Education Act 1996

1996 CHAPTER 56

PART IV

SPECIAL EDUCATIONAL NEEDS

[F1 CHAPTER I

CHILDREN [F1 IN WALES] WITH SPECIAL EDUCATIONAL NEEDS

[F1 Special educational provision: general

Textual Amendments

F1 Pt. 4 Ch. 1 repealed (1.9.2021 for the repeal of ss. 333(1ZA)(2)-(6), 334-335 and otherwise in force for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 4(9)**; S.I. 2021/373, arts. 3, **4**, 6, 7 (as amended by S.I. 2021/938, **art. 2**); S.I. 2021/1243, **art. 3** (with arts. 4-23) (as amended by S.I. 2021/1428, **art. 2**); S.I. 2021/1244, **art. 3** (with arts. 4-21) (as amended by S.I. 2021/1428, **art. 3**); S.I. 2021/1245, arts. 3, **4** (with art. 1(4)); S.I. 2022/891, **art. 3** (with arts. 4-25); S.I. 2022/892, arts. 2, **3** (with arts. 4-18); S.I. 2022/893, **art. 4**; S.I. 2022/894, **art. 3**; S.I. 2022/895, arts. 3, **4**; S.I. 2022/896, **art. 3** (with arts. 1(7), 4-22); S.I. 2022/897, **art. 3** (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, **3**

315 Review of arrangements.

(1) A [F2 local authority] shall keep under review the arrangements made by them for special educational provision.

(2) In doing so the authority shall, to the extent that it appears necessary or desirable for the purpose of co-ordinating provision for children with special educational needs, consult [F3 the governing bodies of community, foundation and voluntary and community and foundation special schools [F4 and maintained nursery schools] in their area.].

Changes to legislation: *Education Act 1996, Cross Heading: Special educational provision: general is up to date with all changes known to be in force on or before 27 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F2 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

F3 Words in s. 315(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.73** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F4 Words in s. 315(2) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 37** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

Modifications etc. (not altering text)

C1 Pt. 4 Ch. 1 excluded (1.9.2014) by Children and Families Act 2014 (c. 6), **ss. 81**, 139(6); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

[F5 316 Duty to educate children with special educational needs in mainstream schools

(1) This section applies to a child with special educational needs who should be educated in a school.

(2) If no statement is maintained under section 324 for the child, he must be educated in a mainstream school.

(3) If a statement is maintained under section 324 for the child, he must be educated in a mainstream school unless that is incompatible with—

(a) the wishes of his parent, or

(b) the provision of efficient education for other children.

(4) In this section and section 316A "mainstream school" means any school other than—

(a) a special school, or

(b) an independent school which is not—

(i) a city technology college,

(ii) a city college for the technology of the arts, or

(iii) **[**F6 an Academy**].]**

Textual Amendments

F5 Ss. 316, 316A substituted (15.6.2001 for certain purposes and otherwise 1.1.2002 for E., 21.1.2002 for certain purposes and otherwise 1.4.2002 for W.) for s. 316 by 2001 c. 10, s. 1 (with s. 43(13)); S.I. 2001/2217, arts. 4, 5, Sch. Pts. I, II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, **arts. 4**, **5**, Sch. Pts. I, II

F6 Words s. 316(4)(b)(iii) substituted (26.7.2002) by Education Act 2002 (c. 32), ss. 65(3), 216(2), **Sch. 7 para. 6(3)** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**

Modifications etc. (not altering text)

C2 S. 316 modified (1.9.2013) by The Operation of the Local Curriculum (Wales) Regulations 2013 (S.I. 2013/1793), regs. 1(1), **5**

C3 S. 316(2)(3) excluded (prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 36(5)(d)(10)**, 162 (with s. 159)

Changes to legislation: *Education Act 1996, Cross Heading: Special educational provision: general is up to date with all changes known to be in force on or before 27 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F7316AEducation otherwise than in mainstream schools

(1) Section 316 does not prevent a child from being educated in—
  (a) an independent school which is not a mainstream school, or
  (b) a school approved under section 342,
if the cost is met otherwise than by a [F2local authority].

(2) Section 316(2) does not require a child to be educated in a mainstream school during any period in which—
  (a) he is admitted to a special school for the purposes of an assessment under section 323 of his educational needs and his admission to that school is with the agreement of—
    (i) the [F2local authority],
    [F8(ii) the governing body of the school or, if the school is in England, its head teacher,]
    (iii) his parent, and
    (iv) any person whose advice is to be sought in accordance with regulations made under paragraph 2 of Schedule 26;
  (b) he remains admitted to a special school, in prescribed circumstances, following an assessment under section 323 at that school;
  (c) he is admitted to a special school, following a change in his circumstances, with the agreement of—
    (i) the [F2local authority],
    [F9(ii) the governing body of the school or, if the school is in England, its head teacher,]
    (iii) his parent;
  (d) he is admitted to a community or foundation special school which is established in a hospital.

(3) Section 316 does not affect the operation of—
  (a) section 348, or
  (b) paragraph 3 of Schedule 27.

(4) If a [F2local authority] decide—
  (a) to make a statement for a child under section 324, but
  (b) not to name in the statement the school for which a parent has expressed a preference under paragraph 3 of Schedule 27,
they shall, in making the statement, comply with section 316(3).

(5) A [F2local authority] may, in relation to their mainstream schools taken as a whole, rely on the exception in section 316(3)(b) only if they show that there are no reasonable steps that they could take to prevent the incompatibility.

(6) An authority in relation to a particular mainstream school may rely on the exception in section 316(3)(b) only if it shows that there are no reasonable steps that it or another authority in relation to the school could take to prevent the incompatibility.

(7) The exception in section 316(3)(b) does not permit a governing body to fail to comply with the duty imposed by section 324(5)(b).

(8) An authority must have regard to guidance about section 316 and this section issued [F10by the Welsh Ministers]—

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[F11](a) . . . . . .
[F12](b) . . . . . .

(9) That guidance shall, in particular, relate to steps which may, or may not, be regarded as reasonable for the purposes of subsections (5) and (6).

(10) "Prescribed"[F13]... means prescribed in regulations made by the **[**[F14]Welsh Ministers**]**.

(11) "Authority"—

(a) in relation to a maintained school **[**[F15] or maintained nursery school**]**, means each of the following—

(i) the **[**[F2]local authority**]**,

(ii) the school's governing body, and

(b) in relation to [F16]... a pupil referral unit, means the **[**[F2]local authority**].]**

Textual Amendments

F2 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

F7 Ss. 316, 316A substituted (15.6.2001 for certain purposes and otherwise 1.1.2002 for E., 21.1.2002 for certain purposes and otherwise 1.4.2002 for W.) for s. 316 by 2001 c. 10, s. 1 (with s. 43(13)); S.I. 2001/2217, arts. 4, 5, Sch. Pts. I, II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, **arts. 4**, **5**, Sch. Pts. I, II

F8 S. 316A(2)(a)(ii) substituted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 14(2)(a)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

F9 S. 316A(2)(c)(ii) substituted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 14(2)(b)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

F10 Words in s. 316A(8) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 14(3)(a)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

F11 S. 316A(8)(a) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 14(3)(b)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

F12 S. 316A(8)(b) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 14(3)(b)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

F13 Words in s. 316A(10) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 14(4)(a)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

F14 Words in s. 316A(10) substituted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 14(4)(b)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

F15 Words in s. 316A(11)(a) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 38(a)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

F16 Words in s. 316A(11)(b) repealed (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 38(b), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

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Modifications etc. (not altering text)

C4 S. 316A(2)(c) amendment to earlier affecting provision S.I. 2007/2599, art. 8 (30.9.2010) by The New Woodlands School (Amendment) Order 2010 (S.I. 2010/2196), arts. 1, **2**

C5 S. 316A(2) modified (17.12.2007) by The Harbour School Order 2007 (S.I. 2007/3205), arts. 1, 3(a), 5, 6, 10 (as amended (15.12.2010) by The Harbour School (Amendment) Order 2010 (S.I. 2010/2804), arts. 1, **2**)

C6 S. 316A(2)(c) modified (temp.) (1.10.2007) by The New Woodlands School Order 2007 (S.I. 2007/2599), arts. 1, **3(a)** (with arts. 4, 8)

317 Duties of governing body or [F17local authority] in relation to pupils with special educational needs.

(1) **[**F18The governing body of a community, foundation or voluntary school or a maintained nursery school shall**]** —

(a) use their best endeavours, in exercising their functions in relation to the school, to secure that, if any registered pupil has special educational needs, the special educational provision which his learning difficulty calls for is made,

(b) secure that, where the responsible person has been informed by the **[**F2local authority**]** that a registered pupil has special educational needs, those needs are made known to all who are likely to teach him, and

(c) secure that the teachers in the school are aware of the importance of identifying, and providing for, those registered pupils who have special educational needs.

[F19(2) In subsection (1)(b) "the responsible person" means the head teacher or the appropriate governor (that is, the chairman of the governing body or, where the governing body have designated another governor for the purposes of this subsection, that other governor).**]**

(3) To the extent that it appears necessary or desirable for the purpose of co-ordinating provision for children with special educational needs—

(a) the governing bodies of **[**F20community, foundation and voluntary schools**][**F21and maintained nursery schools**]** shall, in exercising functions relating to the provision for such children, consult the **[**F2local authority**]**F22. . . and the governing bodies of other such schools, F23...

F23(b) . . . . . .

[F24(3A) The governing body of a community, foundation or voluntary school or a maintained nursery school shall designate a member of the staff at the school (to be known as the "special educational needs co-ordinator") as having responsibility for co-ordinating the provision for pupils with special educational needs.

(3B) Regulations may—

(a) require the governing bodies of schools falling within subsection (3A) to ensure that special educational needs co-ordinators have prescribed qualifications or prescribed experience (or both), and

(b) confer on the governing bodies of those schools other functions relating to special educational needs co-ordinators.**]**

(4) Where a child who has special educational needs is being educated in **[**F25a community, foundation or voluntary school**]** or a maintained nursery school, those concerned with

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making special educational provision for the child shall secure, so far as is reasonably practicable and is compatible with—

(a) the child receiving the special educational provision which his learning difficulty calls for,

(b) the provision of efficient education for the children with whom he will be educated, and

(c) the efficient use of resources,

that the child engages in the activities of the school together with children who do not have special educational needs.

[[F26](5) The governing body of a community, foundation or voluntary school, a maintained nursery school, or a community or foundation special school shall **[**[F27]include special needs information in the report prepared under section 30(1) of the Education Act 2002 (governors' report).**]**

[F28](a) . . . . . .

[F29](b) . . . . . .

(6) In subsection (5) "special needs information" means—

(a) such information as may be prescribed about the implementation of the governing body's policy for pupils with special educational needs, and

(b) information as to—

(i) the arrangements for the admission of disabled persons as pupils at the school,

(ii) the steps taken to prevent disabled pupils from being treated less favourably than other pupils,

(iii) the facilities provided to assist access to the school by disabled pupils, and

(iv) the plan prepared by the governing body under **[**[F30]paragraph 3 of Schedule 10 to the Equality Act 2010 ("the 2010 Act**]**").

(6A) **[**[F31]In subsection (6)(b) "disabled person" means a person who is a disabled person for the purposes of the 2010 Act; and section 89 (interpretation of Part 6) of, and paragraph 6 of Schedule 10 (supplementary provisions for Schedule 10) to, the 2010 Act apply for the purposes of subsection (6)(b) as they apply for the purposes of Part 6 of and Schedule 10 to that Act.**]]**

Textual Amendments

F2 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

F17 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 7(3)** (with Sch. 2 para. 7(4)(5))

F18 Words in s. 317(1) substituted (1.9.2003 for E.; 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 39(2)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

F19 S. 317(2) substituted (1.9.2003 for E.; 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 39(3)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

F20 Words in s. 317(3)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 74(4)(a)(i)** (with ss. 138(9), 144(6))S.I. 1999/2323, art. 2(1), **Sch. 1**

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F21 Words in s. 317(3)(a) inserted (1.9.2003 for E.; 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 39(4)(a)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

F22 Words in s. 317(3)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 74(4)(a)(ii), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F23 S. 317(3)(b) and word repealed (1.9.2003 for E.; 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 39(4)(b), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

F24 S. 317(3A)(3B) inserted (8.1.2007 for E.) by Education and Inspections Act 2006 (c. 40), **ss. 173**, 188(3); S.I. 2006/3400, art. 2(c)

F25 Words in s. 317(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 74(5)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F26 S. 317(5)-(6A) substituted for s. 317(5)-(7A) (1.9.2005) by Education Act 2005 (c. 18), s. 125(4), **Sch. 18 para. 2** (with s. 119); S.I. 2005/2034, art. 5 (with Sch. para. 2)

F27 Words in s. 317(5) inserted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 15(a)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

F28 S. 317(5)(a) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 15(b)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

F29 S. 317(5)(b) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 15(b)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

F30 Words in s. 317(6)(b)(iv) substituted by 2010 c. 15, Sch. 26 Pt. 1 para. 36(2) (as inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 1 para. 5**) (see S.I. 2010/2317, art. 2)

F31 S. 317(6A) substituted by 2010 c. 15, **Sch. 26 Pt. 1 para. 36(3)** (as inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), **Sch. 1 para. 5**) (see S.I. 2010/2317, art. 2)

Modifications etc. (not altering text)

C7 S. 317 modified (5.11.2004) by The New Relationship with Schools (Governors Annual Report) Order 2004 (S.I. 2004/2683), arts. 1(1), **3**

C8 S. 317(1) modified (31.3.2004) by The Blackburn with Darwen (Maintained Nursery School Governance) Order 2004 (S.I. 2004/657), arts. 1(1), **3(a)**

C9 S. 317(1)-(3) applied (with modifications) (E.) (1.2.2008) by The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 (S.I. 2007/2979), reg. 1(1), **Sch. 1 para. 2**

C10 S. 317(1)(c) modified (1.9.2013) by The Operation of the Local Curriculum (Wales) Regulations 2013 (S.I. 2013/1793), regs. 1(1), **6(1)(a)**

C11 S. 317(4) applied (with modifications) (E.) (1.2.2008) by The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 (S.I. 2007/2979), reg. 1(1), **Sch. 1 para. 2**

C12 S. 317(4) modified (1.9.2013) by The Operation of the Local Curriculum (Wales) Regulations 2013 (S.I. 2013/1793), regs. 1(1), **7(a)**

C13 S. 317(5) modified (1.12.2004) by The New Relationship with Schools (Governors Annual Report) (No 2) Order 2004 (S.I. 2004/2810), arts. 1(1), **3(a)**

Commencement Information

I1 S. 317 wholly in force; s. 317(1)-(5)(7) in force at 1.11.1996 see s. 583(3)(5); s. 317(6) in force at 1.1.1997 by S.I. 1996/2904, **art. 2**

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[F32 317A Duty to inform parent where special educational provision made

(1) This section applies if—

(a) a child for whom no statement is maintained under section 324 is a registered pupil at—

(i) a community, foundation or voluntary school [F33 or a maintained nursery school] , or

(ii) a pupil referral unit,

(b) special educational provision is made for him at the school because it is considered that he has special educational needs, and

(c) his parent has not previously been informed under this section of special educational provision made for him at the school.

(2) If the school is a pupil referral unit, the [F2 local authority] must secure that the head teacher informs the child's parent that special educational provision is being made for him at the school because it is considered that he has special educational needs.

(3) In any other case, the governing body must inform the child's parent that special educational provision is being made for him there because it is considered that he has special educational needs.]

Textual Amendments

F2 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

F32 S. 317A inserted (1.1.2002 (E.) and 1.4.2002 (W.)) by 2001 c. 10, s. 7(1) (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, **art. 5**, Sch. Pt. II

F33 Words in s. 317A(1)(a)(i) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 40** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

Modifications etc. (not altering text)

C14 S. 317A(1) modified (31.3.2004) by The Blackburn with Darwen (Maintained Nursery School Governance) Order 2004 (S.I. 2004/657), arts. 1(1), **3(a)**

318 Provision of goods and services in connection with special educational needs.

(1) A [F2 local authority] may, for the purpose only of assisting—

(a) the governing bodies of [F34 community, foundation or voluntary schools][F35 or maintained nursery schools] (in their or any other area) in the performance of the governing bodies' duties under section 317(1)(a), or

(b) the governing bodies of [F34 community or foundation special schools] (in their or any other area) in the performance of the governing bodies' duties,

supply goods or services to those bodies.

(2) The terms on which goods or services are supplied by [F17 local authorities] under [F36 this section to the governing bodies of community, foundation or voluntary schools [F37 , maintained nursery schools] or community or foundation special schools in any other area] may, in such circumstances as may be prescribed, include such terms as to payment as may be prescribed.

F38 (3) . . . . . .

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[F39](3A) . . . . . .

[[F40](3B) A **[**[F2]local authority**]**[F41]... may supply goods and services to any authority in Wales or other person (other than a governing body within subsection(1)) for the purpose of assisting them in making for a child any special educational provision which any learning difficulty of the child calls for.**]**

(4) This section is without prejudice to the generality of any other power of **[**[F17]local authorities**]** to supply goods or services.

Textual Amendments

F2 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

F17 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 7(3)** (with Sch. 2 para. 7(4)(5))

F34 Words in s. 318(1)(a)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 75(2)(a)(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F35 Words in s. 318(1) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 41(2)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

F36 Words in s. 318(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 75(3)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F37 Words in s. 318(2) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 41(3)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

F38 S. 318(3) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 16(2)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

F39 S. 318(3A) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 16(2)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

F40 S. 318(3B) inserted (19.12.2002) by Education Act 2002 (c. 32), **ss. 194(2)(b)**, 216(3) (with ss. 210(8), 214(4)); S.I. 2002/3185, **art. 4**, Sch. Pt. 1

F41 Words in s. 318(3B) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 16(3)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

319 Special educational provision otherwise than in schools.

(1) Where a **[**[F2]local authority**]** are satisfied that it would be inappropriate for—

(a) the special educational provision which a learning difficulty of a child in their area calls for, or

(b) any part of any such provision,

to be made in a school, they may arrange for the provision (or, as the case may be, for that part of it) to be made otherwise than in a school.

(2) Before making an arrangement under this section, a **[**[F2]local authority**]** shall consult the child's parent.

Changes to legislation: *Education Act 1996, Cross Heading: Special educational provision: general is up to date with all changes known to be in force on or before 27 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F2 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

320 Provision outside England and Wales for certain children.

(1) A **[**[F2]local authority**]** may make such arrangements as they think fit to enable a child for whom they maintain a statement under section 324 to attend an institution outside England and Wales which specialises in providing for children with special needs.

(2) In subsection (1) "children with special needs" means children who have particular needs which would be special educational needs if those children were in England and Wales.

(3) Where a **[**[F2]local authority**]** make arrangements under this section in respect of a child, those arrangements may in particular include contributing to or paying—

(a) fees charged by the institution,

(b) expenses reasonably incurred in maintaining him while he is at the institution or travelling to or from it,

(c) his travelling expenses, and

(d) expenses reasonably incurred by any person accompanying him while he is travelling or staying at the institution.

(4) This section is without prejudice to any other powers of a **[**[F2]local authority**]**.**]**

Textual Amendments

F2 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

Changes to legislation:
Education Act 1996, Cross Heading: Special educational provision: general is up to date with all changes known to be in force on or before 27 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(2)(ba) substituted for s. 13(2)(aa)(b) by 2022 asc 1 Sch. 4 para. 8(2)
- s. 17A functions made exercisable concurrently by S.I. 2014/1012 art. 12(1)Sch. 2 para. 3
- s. 17A functions made exercisable concurrently by S.I. 2014/863 Sch. 2 para. 4
- s. 17A functions made exercisable concurrently by S.I. 2014/865 Sch. 2 para. 3
- s. 17A functions made exercisable concurrently by S.I. 2016/653 Sch. 3 para. 3
- s. 17A-17D inserted by 2009 c. 22 s. 45
- s. 17B-17D applied by 2009 c. 22 s. 86(8)
- s. 457(4)(i)-(iia) repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 457(4)(iii) words repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 537AA inserted by 2008 c. 25 Sch. 1 para. 8
- s. 548(7A)(7B) inserted by 2008 c. 25 Sch. 1 para. 9(5)
- s. 578(1) words repealed by 2005 c. 18 Sch. 19 Pt. 1