



Education Act 1996

1996 CHAPTER 56

PART IV

SPECIAL EDUCATIONAL NEEDS

CHAPTER I

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

Special educational provision: general

317 Duties of governing body or LEA 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) “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.

Status: This is the original version (as it was originally enacted).

- (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.
- (6) The annual report for each county, voluntary or grant-maintained school shall also include a report containing information as to—
- (a) the arrangements for the admission of disabled pupils;
 - (b) the steps taken to prevent disabled pupils from being treated less favourably than other pupils; and
 - (c) the facilities provided to assist access to the school by disabled pupils;
- and for this purpose “disabled pupils” means pupils who are disabled persons for the purposes of the Disability Discrimination Act 1995.
- (7) In this section “annual report” means the report prepared under the articles of government for the school in accordance with section 161 or, as the case may be, paragraph 7 of Schedule 23.