

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 1981 (repealed 1.11.1996), SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Sections 5 and 7.

#### ASSESSMENTS AND STATEMENTS OF SPECIAL EDUCATIONAL NEEDS

##### PART I

##### ASSESSMENTS

###### *Regulations*

- 1 (1) The Secretary of State shall by regulations make provision as to the advice which a local education authority are to seek in making assessments.
- (2) Without prejudice to the generality of sub-paragraph (1) above, regulations made under that sub-paragraph shall require the local education authority to seek medical, psychological and educational advice and such other advice as may be prescribed.
- (3) The Secretary of State may by regulations make provision—
  - (a) as to the manner in which assessments are to be conducted; and
  - (b) in connection with such other matters relating to the making of assessments as the Secretary of State considers appropriate.

###### *Attendance at examinations*

- 2 (1) Where a local education authority propose to make an assessment they may serve a notice on the parent of the child to be assessed requiring the child's attendance for examination in accordance with the provisions of the notice.
- (2) The parent of a child examined under this paragraph shall be entitled to be present at the examination if he so desires.
- (3) A notice under this paragraph shall—
  - (a) state the purpose of the examination;
  - (b) state the time and place at which the examination will be held;
  - (c) name an officer of the authority from whom further information may be obtained;
  - (d) inform the parent that he may submit such information to the authority as he may wish; and
  - (e) inform the parent of his right to be present at the examination.
- (4) Any parent on whom a notice has been served under this paragraph and who fails without reasonable excuse to comply with any of the requirements of the notice shall,

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if the notice relates to a child who was not over compulsory school age at the time stated in the notice as the time for holding the examination, be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F1</sup>level 2 on the standard scale].

**Textual Amendments**

**F1** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**

**PART II**

STATEMENTS

*Form of statement*

- 3 A statement shall be in the prescribed form and contain the prescribed information and shall, in particular—
- (a) give details of the authority's assessment of the special educational needs of the child; and
  - (b) specify the special educational provision to be made for the purpose of meeting those needs.

*Keeping and disclosure of statements*

- 4 The Secretary of State may by regulations make provision with respect to the keeping, disclosure and transfer of statements.

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

**C1** [Sch. 1 para. 4](#) extended by [Disabled Persons \(Services, Consultation and Representation\) Act 1986 \(c. 33, SIF 113:1\)](#), **s. 5(8)**

*Review of statements*

- 5 Every statement shall, on the making of an assessment of the educational needs of the child concerned under section 5, be reviewed by the local education authority and shall be reviewed in any event within the period of twelve months beginning with the making of the statement or, as the case may be, with the previous review.

*Amendment of statements, etc.*

- 6 (1) If a local education authority propose to amend, or to cease to maintain, a statement they shall, before doing so, serve on the parent of the child concerned notice in

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writing of their proposal and of the right of the parent to make representations under this paragraph.

- (2) Any parent on whom a notice has been served under this paragraph may, within the period of 15 days beginning with the date on which the notice is served, make representations to the authority about their proposal.
- (3) A local education authority shall consider any representations made to them under this paragraph and on taking a decision on the proposal to which those representations relate shall (in writing) inform the parent of their decision.
- [<sup>F2</sup>(4) Where a local education authority have made any amendment to the special educational provision specified in a statement, they shall also inform the parent in writing of his right under section 8(1) of this Act to appeal against the special educational provision specified in the statement.]

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**Textual Amendments**

**F2** Sch. 1 para. 6(4) added by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), Sch. 12 para. 85

- 7 Paragraph 6 above does not apply in any case where a local education authority cease to maintain a statement for a child who has ceased to be their responsibility, or where amendments which are made to a statement are consequential upon the making, amendment or revocation of a school attendance order.

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