

*Status: Point in time view as at 01/09/2021.*

*Changes to legislation: Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 24 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)*

## SCHEDULES

### SCHEDULE 1

Section 10.

#### AMENDMENT TO STATEMENT OF SPECIAL EDUCATIONAL NEEDS

##### PART 1

##### PROCEDURE FOR MAKING AMENDMENT TO STATEMENT OF SPECIAL EDUCATIONAL NEEDS

- 1 Schedule 27 to the 1996 Act (making and maintenance of statement of special educational needs) is amended as follows.

###### Commencement Information

- II** Sch. 1 para. 1 wholly in force at 1.4.2002; Sch. 1 para. 1 not in force at Royal Assent see s. 43(3); Sch. 1 para. 1 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [art. 5](#), [Sch. Pt. II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 1 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#)

- 2 For paragraph 1 substitute—

“1 In this Schedule—

“amendment notice” has the meaning given in paragraph 2A,

“statement” means a statement under section 324,

“periodic review” means a review conducted in accordance with section 328(5)(b), and

“re-assessment review” means a review conducted in accordance with section 328(5)(a).”

###### Commencement Information

- I2** Sch. 1 para. 2 wholly in force at 1.4.2002; Sch. 1 para. 2 not in force at Royal Assent see s. 43(3); Sch. 1 para. 2 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [art. 5](#), [Sch. Pt. II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 2 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#)

- 3 For paragraph 2 substitute—

“2 (1) Before making a statement, a local education authority shall serve on the parent of the child concerned a copy of the proposed statement.

(2) But that is subject to sub-paragraphs (3) and (4).

(3) The copy of the proposed statement shall not specify any prescribed matter.

(4) The copy of the proposed statement shall not specify any matter in pursuance of section 324(4).

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### **Amendments to a statement**

- 2A (1) A local education authority shall not amend a statement except—
- (a) in compliance with an order of the Tribunal,
  - (b) as directed by the Secretary of State under section 442(4), or
  - (c) in accordance with the procedure laid down in this Schedule.
- (2) If, following a re-assessment review, a local education authority propose to amend a statement, they shall serve on the parent of the child concerned a copy of the proposed amended statement.
- (3) Sub-paragraphs (3) and (4) of paragraph 2 apply to a copy of a proposed amended statement served under sub-paragraph (2) as they apply to a copy of a proposed statement served under paragraph 2(1).
- (4) If, following a periodic review, a local education authority propose to amend a statement, they shall serve on the parent of the child concerned—
- (a) a copy of the existing statement, and
  - (b) an amendment notice.
- (5) If, at any other time, a local education authority propose to amend a statement, they shall proceed as if the proposed amendment were an amendment proposed after a periodic review.
- (6) An amendment notice is a notice in writing giving details of the amendments to the statement proposed by the authority.

### **Provision of additional information**

- 2B (1) Sub-paragraph (2) applies when a local education authority serve on a parent—
- (a) a copy of a proposed statement under paragraph 2,
  - (b) a copy of a proposed amended statement under paragraph 2A, or
  - (c) an amendment notice under paragraph 2A.
- (2) The local education authority shall also serve on the parent a written notice explaining (to the extent that they are applicable)—
- (a) the arrangements under paragraph 3,
  - (b) the effect of paragraph 4, and
  - (c) the right to appeal under section 326.
- (3) A notice under sub-paragraph (2) must contain such other information as may be prescribed.”

#### **Commencement Information**

- I3** Sch. 1 para. 3 wholly in force at 1.4.2002; Sch. 1 para. 3 not in force at Royal Assent see s. 43(3); Sch. 1 para. 3 in force for specified purposes for E. at 15.6.2001 and in force to the extent not already in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [arts. 4, 5](#), [Sch. Pts. I, II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 3 in force for specified purposes for W. at 8.12.2001 and in force to the extent not already in force at 1.4.2002 by [S.I. 2001/3992](#), [arts. 4, 5](#), [Sch. Pts. I, II](#)

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- 4 In paragraph 3, in sub-paragraph (1), for the words from “a parent” to “paragraph 2” substitute “a parent—
- (a) on whom a copy of a proposed statement has been served under paragraph 2,
  - (b) on whom a copy of a proposed amended statement has been served under paragraph 2A, or
  - (c) on whom an amendment notice has been served under paragraph 2A which contains a proposed amendment about —
    - (i) the type or name of a school or institution, or
    - (ii) the provision made for the child concerned under arrangements made under section 319,to be specified in the statement.”.

**Commencement Information**

**I4** Sch. 1 para. 4 wholly in force at 1.4.2002; Sch. 1 para. 4 not in force at Royal Assent see s. 43(3); Sch. 1 para. 4 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [art. 5](#), [Sch. Pt. II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 4 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#)

- 5 In that paragraph, in sub-paragraph (2), for “paragraph 2(b)” substitute “ paragraph 2B ”.

**Commencement Information**

**I5** Sch. 1 para. 5 wholly in force at 1.4.2002; Sch. 1 para. 5 not in force at Royal Assent see s. 43(3); Sch. 1 para. 5 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [art. 5](#), [Sch. Pt. II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 5 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#)

- 6 In that paragraph omit sub-paragraph (4).

**Commencement Information**

**I6** Sch. 1 para. 6 wholly in force at 1.4.2002; Sch. 1 para. 6 not in force at Royal Assent see s. 43(3); Sch. 1 para. 6 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [art. 5](#), [Sch. Pt. II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 6 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#)

- 7 After that paragraph, insert—

**“Consultation on specifying name of school in statement**

- 3A (1) Sub-paragraph (2) applies if a local education authority are considering—
- (a) specifying the name of a maintained school in a statement, or
  - (b) amending a statement—
    - (i) if no school was specified in the statement before the amendment, so that a maintained school will be specified in it,
    - (ii) if a school was specified in the statement before the amendment, so that a different school, which is a maintained school, will be specified in it.

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- (2) The local education authority shall—
- (a) serve a copy of the proposed statement or amended statement, or of the existing statement and of the amendment notice, on each affected body, and
  - (b) consult each affected body.
- (3) “Affected body” means—
- (a) the governing body of any school which the local education authority are considering specifying; and
  - (b) if a school which the local education authority are considering specifying is maintained by another local education authority, that authority.”

**Commencement Information**

**I7** Sch. 1 para. 7 wholly in force at 1.4.2002; Sch. 1 para. 7 not in force at Royal Assent see s. 43(3); Sch. 1 para. 7 in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); Sch. 1 para. 7 in force for W. at 1.4.2002 by [S.I. 2001/3992, art. 5, Sch. Pt. II](#)

- 8 In paragraph 4, in sub-paragraph (1)—
- (a) after “paragraph 2” insert “, or on whom a proposed amended statement or an amendment notice has been served under paragraph 2A,”;
  - (b) in paragraphs (a) and (b), for “statement” substitute “ proposed statement or the statement as it will have effect if amended in the way proposed by the authority ”.

**Commencement Information**

**I8** Sch. 1 para. 8 wholly in force at 1.4. 2002; Sch. 1 para. 8 not in force at Royal Assent see s. 43(3); Sch. 1 para. 8 in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); Sch. 1 para. 8 in force for W. at 1.4.2002 by [S.I. 2001/3992, art. 5, Sch. Pt. II](#)

- 9 In that paragraph, in sub-paragraph (2), after “sub-paragraph (1)(b)” insert “in relation to—
- (c) a proposed statement, or
  - (d) an amendment proposed following a re-assessment review,”.

**Commencement Information**

**I9** Sch. 1 para. 9 wholly in force at 1.4.2002; Sch. 1 para. 9 not in force at Royal Assent see s. 43(3); Sch. 1 para. 9 in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); Sch. 1 para. 9 in force for W. at 1.4.2002 by [S.I. 2001/3992, art. 5, Sch. Pt. II](#)

- 10 In that paragraph, in sub-paragraphs (4)(a) and (5), for “paragraph 2(b)” substitute “ paragraph 2B ”.

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#### Commencement Information

**I10** Sch. 1 para. 10 wholly in force at 1.4.2002; Sch. 1 para. 10 not in force at Royal Assent see s. 43(3); Sch. 1 para. 10 in force for E. at 1.1.2002 by S.I. 2001/2217, art. 5, Sch. Pt. II; S.I. 2001/2614, art. 4; Sch. 1 para. 10 in force for W. at 1.4.2002 by S.I. 2001/3992, art. 5, Sch. Pt. II

11 In paragraph 5, in sub-paragraph (1), after “make” insert “ or amend ”.

#### Commencement Information

**I11** Sch. 1 para. 11 wholly in force at 1.4.2002; Sch. 1 para. 11 not in force at Royal Assent see s. 43(3); Sch. 1 para. 11 in force for E. at 1.1.2002 by S.I. 2001/2217, art. 5, Sch. Pt. II; S.I. 2001/2614, art. 4; Sch. 1 para. 11 in force for W. at 1.4.2002 by S.I. 2001/3992, art. 5, Sch. Pt. II

12 In that paragraph, in sub-paragraph (2), for “The statement” substitute “ If a local education authority make a statement, it ”.

#### Commencement Information

**I12** Sch. 1 para. 12 wholly in force at 1.4.2002; Sch. 1 para. 12 not in force at Royal Assent see s. 43(3); Sch. 1 para. 12 in force for E. at 1.1.2002 by S.I. 2001/2217, art. 5, Sch. Pt. II; S.I. 2001/2614, art. 4; Sch. 1 para. 12 in force for W. at 1.4.2002 by S.I. 2001/3992, art. 5, Sch. Pt. II

13 After that sub-paragraph insert—

“(2A) If a local education authority amend a statement following service of a proposed amended statement under paragraph 2A, the amended statement made may be in the form proposed or in a form modified in the light of the representations.

“(2B) If a local education authority amend a statement following service of an amendment notice, the amendments may be those proposed in the notice or amendments modified in the light of the representations.”

#### Commencement Information

**I13** Sch. 1 para. 13 wholly in force at 1.4.2002; Sch. 1 para. 13 not in force at Royal Assent see s. 43(3); Sch. 1 para. 13 in force for E. at 1.1.2002 by S.I. 2001/2217, art. 5, Sch. Pt. II; S.I. 2001/2614, art. 4; Sch. 1 para. 13 in force for W. at 1.4.2002 by S.I. 2001/3992, art. 5, Sch. Pt. II

14 For paragraph 6, substitute—

“6 (1) Where a local education authority make or amend a statement they shall serve a copy of the statement, or the amended statement, on the parent of the child concerned.

(2) They shall, at the same time, give the parent written notice of his right to appeal under section 326(1) against—

- (a) the description in the statement of the 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 specified in the statement), or

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(c) if no school is named in the statement, that fact.

(3) A notice under sub-paragraph (2) must contain such other information as may be prescribed.”

**Commencement Information**

**I14** Sch. 1 para. 14 wholly in force at 1.4.2002; Sch. 1 para. 14 not in force at Royal Assent see s. 43(3); Sch. 1 para. 14 in force for specified purposes for E. at 15.6.2001 and in force to the extent not already in force for E. at 1.1.2002 by [S.I. 2001/2217](#), arts. 4, 5, [Sch. Pts. I, II](#); [S.I. 2001/2614](#), art. 4; Sch. 1 para. 14 in force for specified purposes for W. at 8.12.2001 and in force to the extent not already in force for W. at 1.4.2002 by [S.I. 2001/3992](#), arts. 4, 5, [Sch. Pts. I, II](#)

15 In paragraph 8(1)(b)—

- (e) in sub-paragraph (ii), after “statement” insert “or amended statement”; and
- (f) omit sub-paragraph (iii).

**Commencement Information**

**I15** Sch. 1 para. 15 wholly in force at 1.4.2002; Sch. 1 para. 15 not in force at Royal Assent see s. 43(3); Sch. 1 para. 15 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), art. 5, [Sch. Pt. II](#); [S.I. 2001/2614](#), art. 4; Sch. 1 para. 15 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), art. 5, [Sch. Pt. II](#)

16 In paragraph 9—

- (g) in sub-paragraph (1), omit “amend or” and “10 or”; and
- (h) in sub-paragraph (2)—
  - (i) after paragraph (a), insert “or”;
  - (ii) omit paragraph (b), the word “or” after paragraph (c) and paragraph (d).

**Commencement Information**

**I16** Sch. 1 para. 16 wholly in force at 1.4.2002; Sch. 1 para. 16 not in force at Royal Assent see s. 43(3); Sch. 1 para. 16 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), art. 5, [Sch. Pt. II](#); [S.I. 2001/2614](#), art. 4; Sch. 1 para. 16 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), art. 5, [Sch. Pt. II](#)

17 Omit paragraph 10.

**Commencement Information**

**I17** Sch. 1 para. 17 wholly in force at 1.4.2002; Sch. 1 para. 17 not in force at Royal Assent see s. 43(3); Sch. 1 para. 17 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), arts. 4, 5, [Sch. Pts. I, II](#); [S.I. 2001/2614](#), art. 4; Sch. 1 para. 17 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), art. 5, [Sch. Pt. II](#)

**PART 2**

**APPEALS AGAINST AMENDMENTS TO  
STATEMENT OF SPECIAL EDUCATIONAL NEEDS**

18 Section 326 of the 1996 Act is amended as follows.

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#### Commencement Information

**I18** Sch. 1 para. 18 wholly in force at 1.4.2002; Sch. 1 para. 18 not in force at Royal Assent see s. 43(3); Sch. 1 para. 18 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [arts. 4, 5](#), [Sch. Pts. I, II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 18 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#)

19 For subsection (1) substitute—

“(1) The parent of a child for whom a local education 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 local education 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 local education 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.”

#### Commencement Information

**I19** Sch. 1 para. 19 wholly in force at 1.4.2002; Sch. 1 para. 19 not in force at Royal Assent see s. 43(3); Sch. 1 para. 19 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [art. 5](#), [Sch. Pt. II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 19 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#)

20 In subsection (2), for “paragraph 10” substitute “ paragraph 2A ”.

#### Commencement Information

**I20** Sch. 1 para. 20 wholly in force at 1.4.2002; Sch. 1 para. 20 not in force at Royal Assent see s. 43(3); Sch. 1 para. 20 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [art. 5](#), [Sch. Pt. II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 1 para. 20 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#)

## F1 SCHEDULE 2

Section 11(2)

### RESPONSIBLE BODIES FOR SCHOOLS

#### Textual Amendments

**F1** Schs. 2-6 repealed (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), [art. 1\(2\)](#), [Sch. 2](#) (see [S.I. 2010/2317](#), [art. 2](#))

...

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<sup>F1</sup>SCHEDULE 3

Sections 19(2) and 30(2).

AMENDMENT OF SCHEDULE 3 TO THE 1995 ACT

... ..  
... ..

<sup>F1</sup>SCHEDULE 4

Section 26(2).

RESPONSIBLE BODIES FOR EDUCATIONAL INSTITUTIONS

...

<sup>F1</sup>SCHEDULE 5

Section 29.

MODIFICATIONS OF CHAPTER 2 OF PART 4 OF THE 1995 ACT

...

<sup>F1</sup> SCHEDULE 6

Section 31(2).

AMENDMENT OF SCHEDULE 4 TO THE 1995 ACT

...



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F2 SCHEDULE 7

Section 35.

**Textual Amendments**

**F2** Sch. 7 repealed (1.10.2007) by [Equality Act 2006 \(c. 3\)](#), s. 93(1), [Sch. 4](#) (with s. 92); [S.I. 2007/2603](#), art. 2(d)

SCHEDULE 8

Section 42(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

**PART 1**

THE 1996 ACT

1 The 1996 Act is amended as follows.

**Commencement Information**

**I21** Sch. 8 para. 1 wholly in force at 1.9.2002; Sch. 8 para. 1 not in force at Royal Assent see s. 43(3); Sch. 8 para. 1 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), art. 5, [Sch. Pt. II](#); [S.I. 2001/2614](#), art. 4; Sch. 8 para. 1 in force for W. at 1.4.2002 by [S.I. 2002/74](#), [art. 5](#), [Sch. Pt. II](#); Sch. 8 para. 1 in force at 1.9.2002 in so far as not already in force by [S.I. 2002/2217](#), [art. 3](#), [Sch. 1 Pt. 1](#)

*The re-naming of the Tribunal*

2 F3 .....

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#### Textual Amendments

**F3** Sch. 8 para. 2 repealed (1.9.2003) by [Education Act 2002 \(c. 32\)](#), s. 215(2), **Sch. 22 Pt. 2**; [S.I. 2002/3185](#), **art. 6**

3 In section 333, for subsection (1) substitute—

“(1) The Tribunal shall exercise the jurisdiction conferred on it by this Part.”

4 In paragraph 118(3) of Schedule 37, omit paragraph (d).

#### *Annual reports*

<sup>F45</sup> .....

#### Textual Amendments

**F4** Sch. 8 para. 5 repealed (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(4), **Sch. 19 Pt. 4**; [S.I. 2005/2034](#), **art. 5**

#### Commencement Information

**I22** Sch. 8 para. 5 wholly in force at 1.9.2002; Sch. 8 para. 5 not in force at Royal Assent see s. 43(3); Sch. 8 para. 5 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), **art. 5**, **Sch. Pt. II**; [S.I. 2001/2614](#), **art. 4**; Sch. 8 para. 5 in force for W. at 1.4.2002 by [S.I. 2002/74](#), **art. 5**, **Sch. Pt. II**; Sch. 8 para. 5 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217](#), **art. 3**, **Sch. 1 Pt. 1**

#### *Contents and service of notices*

6 (1) In section 325 (appeal against decision not to make a statement), in subsection (1), omit “, and of the effect of subsection (2) below,”.

(2) After subsection (2) of that section insert—

“(2A) A notice under subsection (1) must inform the parent of the right of appeal under subsection (2) and contain such other information as may be prescribed.

(2B) Regulations may provide that where a local education authority are under a duty under this section to serve any notice, the duty must be performed within the prescribed period.”

#### Commencement Information

**I23** Sch. 8 para. 6 wholly in force at 1.9.2002; Sch. 8 para. 6 in force at Royal Assent for specified purposes see s. 43(4); Sch. 8 para. 6 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), **art. 5**, **Sch. Pt. II**; [S.I. 2001/2614](#), **art. 4**; Sch. 8 para. 6 in force for W. at 1.4.2002 by [S.I. 2002/74](#), **art. 5**, **Sch. Pt. II**; Sch. 8 para. 6 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217](#), **art. 3**, **Sch. 1 Pt. 1**

7 (1) In section 328 (reviews of educational needs), in subsection (3)(a), for the words from “notice” to “below” substitute “ notice in writing of that fact ”.

(2) After subsection (3) of that section insert—

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“(3A) A notice under subsection (3)(a) must inform the parent of the right of appeal under subsection (3)(b) and contain such other information as may be prescribed.

(3B) Regulations may provide that where a local education authority are under a duty under this section to serve any notice, the duty must be performed within the prescribed period.”

#### Commencement Information

**I24** Sch. 8 para. 7 wholly in force at 1.9.2002; Sch. 8 para. 7 in force for specified purposes at Royal Assent see s. 43(3)(4); Sch. 8 para. 7 in force in so far as not already in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); Sch. 8 para. 7 in force in so far as not already in force for W. at 1.4.2002 by [S.I. 2002/74, art. 5, Sch. Pt. II](#); Sch. 8 para. 7 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217, art. 3, Sch. 1 Pt. I](#)

8 (1) In section 329 (assessment of educational needs at request of child’s parent), in subsection (2)(a), for the words from “notice” to “below” substitute “ notice in writing of that fact ”.

(2) After subsection (2) of that section insert—

“(2A) A notice under subsection (2)(a) must inform the parent of the right of appeal under subsection (2)(b) and contain such other information as may be prescribed.”

#### Commencement Information

**I25** Sch. 8 para. 8 wholly in force at 1.9.2002; Sch. 8 para. 8 in force at Royal Assent for specified purposes see s. 43(3)(4); Sch. 8 para. 8 in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#) (as amended by [S.I. 2001/2614, art. 4](#)); Sch. 8 para. 8 in force for W. at 1.4.2002 by [S.I. 2002/74, art. 5, Sch. Pt. II](#); Sch. 8 para. 8 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217, art. 3, Sch. 1 Pt. I](#)

9 (1) In paragraph 8 of Schedule 27 (change of name of school), in sub-paragraph (3)(a), for the words from “notice” to “below” substitute “ notice in writing of that fact ”.

(2) After sub-paragraph (3) of that paragraph insert—

“(3A) A notice under sub-paragraph (3)(a) must inform the parent of the right of appeal under sub-paragraph (3)(b) and contain such other information as may be prescribed.”

#### Commencement Information

**I26** Sch. 8 para. 9 wholly in force at 1.9.2002; Sch. 8 para. 9 in force at Royal Assent for specified purposes see s. 43(3)(4); Sch. 8 para. 9 in force for E. in so far as not already in force at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); Sch. 8 para. 9 in force for W. in so far as not already in force at 1.4.2002 by [S.I. 2002/74, art. 5, Sch. Pt. II](#); Sch. 8 para. 9 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217, art. 3, Sch. 1 Pt. I](#)

10 (1) In paragraph 11 of that Schedule (ceasing to maintain a statement), in sub-paragraph (2)(a), for the words from “notice” to “below” substitute “ notice in writing of that fact ”.

*Status: Point in time view as at 01/09/2021.*

*Changes to legislation: Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 24 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)*

(2) After sub-paragraph (2) of that paragraph insert—

“(2A) A notice under sub-paragraph (2)(a) must inform the parent of the right of appeal under sub-paragraph (2)(b) and contain such other information as may be prescribed.”

**Commencement Information**

**I27** Sch. 8 para. 10 wholly in force at 1.9.2002; Sch. 8 para. 10 in force for specified purposes at Royal Assent see s. 43(3)(4); Sch. 8 para. 10 in force in so far as not already in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); Sch. 8 para. 10 in force in so far as not already in force for W. at 1.4.2002 by [S.I. 2002/74, art. 5, Sch. Pt. II](#); Sch. 8 para. 10 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217, art. 3, Sch. 1 Pt. 1](#)

*Proposals to make an assessment*

- 11 (1) In section 323(1)(a) (assessment of special educational needs), for “propose” substitute “ are considering whether ”.
- (2) In paragraph 4(1) of Schedule 26 (making of assessments under section 323), for “propose” substitute “ are considering whether ”.

**Commencement Information**

**I28** Sch. 8 para. 11 wholly in force at 1.9.2002; Sch. 8 para. 11 not in force at Royal Assent see s. 43(3); Sch. 8 para. 11 in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); Sch. 8 para. 11 in force for W. at 1.4.2002 by [S.I. 2002/74, art. 5, Sch. Pt. II](#); Sch. 8 para. 11 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217, art. 3, Sch. 1 Pt. 1](#)

*Statements: suitable arrangements made by parents*

<sup>F5</sup>12 .....

**Textual Amendments**

**F5** Sch. 8 para. 12 omitted (1.9.2021) by virtue of [The Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(Consequential Amendments\) Regulations 2021 \(S.I. 2021/861\)](#), regs. 1, **4(2)**

*Procedure regulations*

- 13 (1) Section 336 is amended as follows.
- (2) In subsection (2)—
  - (a) omit paragraph (d); and
  - (b) in paragraph (g), for “discovery” substitute “ disclosure ”.
- (3) After subsection (2), insert—
 

“(2A) Proceeding before the Tribunal shall be held in private, except in prescribed circumstances.”

*Status: Point in time view as at 01/09/2021.*

**Changes to legislation:** *Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 24 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)*

(4) In subsection (4), for “that Act” substitute “ that Part ”.

(5) After that subsection, insert—

“(4A) The regulations may make provision for an appeal under this Part to be heard, in prescribed circumstances, with a claim under Chapter 1 of Part 4 of the Disability Discrimination Act 1995.”

#### Commencement Information

**I29** Sch. 8 para. 13 wholly in force at 1.9.2002; Sch. 8 para. 13(1)-(4) in force at Royal Assent for specified purposes see s. 43(4); Sch. 8 para. 13(1)-(4) in force to the extent not already in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#) (as amended by [S.I. 2001/2614, art. 4](#)); Sch. 8 para. 13(1)-(4) in force to the extent not already in force for W. at 1.4.2002 by [S.I. 2001/3992, art. 5, Sch. Pt. II](#); Sch. 8 para. 13(5) in force at 1.7.2002 by [S.I. 2002/1721, art. 3, Sch. Pt. I](#); Sch. 8 para. 13 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217, art. 3, Sch. 1 Pt. 1](#)

#### *Time limits with respect to assessments*

14 (1) Paragraph 3 of Schedule 26 (manner and timing of assessments under section 323) is amended as follows.

(2) In sub-paragraph (2), for “paragraph 10” substitute “ paragraph 2A ”.

(3) For sub-paragraphs (3) and (4) substitute—

“(3) Regulations may provide—

- (a) that where a local education authority are under a duty under section 323, 329 or 329A to serve any notice, the duty must be performed within the prescribed period,
- (b) that where a local education authority have served a notice under section 323(1) or 329A(3) on a child’s parent, they must decide within the prescribed period whether or not to make an assessment of the child’s educational needs,
- (c) that where a request has been made to a local education authority under section 329(1), they must decide within the prescribed period whether or not to comply with the request, and
- (d) that where a local education authority are under a duty to make an assessment, the duty must be performed within the prescribed period.

(4) Provision made under sub-paragraph (3)—

- (a) may be subject to prescribed exceptions, and
- (b) does not relieve the authority of the duty to serve a notice, or make a decision or assessment, which has not been served or made within the prescribed period.”

#### Commencement Information

**I30** Sch. 8 para. 14 wholly in force at 1.9.2002; Sch. 8 para. 14(3) in force at Royal Assent for specified purposes see s. 43(4); Sch. 8 para. 14 in force to the extent not already in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#) (as amended by [S.I. 2001/2614, art. 4](#)); Sch. 8 para. 14 in force for specified

*Status: Point in time view as at 01/09/2021.*

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purposes for W. at 1.4.2002 by [S.I. 2002/74](#), [art. 5](#), [Sch. Pt. 2](#) and Sch. 8 para. 14 in force so far as not already in force at 1.9.2002 by [S.I. 2002/2217](#), [art. 3](#), [Sch. 1 Pt. 1](#)

*School attendance orders: amendment of statement of special educational needs*

- 15 (1) Section 441 (amendment of statement on service of school attendance order) is amended as follows.
- (2) In subsection (3)(a), omit “in accordance with paragraph 10 of Schedule 27”.
- (3) After that subsection, insert—
- “(3A) An amendment to a statement required to be made under subsection (3) (a) shall be treated for the purposes of Schedule 27 as if it were an amendment proposed following a periodic review (within the meaning of that Schedule).”

**Commencement Information**

- I31** Sch. 8 para. 15 wholly in force at 1.9.2002; Sch. 8 para. 15 not in force at Royal Assent see s. 43(3); Sch. 8 para. 15 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [art. 5](#), [Sch. Pt. II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 8 para. 15 in force for W. at 1.4.2002 by [S.I. 2001/3992](#), [art. 5](#), [Sch. Pt. II](#); Sch. 8 para. 15 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217](#), [art. 3](#), [Sch. 1 Pt. 1](#)

**PART 2**

OTHER ENACTMENTS

*The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)*

- 16 Section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986 is amended as follows.

**Commencement Information**

- I32** Sch. 8 para. 16 wholly in force at 1.9.2002; Sch. 8 para. 16 not in force at Royal Assent see s. 43(3); Sch. 8 para. 16 in force for E. at 1.1.2002 by [S.I. 2001/2217](#), [art. 5](#), [Sch. Pt. II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 8 para. 16 in force for W. at 1.4.2002 by [S.I. 2002/74](#), [art. 5](#), [Sch. Pt. 2](#); Sch. 8 para. 16 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217](#), [art. 3](#) Sch. 1 Pt. 1

- 17 In subsection (1) (requirement to obtain opinion of local authority officer as to whether child is a disabled person)—
- (a) in paragraph (a), omit “under the age of 14”; and
- (b) in paragraph (b)—
- (i) in sub-paragraph (i), for “the first annual review of the statement following the child’s fourteenth birthday” substitute “ a review of the statement prescribed for the purposes of this paragraph ”; and
- (ii) in sub-paragraph (ii), for “that birthday” substitute “ they have carried out the review prescribed for the purposes of sub-paragraph (i) ”.

*Status: Point in time view as at 01/09/2021.*

**Changes to legislation:** *Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 24 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)*

**Commencement Information**

**I33** Sch. 8 para. 17 wholly in force at 1.9.2002; Sch. 8 para. 17 not in force at Royal Assent see s. 43(3); Sch. 8 para. 17 in force for certain purposes for E. at 15.6.2001 and Sch. 8 para. 17 in force for E. in so far as not already in force at 1.1.2002 by [S.I. 2001/2217](#), arts. 4, 5, [Sch. Pt. I, II](#); [S.I. 2001/2614](#), art. 4; Sch. 8 para. 17 in force for certain purposes for W. at 21.1.2002 and Sch. 8 para. 17 in force in so far as not already in force for W. at 1.4.2002 by [S.I. 2002/74](#), arts. {4}, {5}, Sch. Pts. I, II; Sch. 8 para. 17 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217](#), [art. 3](#), [Sch. 1 Pt. 1](#)

18 In subsection (9) (interpretation), after the definition of “establishment of higher or further education” insert—

““prescribed” means prescribed in regulations made—  
(a) in relation to England, by the Secretary of State; and  
(b) in relation to Wales, by the National Assembly for Wales;”.

**Commencement Information**

**I34** Sch. 8 para. 18 wholly in force at 1.9.2002; Sch. 8 para. 18 not in force at Royal Assent see s. 43(3); Sch. 8 para. 18 in force for certain purposes for E. at 15.6.2001 and Sch. 8 para. 18 in force for E. in so far as not already in force at 1.1.2002 by [S.I. 2001/2217](#), arts. 4, 5, [Sch. Pt. I, II](#); [S.I. 2001/2614](#), [art. 4](#); Sch. 8 para. 18 in force for certain purposes for W. at 21.1.2002 and Sch. 8 para. 18 in force in so far as not already in force for W. at 1.4.2002 by [S.I. 2002/74](#), arts. {4}, {5}, Sch. Pts. I, II; Sch. 8 para. 18 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217](#), art. {3}, [Sch. 1 Pt. 1](#)

*The Tribunals and Inquiries Act 1992 (c. 53)*

19 The Tribunals and Inquiries Act 1992 is amended as follows.

20 In section 11(1) (appeals from certain tribunals)—  
(a) for “15(a), (d) or (e)” substitute “ 15(a) or (d) ”; and  
<sup>F6</sup>(b) .....

**Textual Amendments**

**F6** Sch. 8 para. 20(b) repealed (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 228\(i\)](#)

21 In paragraph 15 of Schedule 1 (bodies subject to the supervision of the Council) omit sub-paragraph (e).

22 After paragraph 40A of that Schedule, insert—

“Special educational needs and disability discrimination.	40B. The Special Educational Needs and Disability Tribunal.”
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*The School Standards and Framework Act 1998 (c. 31)*

23 (1) The School Standards and Framework Act 1998 is amended as follows.

<sup>F7</sup>(2) .....

*Status: Point in time view as at 01/09/2021.*

**Changes to legislation:** *Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 24 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)*

- (3) In paragraph 6 of Schedule 5 (duty of adjudicators to have regard to anti-discrimination duties of other bodies)—
- (a) omit “or”, at the end of sub-paragraph (a); and
  - (b) after sub-paragraph (b), insert “or
  - (c) Chapter 1 of Part 4 of the Disability Discrimination Act 1995.”.
- (4) In Schedule 30 (minor and consequential amendments), omit paragraph 186(2)(b).

#### Textual Amendments

- F7** Sch. 8 para. 23(2) repealed (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 18 Pt. 3](#); [S.I. 2007/935](#), art. 7(q)

## SCHEDULE 9

Section 42(6).

### REPEALS

#### Commencement Information

- I35** Sch. 9 wholly in force at 1.9.2002; Sch. 9 not in force at Royal Assent see s. 43(3); Sch. 9 in force for specified purposes for E. at 1.1.2002 by [S.I. 2001/2217](#), art. 5, [Sch. Pt. II](#); [S.I. 2001/2614](#), art. 4; Sch. 9 in force for specified purposes for W. at 1.4.2002 by [S.I. 2001/3992](#), art. 5, [Sch. Pt. II](#); Sch. 9 in force for specified purposes for W. at 1.4.2002 by [S.I. 2002/74](#), [art. 5](#); Sch. 9 in force in so far as not already in force at 1.9.2002 by [S.I. 2002/2217](#), [art. 3](#), [Sch. 1 Pt. 1](#)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)	In section 5(1)(a), the words “under the age of 14”.
The Further and Higher Education Act 1992 (c. 13)	In section 65, subsections (4A) and (4B).
The Further and Higher Education (Scotland) Act 1992 (c. 37)	In section 40, subsections (5) and (6).
The Tribunals and Inquiries Act 1992 (c. 53)	In Schedule 1, paragraph 15(e).
The Disability Discrimination Act 1995 (c. 50)	Section 19(5)(a) to (ab) and (6). Section 29. Section 30(6). Section 31(3). In section 53A(8), the words after first “proceedings”.
The Education Act 1996 (c. 56)	In section 325(1), the words “, and of the effect of subsection (2) below.”. In section 336(2), paragraph (d).



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	<p>In section 441(3)(a), the words “in accordance with paragraph 10 of Schedule 27”.</p> <p>Section 528.</p> <p>In Schedule 27, paragraph 3(4), paragraph 8(1)(b)(iii), in paragraph 9(1), the words “amend, or” and “10 or”, and paragraph 10.</p> <p>In Schedule 37, paragraphs 118(3)(d) and 129.</p>
<p>The Teaching and Higher Education Act 1998 (c. 30)</p>	<p>Section 38.</p>
<p>The School Standards and Framework Act 1998 (c. 31)</p>	<p>In paragraph 8 of Schedule 4, the word “or” after sub-paragraph (a).</p> <p>In paragraph 6 of Schedule 5, the word “or” after sub-paragraph (a).</p> <p>In Schedule 30, paragraph 186(2)(b).</p>
<p>The Disability Rights Commission Act 1999 (c. 17)</p>	<p>In section 6(5), the words “of a court or tribunal”.</p>
<p>The Learning and Skills Act 2000 (c. 21)</p>	<p>In section 6, subsections (4) and (6).</p> <p>In section 35, subsections (4) and (6).</p> <p>In Schedule 9, paragraph 49.</p>

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**Status:**

Point in time view as at 01/09/2021.

**Changes to legislation:**

Special Educational Needs and Disability Act 2001 is up to date with all changes known to be in force on or before 24 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.