
WELSH STATUTORY INSTRUMENTS

2002 No. 152

**The Education (Special Educational
Needs) (Wales) Regulations 2002**

**PART III
STATEMENTS**

Review of statements where child in tenth year of compulsory education attends school

21.—(1) This regulation applies where—

- (a) an authority carry out an annual review of a child's statement;
- (b) the child concerned attends a school; and
- (c) the review is the first review after the child has commenced the tenth year of compulsory education.

(2) Subject to paragraph (3) the authority shall by notice in writing require the head teacher of the child's school to submit a report to them under this regulation by a specified date not less than two months from the date when the notice is given.

(3) If the name of the child is included in the notice served under paragraph (1) of regulation 18 no further notice need be served on the head teacher in respect of that child under paragraph (2) of this regulation.

(4) The head teacher shall for the purposes of the report referred to in paragraph (2) of this regulation or paragraph (3) of regulation 18 seek the advice referred to in paragraph (5) from—

- (a) the child's parent (in relation to all matters referred to in paragraph (5));
 - (b) any person whose advice the authority consider appropriate for the purpose of arriving at a satisfactory report and whom they specify in the notice referred to in paragraph (2) or in paragraph (1) of regulation 18 in relation to a particular child (in relation to such of the matters referred to in paragraph (5) as the head teacher considers are within that person's knowledge or expertise);
 - (c) a representative of the Careers Service (in relation to the matters referred to in sub-paragraph (5)(f) and such other matters referred to in paragraph (5) as the head teacher considers are within that person's knowledge or expertise); and
 - (d) any person whose advice the head teacher considers appropriate for the purpose of arriving at a satisfactory report (in relation to such of the matters referred to in paragraph (5) as the head teacher considers are within that person's knowledge or expertise).
- (5) The advice referred to in paragraph (4) shall be written advice as to—
- (a) the child's progress towards meeting the objectives specified in the statement;
 - (b) the child's progress towards attaining any targets established in furtherance of the objectives specified in the statement;

- (c) where the school is a community, foundation or voluntary school or a community or foundation special school other than a special school established in a hospital, the application of the provisions of the National Curriculum to the child, and the progress made in relation to those provisions by the child since the statement was made or the last review under section 328;
 - (d) the application of any provisions substituted for the provisions of the National Curriculum in order to maintain a balanced and broadly based curriculum and the progress made in relation to the provisions by the child since the statement was made or the last review under section 328;
 - (e) the progress made by the child since the statement was made or the last review under section 328 in his or her behaviour and attitude to learning;
 - (f) any matters which are the appropriate subject of a transition plan;
 - (g) whether the statement continues to be appropriate;
 - (h) any amendments to the statement which would be appropriate; and
 - (i) whether the authority should cease to maintain the statement.
- (6) The notice referred to in paragraph (2) of this regulation or paragraph (1) of regulation 18 shall require the head teacher to invite the following persons to attend a meeting to be held on a date before the report referred to in that paragraph is required to be submitted—
- (a) the child's parent;
 - (b) a member or members of the staff of the school who teach the child or who are otherwise responsible for the provision of education for the child whose attendance the head teacher considers appropriate;
 - (c) a representative of the social services authority;
 - (d) a representative of the Careers Service;
 - (e) any person whose attendance the head teacher considers appropriate;
 - (f) any person whose attendance the authority consider appropriate and who is specified in the notice; and
 - (g) a representative of the authority.
- (7) The head teacher shall not later than two weeks before the date on which the meeting referred to in paragraph (6) is to be held serve on all the persons invited to attend that meeting and who have not informed the head teacher that they will not be attending it copies of the advice received pursuant to the request under paragraph (4) and shall by written notice request the recipients to submit to him or her before or at the meeting written comments on that advice and any other advice which they think appropriate.
- (8) The meeting referred to in paragraph (6) shall consider—
- (a) the matters referred to in paragraph (5), in all cases including the matters referred to in 5(f), and
 - (b) any significant changes in the child's circumstances since the date on which the statement was made or last reviewed under section 328.
- (9) The meeting shall recommend—
- (a) any steps which it concludes ought to be taken, including whether the authority should amend or cease to maintain the statement,
 - (b) any targets to be established in furtherance of the objectives specified in the statement which it concludes the child ought to meet during the period until the next review, and
 - (c) the matters which it concludes ought to be included in a transition plan.

(10) If the meeting cannot agree the recommendations to be made under paragraph (9) the persons who attended the meeting shall make differing recommendations as appears necessary to each of them.

(11) The report to be submitted under paragraph (2) of this regulation or paragraph (3) of regulation 18 shall be completed after the meeting is held, shall include the head teacher's assessment of the matters referred to in paragraph (8) and the head teacher's recommendations as to the matters referred to in paragraph (9), and shall refer to any difference between head teacher's assessment and recommendations and those of the meeting.

(12) When the head teacher submits a report to the authority under paragraph (2) of this regulation or paragraph (3) of regulation 18 the head teacher shall at the same time send copies to—

- (a) the child's parent;
- (b) any other person to whom the authority considers it appropriate that a copy be sent and to whom they direct the head teacher to send a copy, and
- (c) any other person to whom the head teacher considers it appropriate that a copy be sent.

(13) The authority shall review the statement under section 328 in light of the report and any other information or advice which they consider relevant, shall make written recommendations as to the matters referred to in paragraphs 9(a), (b) and (c).

(14) The authority shall within one week of completing the review under section 328 send copies of the recommendations and the transition plan to—

- (a) the child's parent;
- (b) the head teacher;
- (c) any other person to whom they consider it appropriate to send a copy.

(15) The head teacher shall be responsible for ensuring that a transition plan is drawn up.

(16) In this regulation "school" has the same meaning as in regulation 18.