



Education Act 1996

1996 CHAPTER 56

PART IV

SPECIAL EDUCATIONAL NEEDS

[^{F1}CHAPTER I

CHILDREN [^{F1}IN WALES] WITH SPECIAL EDUCATIONAL NEEDS

Special educational provision: general

[^{F1}][^{F2}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) [^{F3}an Academy].]

Changes to legislation: Education Act 1996, Section 316 is up to date with all changes known to be in force on or before 19 April 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

- F1** Pt. 4 Ch. 1 repealed (1.9.2021 for the repeal of ss. 333(1ZA)(2)-(6), 334-335 and otherwise in force for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified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
- F2** 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](#)
- F3** 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)

- 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](#)))
- 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, Section 316 is up to date with all changes known to be in force on or before 19 April 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 :

- s. 316(2)(3) excluded by [2002 c. 41 s. 36\(5\)\(d\)\(10\)](#)

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. 15A(3A) inserted by [2022 asc 1 Sch. 4 para. 8\(3\)](#)
- s. 15B(3)(c) inserted by [2022 asc 1 Sch. 4 para. 8\(4\)](#)
- 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. 508(4) inserted by [2022 asc 1 Sch. 4 para. 8\(7\)](#)
- 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](#)