



Education Act 2002

2002 CHAPTER 32

PART 6

THE CURRICULUM IN ENGLAND

The National Curriculum for England: special cases

94 Information concerning directions under section 93

- (1) Where a head teacher gives or varies a direction under regulations made under section 93, he shall, in such manner as may be prescribed, give the information mentioned in subsection (2)—
 - (a) to the governing body, and
 - (b) to the local education authority by whom the school is maintained,and shall take such steps as may be prescribed to give that information also to a parent of the pupil concerned.
- (2) That information is—
 - (a) the fact that he has taken the action in question, its effect and his reasons for taking it,
 - (b) the provision that is being or is to be made for the pupil's education during the operative period of the direction, and
 - (c) either a description of the manner in which he proposes to secure the full implementation of the National Curriculum for England in relation to the pupil after the end of that period, or an indication that he has the opinion mentioned in subsection (3).
- (3) That opinion is that the pupil has or probably has special educational needs by virtue of which the responsible authority would be required to determine the special educational provision that should be made for him (whether initially or on a review of any statement of his special educational needs which the authority are for the time being required under section 324 of the Education Act 1996 (c. 56) to maintain).

Status: This is the original version (as it was originally enacted).

- (4) Where—
- (a) the head teacher of a maintained school or maintained nursery school includes an indication of any such opinion in information given under subsection (1), and
 - (b) the local education authority by whom the school is maintained are not the responsible authority in relation to the pupil in question,
- the head teacher shall also give that information, in such manner as may be prescribed, to the responsible authority.
- (5) Where the responsible authority receive information given to them under subsection (1) or (4) which includes an indication that the head teacher has the opinion mentioned in subsection (3), they shall consider whether any action on their part is required in the case of the pupil concerned under section 323 of the Education Act 1996 (c. 56) (assessment of special educational needs).
- (6) In this section “the responsible authority”, in relation to a pupil, means the local education authority responsible for him for the purposes of Part 4 of the Education Act 1996.