

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to the Special Educational Needs Tribunal established by section 333 of the Education Act 1996. In particular they deal with the making and determination of appeals to the Tribunal. They revoke the Special Educational Needs Tribunal Regulations 1995 but re-enact the provisions with amendments.

The main differences between these Regulations and the 1995 Regulations are that:

- (a) The child who is the subject of the appeal now has the right to attend the hearing. In addition the local education authority have to ascertain the views of the child on the issues raised by the appeal (or give the reasons why it has not done so). *(Regulations 13(2) and 30(2))*.
- (b) The procedure is now in two stages rather than three. Once an appeal has been made, both parties have the same period of time in which to make their case. *(Regulations 9 and 13)*.
- (c) Members of the lay panel are required to have knowledge or experience of special educational needs. *(Regulation 3)*.