

Status: Point in time view as at 25/03/2022.

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Education Act 1996

1996 CHAPTER 56

PART IV

SPECIAL EDUCATIONAL NEEDS

[^{F1}CHAPTER I

CHILDREN [^{F1}IN WALES] WITH SPECIAL EDUCATIONAL NEEDS

[^{F1}[^{F2} General duties of [^{F3}local authorities]]

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- F1** Pt. 4 Ch. 1 repealed (1.9.2021 for the repeal of ss. 333(1ZA)(2)-(6), 334-335 and otherwise in force for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified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. 332A and preceding cross-heading inserted (1.1.2002 (E.) and 1.4.2002 (W.)) by 2001 c. 10, s. 2 (with s. 43(13)); S.I. 2001/2217, art. 5, Sch. Pt. II (as amended by S.I. 2001/2614, art. 4); S.I. 2002/74, **art. 5**, Sch. Pt. II
- 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(3)** (with Sch. 2 para. 7(4)(5))

^{F4}332A Advice and information for parents — England

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Textual Amendments

- F4** S. 332A repealed (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 24\(1\)](#) (with s. 24(3)); [S.I. 2014/889](#), art. 7(a) (with savings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](#)))

[^{F5}332AA **Advice and information** ^{F6} ...

- (1) A local authority ^{F7}... must arrange for any child in their area with special educational needs, for a parent of any such child and for a case friend for any such child, 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 by the Welsh Ministers.
- (3) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.
- (4) The authority must take such steps as they consider appropriate for making the services provided under subsection (1) known to—
 - (a) children in their area,
 - (b) parents of children in their area,
 - (c) head teachers and proprietors of schools in their area, and
 - (d) such other persons as they consider appropriate.]

Textual Amendments

- F5** S. 332AA inserted (6.3.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), [ss. 4\(3\)](#), 26(3) (as amended (5.5.2010) by [S.I. 2010/1148](#), arts. 1, 5(2)); [S.I. 2012/320](#), art. 3(c) (with art. 4(a))
- F6** Word in s. 332AA title omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 25\(3\)](#); [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](#)))
- F7** Words in s. 332AA(1) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 25\(2\)](#); [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](#)))

^{F8}332B **Resolution of disputes — England**

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Textual Amendments

- F8** S. 332B repealed (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 26\(1\)](#) (with s. 26(3)); [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](#)))

[^{F9}332B **Resolution of disputes** ^{F10} ...

- (1) A local authority ^{F11}... must make arrangements with a view to avoiding or resolving disagreements between—

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- (a) authorities and children in their area about the exercise by authorities of functions under this Part, and
 - (b) authorities and parents of children in their area about the exercise by authorities of functions under this Part.
- (2) A local authority ^{F12}... must also make arrangements with a view to avoiding or resolving, in each relevant school, disagreements between—
- (a) a relevant child and the proprietor of the school about the special educational provision made for that child, and
 - (b) 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 functions of facilitating the avoidance or resolution of such disagreements.
- (4) In making the arrangements, the authority must have regard to any guidance given by the Welsh Ministers.
- (5) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.
- (6) The authority must take such steps as they consider appropriate for making the arrangements under subsections (1) and (2) known to—
- (a) children in their area,
 - (b) parents of children in their area,
 - (c) head teachers and proprietors of schools in their area, and
 - (d) such other persons as they consider appropriate.
- (7) The arrangements cannot affect the entitlement of a child or a parent of a child to appeal to the Tribunal, and the authority must take such steps as they consider appropriate to make that fact known to children, to parents of children and to case friends for children in their area.
- (8) In this section—
- “authorities” means the governing bodies of maintained schools and the local authority;
 - “relevant child” means a child who has special educational needs and is a registered pupil at a relevant school.
- (9) 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) an independent school named in the statement maintained for the child under section 324, or
 - (d) a school approved under section 342.]

Textual Amendments

- F9** S. 332BA inserted (6.3.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), **ss. 5(3)**, 26(3) (as amended (5.5.2010) by [S.I. 2010/1148](#), arts. 1, 5(2)); [S.I. 2012/320](#), **art. 3(d)** (with **art. 4(b)**)

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- F10** Word in s. 332BA title omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 27\(3\)](#); 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))
- F11** Words in s. 332BA(1) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 27\(2\)](#); 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))
- F12** Words in s. 332BA(2) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 27\(2\)](#); 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))

[^{F13}332BA independent advocacy services^{F14}...

- (1) Every local authority^{F15}... must—
- (a) make arrangements for the provision of independent advocacy services in their area;
 - (b) refer any child in their area who requests independent advocacy services to a service provider;
 - (c) refer any person who is a case friend for a child in their area and who requests independent advocacy services to a service provider.
- (2) In this section “independent advocacy services” are services providing advice and assistance (by way of representation or otherwise) to a child—
- (a) making, or intending to make an appeal to the Tribunal under section 332ZA, or
 - (b) considering whether to appeal to the Tribunal under that section, or
 - (c) taking part in or intending to take part in dispute resolution arrangements made under section 332BA.
- (3) In making arrangements under this section, every local authority must have regard to the principle that any services provided under the arrangements must be independent of any person who is—
- (a) the subject of an appeal to the Tribunal, or
 - (b) involved in investigating or adjudicating on such an appeal.
- (4) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.
- (5) Every local authority^{F16}... must take such steps as they consider appropriate for making the arrangements under this section known to—
- (a) children in their area,
 - (b) parents of children in their area,
 - (c) head teachers and proprietors of schools in their area, and
 - (d) such other persons as they consider appropriate.
- (6) The arrangements may include provision for payments to be made to, or in relation to, any person carrying out functions in accordance with the arrangements.
- (7) A local authority must have regard to any guidance given from time to time by the Welsh Ministers.]]

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Textual Amendments

- F13** S. 332BB inserted (6.3.2012) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), **ss. 6(2)**, 26(3) (as amended (5.5.2010) by [S.I. 2010/1148](#), arts. 1, 5(2)); [S.I. 2012/320](#), art. 3(e)
- F14** Word in s. 332BB title omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 28(3)**; [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** Words in s. 332BB(1) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 28(2)**; [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](#)))
- F16** Words in s. 332BB(5) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 28(2)**; [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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