



Special Educational Needs and Disability Act 2001

2001 CHAPTER 10

PART 1

SPECIAL EDUCATIONAL NEEDS

Appeals

5 Unopposed appeals

In the 1996 Act, insert the following section—

“326A Unopposed appeals

- (1) This section applies if—
 - (a) the parent of a child has appealed to the Tribunal under section 325, 328, 329 or 329A or paragraph 8(3) of Schedule 27 against a decision of a local education authority, and
 - (b) the authority notifies the Tribunal that they have determined that they will not, or will no longer, oppose the appeal.
- (2) The appeal is to be treated as having been determined in favour of the appellant.
- (3) If an appeal is treated as determined in favour of the appellant as a result of subsection (2), the Tribunal is not required to make any order.
- (4) Before the end of the prescribed period, the authority must—
 - (a) in the case of an appeal under section 325, make a statement under section 324 of the child’s educational needs,
 - (b) in the case of an appeal under section 328, 329 or 329A, make an assessment of the child’s educational needs,

Changes to legislation: There are currently no known outstanding effects for the Special Educational Needs and Disability Act 2001, Cross Heading: Appeals. (See end of Document for details)

- (c) in the case of an appeal under paragraph 8(3) of Schedule 27 against a determination of the authority not to comply with the parent’s request, comply with the request.
- (5) An authority required by subsection (4)(a) to make a statement under section 324 must maintain the statement under that section.
- (6) Regulations under this section, so far as they relate to Wales, require the agreement of the National Assembly for Wales.”

Commencement Information

- I1** S. 5 in force at Royal Assent for specified purposes see s. 43(4); s. 5 in force to the extent not already in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); s. 5 in force to the extent not already in force for W. at 1.4.2002 by [S.I. 2001/3992, art. 5, Sch. Pt. II](#)

6 Maintenance of statement during appeal

In paragraph 11 of Schedule 27 to the 1996 Act (circumstances in which a local education authority may cease to maintain a statement), after sub-paragraph (4) insert—

- “(5) A local education authority may not, under this paragraph, cease to maintain a statement if—
- (a) the parent of the child has appealed under this paragraph against the authority’s determination to cease to maintain the statement, and
 - (b) the appeal has not been determined by the Tribunal or withdrawn.”

Commencement Information

- I2** S. 6 not in force at Royal Assent see s. 43(3); s. 6 in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); s. 6 in force for W. at 1.4.2002 by [S.I. 2001/3992, art. 5, Sch. Pt. II](#)

Changes to legislation:

There are currently no known outstanding effects for the Special Educational Needs and Disability Act 2001, Cross Heading: Appeals.