



# Education Act 1996

## 1996 CHAPTER 56

### PART IV

#### SPECIAL EDUCATIONAL NEEDS

#### [<sup>F1</sup>CHAPTER I

#### CHILDREN [<sup>F1</sup>IN WALES] WITH SPECIAL EDUCATIONAL NEEDS

#### *Identification and assessment of children with special educational needs*

#### [<sup>F1</sup>322 [<sup>F2</sup>Duty of certain bodies to help local authority.]

- (1) Where it appears to a [<sup>F3</sup>local authority] that [<sup>F4</sup>another local authority, [<sup>F5</sup>[<sup>F6</sup>NHS England], [<sup>F7</sup>an integrated care board] or] a Local Health Board <sup>F8</sup>...], they may request the help of [<sup>F9</sup>that body] , specifying the action in question.
- (2) [<sup>F10</sup>A body] whose help is so requested shall comply with the request unless—
  - (a) they consider that the help requested is not necessary for the purpose of the exercise [<sup>F11</sup>of those functions by the local authority that made the request] , or
  - (b) subsection (3) applies.
- (3) This subsection applies—
  - (a) in [<sup>F12</sup>a case where the request is made] of [<sup>F13</sup>[<sup>F6</sup>NHS England], [<sup>F14</sup>an integrated care board] or] a [<sup>F15</sup>Local Health Board]<sup>F16</sup>..., if [<sup>F17</sup>that body] consider that, having regard to the resources available to them for the purpose of the exercise of their functions under the <sup>M1</sup>[<sup>F18</sup>National Health Service Act 2006 or the National Health Service (Wales) Act 2006] , it is not reasonable for them to comply with the request, or
  - (b) in [<sup>F12</sup>a case where the request is made] of a local authority, if that authority consider that the request is not compatible with their own statutory or other

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duties and obligations or unduly prejudices the discharge of any of their functions.

- (4) Regulations may provide that, where [<sup>F19</sup>a local authority, [<sup>F6</sup>NHS England], [<sup>F20</sup>an integrated care board] or a Local Health Board]<sup>F21</sup>... are under a duty by virtue of subsection (2) to comply with a request to help a [<sup>F3</sup>local authority] in the making of an assessment under section 323 or a statement under section 324 of this Act, they must, subject to prescribed exceptions, comply with the request within the prescribed period.

<sup>F22</sup>(5).....]

### 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- F1** Pt. 4 Ch. 1 repealed (1.9.2021 for the repeal of ss. 333(1ZA)(2)-(6), 334-335 and otherwise in force for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified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** S. 322 title substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), art. 1, **Sch. 2 para. 7(6)(a)**
- F3** 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))
- F4** Words in s. 322(1) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), art. 1, **Sch. 2 para. 7(6)(b)**
- F5** Words in s. 322(1) inserted (1.4.2013) by [Health and Social Care Act 2012](#) (c. 7), s. 306(4), **Sch. 5 para. 78(2)(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** Words in s. 322 substituted (1.7.2022) by [Health and Care Act 2022](#) (c. 31), s. 186(6), **Sch. 1 para. 1(1)(2)**; S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- F7** Words in s. 322(1) substituted (1.7.2022) by [Health and Care Act 2022](#) (c. 31), s. 186(6), **Sch. 4 para. 44**; S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- F8** Words in s. 322(1) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012](#) (c. 7), s. 306(4), **Sch. 5 para. 78(2)(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F9** Words in s. 322(1) substituted (1.4.2013) by [Health and Social Care Act 2012](#) (c. 7), s. 306(4), **Sch. 5 para. 78(2)(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F10** Words in s. 322(2) substituted (1.4.2013) by [Health and Social Care Act 2012](#) (c. 7), s. 306(4), **Sch. 5 para. 78(3)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F11** Words in s. 322(2)(a) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), art. 1, **Sch. 2 para. 7(6)(c)**
- F12** Words in s. 322(3) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), art. 1, **Sch. 2 para. 7(6)(d)**
- F13** Words in s. 322(3)(a) inserted (1.4.2013) by [Health and Social Care Act 2012](#) (c. 7), s. 306(4), **Sch. 5 para. 78(4)(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F14** Words in s. 322(3)(a) substituted (1.7.2022) by [Health and Care Act 2022](#) (c. 31), s. 186(6), **Sch. 4 para. 44**; S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- F15** Words in s. 322(3)(a) substituted (1.4.2007) by [The References to Health Authorities Order 2007](#) (S.I. 2007/961), art. 1(1), **Sch. para. 26(2)(c)**

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- F16** Words in s. 322(3)(a) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 78(4)(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F17** Words in s. 322(3)(a) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 78(4)(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F18** Words in s. 322(3)(a) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 182** (with Sch. 3 Pt. 1)
- F19** Words in s. 322(4) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 78(5)(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F20** Words in s. 322(4) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 44**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F21** Words in s. 322(4) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 78(5)(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F22** S. 322(5) repealed (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, Sch. 2 para. 7(6)(e), **Sch. 3 Pt. 1**

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**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)

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**Marginal Citations**

- M1** 1977 c. 49.

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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. 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](#)