



Education Act 1996

1996 CHAPTER 56

PART IV

SPECIAL EDUCATIONAL NEEDS

CHAPTER I

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

Identification and assessment of children with special educational needs

326 Appeal against contents of statement.

[^{F1}(1) The parent of a child for whom a [^{F2}local authority] maintain a statement under section 324 may appeal to the Tribunal—

- (a) when the statement is first made,
- (b) if an amendment is made to the statement, or
- (c) if, after conducting an assessment under section 323, the [^{F2}local authority] determine not to amend the statement.

(1A) An appeal under this section may be against any of the following—

- (a) the description in the statement of the [^{F2}local authority]’s assessment of the child’s special educational needs,
- (b) the special educational provision specified in the statement (including the name of a school so specified),
- (c) if no school is specified in the statement, that fact.]

(2) Subsection (1)(b) does not apply where the amendment is made in pursuance of—

- (a) paragraph 8 (change of named school) or 11(3)(b) (amendment ordered by Tribunal) of Schedule 27, or
- (b) directions under section 442 (revocation of school attendance order);

Status: Point in time view as at 01/09/2014.

Changes to legislation: Education Act 1996, Section 326 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

and subsection (1)(c) does not apply to a determination made following the service of notice under [F3 paragraph 2A] (amendment by [F4 local authority]) of Schedule 27 of a proposal to amend the statement.

- (3) On an appeal under this section, the Tribunal may—
- (a) dismiss the appeal,
 - (b) order the authority to amend the statement, so far as it describes the authority’s assessment of the child’s special educational needs or specifies the special educational provision, and make such other consequential amendments to the statement as the Tribunal think fit, or
 - (c) order the authority to cease to maintain the statement.
- (4) On an appeal under this section the Tribunal shall not order the [F2 local authority] to specify the name of any school in the statement (either in substitution for an existing name or in a case where no school is named) unless—
- (a) the parent has expressed a preference for the school in pursuance of arrangements under paragraph 3 (choice of school) of Schedule 27, or
 - (b) in the proceedings the parent, the [F2 local authority], or both have proposed the school [F5, or]F6 ...
- [F7(c) [F8 in the proceedings the child has proposed the school] (whether or not the parent, the local authority or both have also proposed the school).]
- (5) Before determining any appeal under this section the Tribunal may, with the agreement of the parties, correct any deficiency in the statement.

Textual Amendments

- F1** S. 326(1)(1A) substituted (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 19** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by S.I. 2001/2614, art. 4); S.I. 2001/3992, 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(2)** (with Sch. 2 para. 7(4)(5))
- F3** Words in s. 326(2) substituted (1.1.2002 (E.), 1.4.2002 (W.)) by 2001 c. 10, s. 10, **Sch. 1 para. 20** (with s. 43(13)); S.I. 2001/2217, art. 5, **Sch. Pt. II** (as amended by 2001/2614, art. 4); S.I. 2001/3992, art. 5, **Sch. Pt. II**
- 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(3)** (with Sch. 2 para. 7(4)(5))
- F5** Word in s. 326(4)(b) inserted (6.3.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), s. 26(3), **Sch. para. 2(a)**; S.I. 2012/320, art. 3(m)
- F6** Full stop in s. 326(4)(b) omitted (6.3.2012) by virtue of [Education \(Wales\) Measure 2009 \(nawm 5\)](#), s. 26(3), **Sch. para. 2(a)**; S.I. 2012/320, art. 3(m)
- F7** S. 326(4)(c) inserted (6.3.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), s. 26(3), **Sch. para. 2(b)** (as amended (5.5.2010) by S.I. 2010/1148, arts. 1, 5(2)); S.I. 2012/320, art. 3(m)
- F8** Words in s. 326(4)(c) substituted (1.9.2014) by [Children and Families Act 2014](#) (c. 6), s. 139(6), **Sch. 3 para. 17**; 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))

Status: Point in time view as at 01/09/2014.

Changes to legislation: Education Act 1996, Section 326 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

- C1** Pt. 4 Ch. 1 excluded (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 81**, 139(6); 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](#))
- C2** S. 326(3) restricted (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 36(6)**, 162 (with s. 159)

Status:

Point in time view as at 01/09/2014.

Changes to legislation:

Education Act 1996, Section 326 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.