



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}317 Duties of governing body or [^{F2}local authority] in relation to pupils with special educational needs.

- (1) [^{F3}The governing body of a community, foundation or voluntary school or a maintained nursery school shall] —
- 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,
 - secure that, where the responsible person has been informed by the [^{F4}local authority] that a registered pupil has special educational needs, those needs are made known to all who are likely to teach him, and
 - 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.

[^{F5}(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—

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- (a) the governing bodies of [^{F6}community, foundation and voluntary schools][^{F7}and maintained nursery schools] shall, in exercising functions relating to the provision for such children, consult the [^{F4}local authority]^{F8}. . . and the governing bodies of other such schools, ^{F9}...

^{F9}(b)

[^{F10}(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 [^{F11}a community, foundation or voluntary school] or a maintained nursery school, those concerned with 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.

[^{F12}(5) The governing body of a community, foundation or voluntary school, a maintained nursery school, or a community or foundation special school shall [^{F13}include special needs information in the report prepared under section 30(1) of the Education Act 2002 (governors' report).]

^{F14}(a)

^{F15}(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 [^{F16}paragraph 3 of Schedule 10 to the Equality Act 2010 (“the 2010 Act”)].

(6A) [^{F17}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

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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

- 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** 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))
- F3** 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.
- F4** 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))
- F5** 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.
- F6** 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**
- F7** 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.
- F8** 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**
- F9** 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.
- F10** 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)
- F11** 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**
- F12** 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)
- F13** 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)
- F14** 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)
- F15** 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)

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- F16** 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)
- F17** 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)

- 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. 317 modified (5.11.2004) by The New Relationship with Schools (Governors Annual Report) Order 2004 (S.I. 2004/2683), arts. 1(1), **3**
- C3** 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)**
- C4** 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**
- C5** 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)**
- C6** 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**
- C7** 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)**
- C8** 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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[View outstanding changes](#)

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](#)