



Education Act 1996

1996 CHAPTER 56

PART IV

SPECIAL EDUCATIONAL NEEDS

CHAPTER I

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

[^{F1} General duties of [^{F2} local authorities]

Textual Amendments

- F1** S. 332A and preceding cross-heading inserted (1.1.2002 (E.) and 1.4.2002 (W.)) by 2001 c. 10, s. 2 (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, art. 5, Sch. Pt. II
- F2** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), Sch. 2 para. 7(3) (with Sch. 2 para. 7(4)(5))

332A Advice and information for parents [^{F3}— England]

- (1) A [^{F4} local authority][^{F5} in England] must arrange for the parent of any child in their area with special educational needs to be provided with advice and information about matters relating to those needs.
- (2) In making the arrangements, the authority must have regard to any guidance [^{F6} given][^{F6} given by the Secretary of State] —
 - (a) [^{F7} for England, by the Secretary of State,]
 - (b) [^{F7} for Wales, by the National Assembly for Wales.]

Status: Point in time view as at 06/03/2012.

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- (3) The authority must take such steps as they consider appropriate for making the services provided under subsection (1) known to—
- (a) the parents of children in their area,
 - (b) the head teachers and proprietors of schools in their area, and
 - (c) such other persons as they consider appropriate.]

Textual Amendments

- F3** Word in s. 332A heading inserted (6.3.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\), ss. 4\(2\)\(a\), 26\(3\)](#) (as amended (5.5.2010) by [S.I. 2010/1148](#), arts. 1, 5(2)); [S.I. 2012/320](#), art. 3(c) (with art. 4(a))
- F4** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F5** Words in s. 332A(1) inserted (6.3.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\), ss. 4\(2\)\(b\), 26\(3\)](#) (as amended (5.5.2010) by [S.I. 2010/1148](#), arts. 1, 5(2)); [S.I. 2012/320](#), art. 3(c) (with art. 4(a))
- F6** Word in s. 332A(2) substituted (6.3.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\), ss. 4\(2\)\(c\), 26\(3\)](#) (as amended (5.5.2010) by [S.I. 2010/1148](#), arts. 1, 5(2)); [S.I. 2012/320](#), art. 3(c) (with art. 4(a))
- F7** S. 332A(2)(a)(b) omitted (6.3.2012) by virtue of [Education \(Wales\) Measure 2009 \(nawm 5\), ss. 4\(2\)\(d\), 26\(3\)](#); [S.I. 2012/320](#), art. 3(c) (with art. 4(a))

[^{F8}332AA] Advice and information — Wales

- (1) A local authority in Wales must arrange for any child in their area with special educational needs, for a parent of any such child and for a case friend for any such child, to be provided with advice and information about matters relating to those needs.
- (2) In making the arrangements, the authority must have regard to any guidance given by the Welsh Ministers.
- (3) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.
- (4) The authority must take such steps as they consider appropriate for making the services provided under subsection (1) known to—
 - (a) children in their area,
 - (b) parents of children in their area,
 - (c) head teachers and proprietors of schools in their area, and
 - (d) such other persons as they consider appropriate.]

Textual Amendments

- F8** S. 332AA inserted (6.3.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\), ss. 4\(3\), 26\(3\)](#) (as amended (5.5.2010) by [S.I. 2010/1148](#), arts. 1, 5(2)); [S.I. 2012/320](#), art. 3(c) (with art. 4(a))

[^{F9}332B] Resolution of disputes [^{F10}— England]

- (1) A [^{F4}local authority][^{F11}in England] must make arrangements with a view to avoiding or resolving disagreements between authorities (on the one hand) and parents of

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children in their area (on the other) about the exercise by authorities of functions under this Part.

- (2) A [^{F4}local authority][^{F11}in England] must also make arrangements with a view to avoiding or resolving, in each relevant school, disagreements between the parents of a relevant child and the proprietor of the school about the special educational provision made for that child.
- (3) The arrangements must provide for the appointment of independent persons with the function of facilitating the avoidance or resolution of such disagreements.
- (4) In making the arrangements, the authority must have regard to any guidance [^{F12}given][^{F12}given by the Secretary of State] —
 - (a) [^{F13}for England, by the Secretary of State,]
 - (b) [^{F13}for Wales, by the National Assembly for Wales.]
- (5) The authority must take such steps as they consider appropriate for making the arrangements made under subsections (1) and (2) known to—
 - (a) the parents of children in their area,
 - (b) the head teachers and proprietors of schools in their area, and
 - (c) such other persons as they consider appropriate.
- (6) The arrangements cannot affect the entitlement of a parent to appeal to the Tribunal.
- (7) In this section—

“authorities” means the governing bodies of maintained schools and the [^{F4}local authority],

“relevant child” means a child who has special educational needs and is a registered pupil at a relevant school.
- (8) For the purposes of this section a school is a relevant school in relation to a child if it is—
 - (a) a maintained school or a maintained nursery school,
 - (b) a pupil referral unit,
 - (c) a city technology college, a city college for the technology of the arts or [^{F14}an Academy] ,
 - (d) an independent school named in the statement maintained for the child under section 324, or
 - (e) a school approved under section 342.]

Textual Amendments

- F4** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F9** S. 332B inserted (1.1.2002 (E.) and 1.4.2002 (W.)) by [2001 c. 10, s. 3 \(with s. 43\(13\)\)](#); [S.I. 2001/2217, art. 5, Sch. Pt. II](#) (as amended by [S.I. 2001/2614, art. 4](#)); [S.I. 2002/74, art. 5, Sch. Pt. II](#)
- F10** Word in s. 332B heading inserted (6.3.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\), ss. 5\(2\)\(a\), 26\(3\)](#) (as amended (5.5.2010) by [S.I. 2010/1148, arts. 1, 5\(2\)](#)); [S.I. 2012/320, art. 3\(d\)](#) (with art. 4(b))
- F11** Words in s. 332B(1)(2) inserted (6.3.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\), ss. 5\(2\)\(b\), 26\(3\)](#) (as amended (5.5.2010) by [S.I. 2010/1148, arts. 1, 5\(2\)](#)); [S.I. 2012/320, art. 3\(d\)](#) (with art. 4(b))

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- F12** Word in s. 332B(4) substituted (6.3.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\), ss. 5\(2\)\(c\), 26\(3\)](#) (as amended (5.5.2010) by [S.I. 2010/1148](#), arts. 1, 5(2)); [S.I. 2012/320](#), art. 3(d) (with art. 4(b))
- F13** S. 332B(4)(a)(b) omitted (6.3.2012) by virtue of [Education \(Wales\) Measure 2009 \(nawm 5\), ss. 5\(2\)\(d\), 26\(3\)](#); [S.I. 2012/320](#), art. 3(d) (with art. 4(b))
- F14** Words in s. 332B(8)(c) substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 3 para. 8](#); [S.I. 2007/935](#), art. 7(o)

^{F15}**332B Resolution of disputes — Wales**

- (1) A local authority in Wales must make arrangements with a view to avoiding or resolving disagreements between—
 - (a) authorities and children in their area about the exercise by authorities of functions under this Part, and
 - (b) authorities and parents of children in their area about the exercise by authorities of functions under this Part.
- (2) A local authority in Wales must also make arrangements with a view to avoiding or resolving, in each relevant school, disagreements between—
 - (a) a relevant child and the proprietor of the school about the special educational provision made for that child, and
 - (b) the parents of a relevant child and the proprietor of the school about the special educational provision made for that child.
- (3) The arrangements must provide for the appointment of independent persons with the functions of facilitating the avoidance or resolution of such disagreements.
- (4) In making the arrangements, the authority must have regard to any guidance given by the Welsh Ministers.
- (5) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.
- (6) The authority must take such steps as they consider appropriate for making the arrangements under subsections (1) and (2) known to—
 - (a) children in their area,
 - (b) parents of children in their area,
 - (c) head teachers and proprietors of schools in their area, and
 - (d) such other persons as they consider appropriate.
- (7) The arrangements cannot affect the entitlement of a child or a parent of a child to appeal to the Tribunal, and the authority must take such steps as they consider appropriate to make that fact known to children, to parents of children and to case friends for children in their area.
- (8) In this section—

“authorities” means the governing bodies of maintained schools and the local authority;

“relevant child” means a child who has special educational needs and is a registered pupil at a relevant school.
- (9) For the purposes of this section a school is a relevant school in relation to a child if it is—
 - (a) a maintained school or a maintained nursery school,

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- (b) a pupil referral unit,
- (c) an independent school named in the statement maintained for the child under section 324, or
- (d) a school approved under section 342.]

Textual Amendments

F15 S. 332BA inserted (6.3.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), **ss. 5(3)**, 26(3) (as amended (5.5.2010) by [S.I. 2010/1148](#), arts. 1, 5(2)); [S.I. 2012/320](#), **art. 3(d)** (with **art. 4(b)**)

[^{F16}**332B**Independent advocacy services — Wales

- (1) Every local authority in Wales must—
 - (a) make arrangements for the provision of independent advocacy services in their area;
 - (b) refer any child in their area who requests independent advocacy services to a service provider;
 - (c) refer any person who is a case friend for a child in their area and who requests independent advocacy services to a service provider.
- (2) In this section “independent advocacy services” are services providing advice and assistance (by way of representation or otherwise) to a child—
 - (a) making, or intending to make an appeal to the Tribunal under section 332ZA, or
 - (b) considering whether to appeal to the Tribunal under that section, or
 - (c) taking part in or intending to take part in dispute resolution arrangements made under section 332BA.
- (3) In making arrangements under this section, every local authority must have regard to the principle that any services provided under the arrangements must be independent of any person who is—
 - (a) the subject of an appeal to the Tribunal, or
 - (b) involved in investigating or adjudicating on such an appeal.
- (4) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.
- (5) Every local authority in Wales must take such steps as they consider appropriate for making the arrangements under this section known to—
 - (a) children in their area,
 - (b) parents of children in their area,
 - (c) head teachers and proprietors of schools in their area, and
 - (d) such other persons as they consider appropriate.
- (6) The arrangements may include provision for payments to be made to, or in relation to, any person carrying out functions in accordance with the arrangements.
- (7) A local authority must have regard to any guidance given from time to time by the Welsh Ministers.]

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Textual Amendments

F16 S. 332BB inserted (6.3.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), **ss. 6(2), 26(3)** (as amended (5.5.2010) by [S.I. 2010/1148](#), arts. 1, 5(2)); [S.I. 2012/320](#), art. 3(e)

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