



Children, Schools and Families Act 2010

2010 CHAPTER 26

PART 1

CHILDREN AND SCHOOLS

Children with special educational needs etc

1 School inspections: pupils with disabilities or special educational needs

In section 5 of EA 2005 (duty to inspect certain schools in England at prescribed intervals), after subsection (5) there is inserted—

“(5A) In reporting on how far the education provided in a mainstream school meets the needs of the range of pupils at the school, the Chief Inspector must in particular consider the needs of—

- (a) pupils who have a disability for the purposes of the Equality Act 2010;
- (b) pupils who have special educational needs.

In this subsection a “mainstream school” is a school within subsection (2)(a) or (2)(c) to (f).”

2 Right of appeal against determination by local authority not to amend statement

After section 328 of EA 1996 (reviews of special educational needs) there is inserted—

“328A Appeal against determination of local authority in England not to amend statement following review

- (1) This section applies where a local authority in England—
 - (a) conduct a review of a statement in accordance with section 328(5)(b), and
 - (b) determine not to amend the statement.

Status: This is the original version (as it was originally enacted).

- (2) The authority shall give written notice of the determination and of their reasons for making it to the parent of the child concerned.
- (3) The parent may appeal to the Tribunal.
- (4) Subsections (1A), (3), (4) and (5) of section 326 apply to an appeal under this section as they apply to an appeal under that section, but with the omission of subsection (3)(c).
- (5) A notice under subsection (2) must inform the parent of the right of appeal and of the period within which the right may be exercised.
- (6) A notice under subsection (2) must be given to the parent within the period of seven days beginning with the day on which the determination is made.”