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STATUTORY INSTRUMENTS

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**2001 No. 3455**

The Education (Special Educational Needs)  
(England) (Consolidation) Regulations 2001

PART III

STATEMENTS

**Time limits and prescribed information**

17.—(1) Where an authority have made an assessment of a child for whom no statement is maintained they shall within 2 weeks of the date on which the assessment was completed either—

- (a) serve a copy of a proposed statement and a notice on the child's parent under paragraphs 2(1) and 2B(2) of Schedule 27 respectively, or
- (b) give notice to the child's parent—
  - (i) under section 325(1) that they have decided not to make a statement;
  - (ii) of their reasons for that decision;
  - (iii) of the parent's right of appeal against that decision to the Tribunal, and
  - (iv) of the time limit within which an appeal to the Tribunal must be made.

(2) Where an authority have made an assessment of a child for whom a statement is maintained they shall within 2 weeks of the date on which the assessment was completed—

- (a) serve on the child's parent a copy of a proposed amended statement and a notice under paragraphs 2A(2) and 2B(2) of Schedule 27 respectively, or
- (b) give notice to the child's parent—
  - (i) under paragraph 11(2) of Schedule 27 that they have determined to cease to maintain the statement;
  - (ii) of the parent's right of appeal against that determination to the Tribunal, and
  - (iii) of the time limit within which an appeal to the Tribunal must be made, or
- (c) serve on the child's parent a notice—
  - (i) which informs him that they have determined not to amend the statement;
  - (ii) which informs him of their reasons for that determination;
  - (iii) which is accompanied by copies of the professional advice obtained during the assessment;
  - (iv) which informs him that under section 326(1)(c) he may appeal to the Tribunal against the description in the statement of the authority's assessment of the child's special educational needs, the special educational provision specified in the statement (including the name of a school so specified) or, if no school is named in the statement, that fact, and

(v) which informs him of the time limit within which an appeal to the Tribunal must be made.

(3) Subject to paragraph (4), where an authority have served a copy of a proposed statement or proposed amended statement on the child's parent under paragraphs 2(1) or 2A(2) of Schedule 27 the authority shall within 8 weeks of the date on which the proposed statement or proposed amended statement was served, serve a copy of the completed statement or completed amended statement and a written notice on the child's parent under paragraphs 6(1) and 6(2) respectively of Schedule 27.

(4) The authority need not comply with the time limit referred to in paragraph (3) if it is impractical to do so because—

- (a) exceptional personal circumstances affect the child or his parent during the 8 week period referred to in paragraph (3);
- (b) the child or his parent are absent from the area of the authority for a continuous period of not less than 4 weeks during the 8 week period referred to in paragraph (3);
- (c) the child's parent indicates that he wishes to make representations to the authority about the content of the statement under paragraph 4(1) of Schedule 27 after the expiry of the 15 day period for making such representations provided for in paragraph 4(4) of that Schedule;
- (d) a meeting between the child's parent and an officer of the authority has been held pursuant to paragraph 4(1) of Schedule 27 and the child's parent under paragraph 4(2) of that Schedule has either required that another such meeting be arranged or has required a meeting with the appropriate person be arranged, or
- (e) the authority have sent a written request to the Secretary of State seeking his consent under section 347(5) to the child being educated at an independent school which is not approved by him and such consent has not been received by the authority within 2 weeks of the date on which the request was sent.

(5) Where under paragraph 8(1) of Schedule 27 the child's parent asks the authority to substitute for the name of a school or institution specified in a statement the name of another school specified by him and where the conditions referred to in paragraph 8(1)(b) of Schedule 27 have been satisfied the authority shall within 8 weeks of the date on which the request was received either—

- (a) comply with the request, or
- (b) give notice to the child's parent under paragraph 8(3) of Schedule 27 that they have determined not to comply with the request, their reasons for that decision, and of his right to appeal against that determination to the Tribunal.

(6) Where under paragraph 2A(4) of Schedule 27 an authority serve an amendment notice on the child's parent informing him of their proposal to amend a statement they shall amend the statement before the expiry of 8 weeks from the date on which the notice was served.

(7) The authority need not comply with the time limit in paragraph (6) where—

- (a) the amendment notice contained an amendment about the type or name of a school or institution or the provision made for the child concerned under arrangements made under section 319, and
- (b) it is impractical to do so because any of the circumstances referred to in paragraph (4)(a) to (e) apply in relation to the 8 week period referred to in paragraph (6).

(8) Where under paragraph 11(1) of Schedule 27 an authority give notice to the child's parent that they have determined to cease to maintain a statement, the authority shall not cease to maintain the statement before the expiry of the prescribed period during which the parent may appeal to the Tribunal against the determination<sup>(1)</sup>.

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(1) The Special Educational Needs Tribunal Regulations 2001 (S.I.2001/600) provide that an appeal must be made no later than the first working day after the expiry of two months from which the authority notify a parent of his right of appeal. Under

(9) Any notice given in accordance with this regulation shall inform the parent on whom it is served of—

- (a) the availability to the parent of arrangements for the prevention and resolution of disagreements between parents and authorities made by the authority under section 332B, and
- (b) the fact that the arrangements made under section 332B cannot affect any right the parent has to appeal to the Tribunal and that the parent may appeal to the Tribunal and take up the arrangements made under section 332B.

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paragraph 11(5) of Schedule 27 to the Act an authority may not cease to maintain a statement if a parent has appealed against the authority's determination to cease to maintain a statement and that appeal has not been determined by the Tribunal or withdrawn.