



# Education Act 1996

## 1996 CHAPTER 56

### PART IV

#### SPECIAL EDUCATIONAL NEEDS

#### CHAPTER I

##### CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

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

### **323 Assessment of educational needs.**

- (1) Where a [<sup>F1</sup>local authority] are of the opinion that a child for whom they are responsible falls, or probably falls, within subsection (2), they shall serve a notice on the child's parent informing him—
  - (a) that they [<sup>F2</sup>are considering whether] to make an assessment of the child's educational needs,
  - (b) of the procedure to be followed in making the assessment,
  - (c) of the name of the officer of the authority from whom further information may be obtained, and
  - (d) of the parent's right to make representations, and submit written evidence, to the authority within such period (which must not be less than 29 days beginning with the date on which the notice is served) as may be specified in the notice.
- (2) A child falls within this subsection if—
  - (a) he has special educational needs, and
  - (b) it is necessary for the authority to determine the special educational provision which any learning difficulty he may have calls for.
- (3) Where—

*Status: Point in time view as at 18/05/2012.*

*Changes to legislation: Education Act 1996, Section 323 is up to date with all changes known to be in force on or before 11 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) a [F1local authority] have served a notice under subsection (1) and the period specified in the notice in accordance with subsection (1)(d) has expired, and
- (b) the authority remain of the opinion, after taking into account any representations made and any evidence submitted to them in response to the notice, that the child falls, or probably falls, within subsection (2),
- they shall make an assessment of his educational needs.
- (4) Where a [F1local authority] decide to make an assessment under this section, they shall give notice in writing to the child’s parent of that decision and of their reasons for making it.
- (5) Schedule 26 has effect in relation to the making of assessments under this section.
- (6) Where, at any time after serving a notice under subsection (1), a [F1local authority] decide not to assess the educational needs of the child concerned they shall give notice in writing to the child’s parent of their decision.

#### Textual Amendments

- F1** 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))
- F2** Words in s. 323(1)(a) substituted (1.1.2002 (E.) and 1.4.2002 (W.)) by [2001 c. 10, s. 42\(1\)](#), [Sch. 8 para. 11\(1\)](#) (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](#)

**Status:**

Point in time view as at 18/05/2012.

**Changes to legislation:**

Education Act 1996, Section 323 is up to date with all changes known to be in force on or before 11 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.