



# Special Educational Needs and Disability Act 2001

## CHAPTER 10

### SPECIAL EDUCATIONAL NEEDS AND DISABILITY ACT 2001

#### PART 1

#### SPECIAL EDUCATIONAL NEEDS

##### *Mainstream education*

- 1 Education in mainstream schools of children with special educational needs

##### *General duties of local education authorities*

- 2 Advice and information for parents
- 3 Resolution of disputes
- 4 Compliance with orders

##### *Appeals*

- 5 Unopposed appeals
- 6 Maintenance of statement during appeal

##### *Identification and assessment of educational needs*

- 7 Duty to inform parent where special educational provision made
- 8 Review or assessment of educational needs at request of responsible body
- 9 Duty to specify named school

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*Amendment of statement of special educational needs*

- 10 Amendment of statement of special educational needs

**PART 2**

**DISABILITY DISCRIMINATION IN EDUCATION**

**CHAPTER 1**

**SCHOOLS**

*Duties of responsible bodies*

- 11 Discrimination against disabled pupils and prospective pupils  
 12 Meaning of “discrimination”  
 13 Disabled pupils not to be substantially disadvantaged  
 14 Accessibility strategies and plans  
 15 Accessibility strategies and plans: procedure  
 16 Residual duty of education authorities

*Enforcement*

- 17 Special Educational Needs and Disability Tribunal  
 18 Jurisdiction and powers of the Tribunal  
 19 Procedure  
 20 Admissions  
 21 Exclusions  
 22 Roles of the Secretary of State and the National Assembly  
 23 Enforcement procedure: Scotland  
 24 Validity and revision of agreements of responsible bodies  
 25 Interpretation

**CHAPTER 2**

**FURTHER AND HIGHER EDUCATION**

*Duties of responsible bodies*

- 26 Discrimination against disabled students and prospective students  
 27 Meaning of “discrimination”  
 28 Disabled students not to be substantially disadvantaged  
 29 Further education etc. provided by local education authorities and schools

*Enforcement*

- 30 Right of redress  
 31 Occupation of premises by educational institutions  
 32 Validity and revision of agreements  
 33 Interpretation  
 34 Removal of certain duties of funding bodies

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## CHAPTER 3

### MISCELLANEOUS

- 35 Extension of role of Disability Rights Commission
- 36 Codes of practice
- 37 Conciliation for disputes under Part 4 of the 1995 Act
- 38 Relationship with other Parts of the 1995 Act
- 39 Application to the Isles of Scilly
- 40 Duty of Teacher Training Agency

### PART 3

### SUPPLEMENTARY

- 41 Expenses of Secretary of State
- 42 Minor amendments and repeals
- 43 Short title, interpretation, commencement and extent

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### SCHEDULES

#### SCHEDULE 1 — AMENDMENT TO STATEMENT OF SPECIAL EDUCATIONAL NEEDS

##### Part 1 — PROCEDURE FOR MAKING AMENDMENT TO STATEMENT OF SPECIAL EDUCATIONAL NEEDS

- 1 Schedule 27 to the 1996 Act (making and maintenance of...
- 2 For paragraph 1 substitute— In this Schedule— “amendment notice” has the meaning given in...
- 3 For paragraph 2 substitute— (1) Before making a statement, a local education authority shall...
- 4 In paragraph 3, in sub-paragraph (1), for the words from...
- 5 In that paragraph, in sub-paragraph (2), for “paragraph 2(b)” substitute...
- 6 In that paragraph omit sub-paragraph (4).
- 7 After that paragraph, insert— Consultation on specifying name of school...
- 8 In paragraph 4, in sub-paragraph (1)— (a) after “paragraph 2”...
- 9 In that paragraph, in sub-paragraph (2), after “sub-paragraph (1)(b)” insert...
- 10 In that paragraph, in sub-paragraphs (4)(a) and (5), for “paragraph...
- 11 In paragraph 5, in sub-paragraph (1), after “make” insert “...
- 12 In that paragraph, in sub-paragraph (2), for “The statement” substitute...
- 13 After that sub-paragraph insert— (2A) If a local education authority...
- 14 For paragraph 6, substitute— (1) Where a local education authority make or amend a...
- 15 In paragraph 8(1)(b)— (e) in sub-paragraph (ii), after “statement” insert...
- 16 In paragraph 9— (g) in sub-paragraph (1), omit “amend or”...
- 17 Omit paragraph 10.

##### Part 2 — APPEALS AGAINST AMENDMENTS TO STATEMENT OF SPECIAL EDUCATIONAL NEEDS

- 18 Section 326 of the 1996 Act is amended as follows....
- 19 For subsection (1) substitute— (1) The parent of a child...
- 20 In subsection (2), for “paragraph 10” substitute “ paragraph 2A...

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## SCHEDULE 2 — RESPONSIBLE BODIES FOR SCHOOLS

The following is the Schedule inserted into the 1995 Act....

## SCHEDULE 3 — AMENDMENT OF SCHEDULE 3 TO THE 1995 ACT

- 1 The following provisions are inserted in Schedule 3 to the...
- 2 The following provisions are inserted in Schedule 3 to the...

## SCHEDULE 4 — RESPONSIBLE BODIES FOR EDUCATIONAL INSTITUTIONS

The following is the Schedule inserted in the 1995 Act....

## SCHEDULE 5 — MODIFICATIONS OF CHAPTER 2 OF PART 4 OF THE 1995 ACT

The following is the Schedule inserted in the 1995 Act....

## SCHEDULE 6 — AMENDMENT OF SCHEDULE 4 TO THE 1995 ACT

The following provisions are inserted in Schedule 4 to the...

## SCHEDULE 7 — AMENDMENTS TO THE DISABILITY RIGHTS COMMISSION ACT 1999

- 1 The Disability Rights Commission Act 1999 is amended as follows....
- 2 In section 2 (general functions), in the definition of “discrimination”...
- 3 In section 4 (non-discrimination notices), in subsection (5), for “or...”
- 4 In section 5 (agreements in lieu of enforcement action), in...
- 5 In subsection (1) of section 6 (persistent discrimination), for paragraphs...
- 6 In subsection (4) of that section, for “or Part III”...
- 7 In subsection (5) of that section, omit “of a court...”
- 8 In section 7(1)(a) (proceedings in relation to which assistance may...
- 9 In paragraph 3(10) of Schedule 3 (formal investigations and non-discrimination...

## SCHEDULE 8 — MINOR AND CONSEQUENTIAL AMENDMENTS

### Part 1 — THE 1996 ACT

- 1 The 1996 Act is amended as follows.
- 2 *The re-naming of the Tribunal*
- 3 In section 333, for subsection (1) substitute—
- 4 In paragraph 118(3) of Schedule 37, omit paragraph (d).
- 5 *Annual reports*
- 6 *Contents and service of notices*
- 7 (1) In section 328 (reviews of educational needs), in subsection...
- 8 (1) In section 329 (assessment of educational needs at request...
- 9 (1) In paragraph 8 of Schedule 27 (change of name...
- 10 (1) In paragraph 11 of that Schedule (ceasing to maintain...
- 11 *Proposals to make an assessment*
- 12 *Statements: suitable arrangements made by parents*
- 13 *Procedure regulations*
- 14 *Time limits with respect to assessments*
- 15 *School attendance orders: amendment of statement of special educational needs*

### Part 2 — OTHER ENACTMENTS

- 16 *The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)*

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- 17 In subsection (1) (requirement to obtain opinion of local authority...
- 18 In subsection (9) (interpretation), after the definition of “establishment of...
- 19 *The Tribunals and Inquiries Act 1992 (c. 53)*
- 20 In section 11(1) (appeals from certain tribunals)—
- 21 In paragraph 15 of Schedule 1 (bodies subject to the...
- 22 After paragraph 40A of that Schedule, insert— Special educational needs...
- 23 *The School Standards and Framework Act 1998 (c. 31)*

#### SCHEDULE 9 — REPEALS

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 11-33 repealed by 2010 c. 15 Sch. 27 Pt. 1 (as substituted) by [S.I. 2010/2279 Sch. 2](#)
- s. 14(2) repealed by [2005 c. 18 Sch. 19 Pt. 4](#)
- s. 34(4)(5)(6)(7) repealed by 2010 c. 15 Sch. 27 Pt. 1 (as substituted) by [S.I. 2010/2279 Sch. 2](#)
- s. 35-37 repealed by [2006 c. 3 Sch. 4](#)
- s. 38-40 repealed by 2010 c. 15 Sch. 27 Pt. 1 (as substituted) by [S.I. 2010/2279 Sch. 2](#)
- s. 38(7) repealed by [2005 c. 13 Sch. 2](#)
- s. 40(2) repealed by [2005 c. 18 Sch. 19 Pt. 3](#)
- Sch. 2-6 repealed by 2010 c. 15 Sch. 27 Pt. 1 (as substituted) by [S.I. 2010/2279 Sch. 2](#)
- Sch. 7 para. 2 repealed by [2005 c. 13 Sch. 2](#)
- Sch. 7 para. 3 repealed by [2005 c. 13 Sch. 2](#)
- Sch. 7 para. 4 repealed by [2005 c. 13 Sch. 2](#)
- Sch. 7 para. 6 repealed by [2005 c. 13 Sch. 2](#)
- Sch. 7 para. 9 repealed by [2005 c. 13 Sch. 2](#)
- Sch. 7 repealed by [2006 c. 3 Sch. 4](#)
- Sch. 8 para. 5 repealed by [2005 c. 18 Sch. 19 Pt. 4](#)
- Sch. 8 para. 23(2) repealed by [2006 c. 40 Sch. 18 Pt. 3](#)
- Sch. 8 para. 20(b) repealed by [S.I. 2008/2833 Sch. 3 para. 228\(i\)](#)

**Commencement Orders yet to be applied to the Special Educational Needs and Disability Act 2001:**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2003/2532 art. 2 Sch.](#) commences (2001 c. 10)

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2005/2034 art. 2-9](#) commences (2005 c. 18)
- [S.I. 2005/2774 art. 2-4](#) commences (2005 c. 13)
- [S.I. 2007/935 art. 2-7](#) commences (2006 c. 40)
- [S.I. 2007/2603 art. 2](#) commences (2006 c. 3)
- [S.I. 2010/2317 art. 2 3](#) commences (2010 c. 15)