a child.]

Textual Amendments

- F5** S. 332ZB inserted (6.3.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), **ss. 2(2), 26(3)** (as amended (5.5.2010) by [S.I. 2010/1148](#), arts. 1, 5(2)); [S.I. 2012/320](#), art. 3(b)

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F6 Words in s. 332ZB(1) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 3 para. 22](#); [S.I. 2014/889, art. 7\(a\)](#) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))

[^{F7}332ZC **Case friends** ^{F8}...

- (1) The Welsh Ministers may provide by regulations for a child to have a person (referred to in this Part as a “case friend”)—
 - (a) to make representations on behalf of a child with a view to avoiding or resolving disagreements about the exercise by local education authorities ^{F9}... of functions under this Part, and
 - (b) to exercise the rights of a child under section 332ZA on the child's behalf.
- (2) A child's case friend must—
 - (a) make representations and exercise rights fairly and competently,
 - (b) have no interest adverse to that of the child;
 - (c) ensure that all steps and decisions taken by the case friend are for the benefit of the child and take account of the child's views.
- (3) Regulations made under this section may (among other things)—
 - (a) confer functions on the ^{F10}... Tribunal;
 - (b) make provision about procedures in relation to case friends;
 - (c) make provision about the appointment and removal of case friends;
 - (d) specify the circumstances in which a person may or may not act as a case friend;
 - (e) specify the circumstances in which a child must have a case friend;
 - (f) specify further requirements in respect of the conduct of case friends.]]

Textual Amendments

- F7** S. 332ZC inserted (10.2.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\), ss. 3\(2\), 26\(3\)](#) (as amended (5.5.2010) by [S.I. 2010/1148, arts. 1, 5\(2\)](#)); [S.I. 2012/320, art. 2\(a\)](#)
- F8** Word in s. 332ZC title omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 3 para. 23\(4\)](#); [S.I. 2014/889, art. 7\(a\)](#) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))
- F9** Words in s. 332ZC(1)(a) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 3 para. 23\(2\)](#); [S.I. 2014/889, art. 7\(a\)](#) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))
- F10** Word in s. 332ZC(3)(a) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 3 para. 23\(3\)](#); [S.I. 2014/889, art. 7\(a\)](#) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))

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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. 13(2)(ba) substituted for s. 13(2)(aa)(b) by [2022 asc 1 Sch. 4 para. 8\(2\)](#)
- s. 15A(3A) inserted by [2022 asc 1 Sch. 4 para. 8\(3\)](#)
- s. 15B(3)(c) inserted by [2022 asc 1 Sch. 4 para. 8\(4\)](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/1012 art. 12\(1\)Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/863 Sch. 2 para. 4](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/865 Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2016/653 Sch. 3 para. 3](#)
- s. 17A-17D inserted by [2009 c. 22 s. 45](#)
- s. 17B-17D applied by [2009 c. 22 s. 86\(8\)](#)
- s. 457(4)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 457(4)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 508(4) inserted by [2022 asc 1 Sch. 4 para. 8\(7\)](#)
- s. 537AA inserted by [2008 c. 25 Sch. 1 para. 8](#)
- s. 548(7A)(7B) inserted by [2008 c. 25 Sch. 1 para. 9\(5\)](#)
- s. 578(1) words repealed by [2005 c. 18 Sch. 19 Pt. 1](#)