

## SCHEDULES

### SCHEDULE 2

#### MAKING AND MAINTENANCE OF STATEMENTS UNDER ARTICLE 16

##### *Procedure for amending or ceasing to maintain a statement*

**9.—**(1) A board may not amend, or cease to maintain, a statement except in accordance with paragraph 10 or 11.

(2) Sub-paragraph (1) does not apply where the board—

- (a) ceases to maintain a statement for a child who has ceased to be a child for whom it is responsible,
- (b) amends a statement in pursuance of paragraph 8,
- (c) is ordered to cease to maintain a statement under Article 18(3)(c), or
- (d) amends a statement in pursuance of directions under paragraph 2 of Schedule 13 to the 1986 Order.

**10.—**(1) Before amending a statement, a board shall serve on the parent of the child concerned a notice informing him—

- (a) of its proposal, and
- (b) of his right to make representations under sub-paragraph (2).

(2) A parent on whom a notice has been served under sub-paragraph (1) may, within the period of fifteen days beginning with the date on which the notice is served, make representations to the board about the proposal.

(3) The board—

- (a) shall consider any representations made to it under sub-paragraph (2), and
- (b) on taking a decision on the proposal to which the representations relate, shall give notice in writing to the parent of its decision.

(4) Where a board makes an amendment under this paragraph to the description in a statement of the board's assessment of a child's special educational needs or to the special educational provision specified in a statement, it shall give notice in writing to the parent of his right under Article 18 to appeal against the description in the statement of the board's assessment of the child's special educational needs, the special educational provision specified in the statement or, if no school is named in the statement, that fact.

(5) A board may only amend a statement under this paragraph within the prescribed period beginning with the service of the notice under sub-paragraph (1).

**11.—**(1) A board may cease to maintain a statement only if it is no longer necessary to maintain it.

(2) Where the board decides to cease to maintain a statement—

- (a) it shall give notice to the child's parent of that decision, the reasons for making it and the effect of head (b), and

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- (b) the parent of the child may appeal to the Tribunal against the decision.
- (3) On an appeal under this paragraph the Tribunal may—
  - (a) dismiss the appeal, or
  - (b) order the board to continue to maintain the statement in its existing form or with such amendments of the description in the statement of the board’s assessment of the child’s special educational needs or the special educational provision specified in the statement, and such other consequential amendments, as the Tribunal may determine.
- (4) Except where the parent of the child appeals to the Tribunal under this paragraph, a board may only cease to maintain a statement under this paragraph within the prescribed period beginning with the service of the notice under sub-paragraph (2).