



Special Educational Needs and Disability Act 2001

2001 CHAPTER 10

PART 1

SPECIAL EDUCATIONAL NEEDS

General duties of local education authorities

2 Advice and information for parents

In the 1996 Act, insert the following section—

“General duties of local education authorities

332A Advice and information for parents

- (1) A local education authority must arrange for the parent of any child in their area with special educational needs to be provided with advice and information about matters relating to those needs.
- (2) In making the arrangements, the authority must have regard to any guidance given—
 - (a) for England, by the Secretary of State,
 - (b) for Wales, by the National Assembly for Wales.
- (3) The authority must take such steps as they consider appropriate for making the services provided under subsection (1) known to—
 - (a) the parents of children in their area,
 - (b) the head teachers and proprietors of schools in their area, and
 - (c) such other persons as they consider appropriate.”

3 Resolution of disputes

In the 1996 Act, insert the following section—

“332B Resolution of disputes

- (1) A local education authority must make arrangements with a view to avoiding or resolving disagreements between authorities (on the one hand) and parents of children in their area (on the other) about the exercise by authorities of functions under this Part.
- (2) A local education authority must also make arrangements with a view to avoiding or resolving, in each relevant school, disagreements between the parents of a relevant child and the proprietor of the school about the special educational provision made for that child.
- (3) The arrangements must provide for the appointment of independent persons with the function of facilitating the avoidance or resolution of such disagreements.
- (4) In making the arrangements, the authority must have regard to any guidance given—
 - (a) for England, by the Secretary of State,
 - (b) for Wales, by the National Assembly for Wales.
- (5) The authority must take such steps as they consider appropriate for making the arrangements made under subsections (1) and (2) known to—
 - (a) the parents of children in their area,
 - (b) the head teachers and proprietors of schools in their area, and
 - (c) such other persons as they consider appropriate.
- (6) The arrangements cannot affect the entitlement of a parent to appeal to the Tribunal.
- (7) In this section—

“authorities” means the governing bodies of maintained schools and the local education authority,

“relevant child” means a child who has special educational needs and is a registered pupil at a relevant school.
- (8) For the purposes of this section a school is a relevant school in relation to a child if it is—
 - (a) a maintained school or a maintained nursery school,
 - (b) a pupil referral unit,
 - (c) a city technology college, a city college for the technology of the arts or a city academy,
 - (d) an independent school named in the statement maintained for the child under section 324, or
 - (e) a school approved under section 342.”

4 Compliance with orders

In the 1996 Act, insert the following section—

“336A Compliance with orders

- (1) If the Tribunal makes an order, the local education authority concerned must comply with the order before the end of the prescribed period beginning with the date on which it is made.
- (2) Regulations under this section, so far as they relate to Wales, require the agreement of the National Assembly for Wales.”