
WELSH STATUTORY INSTRUMENTS

2002 No. 152

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

PART II

ASSESSMENTS

Educational advice

8.—(1) The educational advice referred to in regulation 7(1)(b) shall, subject to paragraphs (2) to (5), be sought—

- (a) from the head teacher of any school which the child is currently attending;
- (b) if advice cannot be obtained from a head teacher of a school which the child is currently attending (because the child is not attending a school or otherwise) from a person who the authority are satisfied has experience of teaching children with special educational needs or knowledge of the differing provision which may be called for in different cases to meet those needs;
- (c) if the child is not currently attending a school and if advice obtained under subparagraph (b) is not advice from such a person, from a person responsible for educational provision for the child; and
- (d) if any of the child's parents is a serving member of Her Majesty's armed forces, from Service Children's Education.

(2) Subject to paragraph (3), the advice sought as provided in paragraph (1)(a) to (c) shall not be sought from any person who is not a qualified teacher.

(3) If the advice sought as provided in paragraph 1(c) is to be obtained in respect of a child receiving education from an early education provider and there is no person responsible for that child's educational provision who is a qualified teacher, advice shall be sought from a person responsible for the child's educational provision who is not a qualified teacher.

(4) The advice sought from a head teacher as provided in paragraph (1)(a) shall, if the head teacher has not taught the child within the preceding 18 months, be advice given after consultation with a teacher who has taught the child.

(5) The advice sought from a head teacher as provided in paragraph (1)(a) shall include advice relating to the steps which have been taken by the school to identify and assess the special educational needs of the child and to make provision for the purpose of meeting those needs.

(6) The advice sought under paragraphs (1)(b) or (1)(c) in relation to a child receiving education from an early education provider shall include advice relating to the steps which have been taken by the provider to identify and assess the special educational needs of the child and to make provision for meeting those needs.

(7) Where it appears to the authority, in consequence of medical advice or otherwise, that the child in question is—

- (a) hearing impaired;
- (b) visually impaired; or
- (c) both hearing impaired and visually impaired,

and any person from whom advice is sought as provided in paragraph (1) is not qualified to teach pupils who are so impaired then the advice sought shall be advice given after consultation with a person who is so qualified.

(8) For the purposes of paragraph (7) a person shall be considered to be qualified to teach pupils who are hearing impaired or visually impaired or who are both hearing impaired and visually impaired if that person is qualified to be employed at a school as a teacher of a class for pupils who are so impaired otherwise than to give instruction in a craft, trade, or domestic subject.

(9) Paragraphs (4) and (7) are without prejudice to regulation 7(3).