



Education Act 1981

1981 CHAPTER 60

Provision of special education

2 Provision of special education: duties of local education authorities etc.

- (1) In section 8(2) of the principal Act (which requires local education authorities to have regard to certain matters in fulfilling their duty to secure provision of primary and secondary schools) for paragraph (c) there is substituted the following paragraph—
 - “(c) to the need for securing that special educational provision is made for pupils who have special educational needs; and”.
- (2) Where a local education authority arrange special educational provision for a child for whom they maintain a statement under section 7 of this Act it shall be the duty of the authority, if the conditions mentioned in subsection (3) below are satisfied, to secure that he is educated in an ordinary school.
- (3) The conditions are that account has been taken, in accordance with section 7, of the views of the child's parent and that educating the child in an ordinary school is compatible with—
 - (a) his receiving the special educational provision that he requires;
 - (b) the provision of efficient education for the children with whom he will be educated; and
 - (c) the efficient use of resources.
- (4) It shall be the duty of every local education authority to keep under review the arrangements made by them for special educational provision.
- (5) It shall be the duty of the governors, in the case of a county or voluntary school, and of the local education authority by whom the school is maintained, in the case of a maintained nursery school—
 - (a) to use their best endeavours, in exercising their functions in relation to the school, to secure that if any registered pupil has special educational needs the special educational provision that is required for him is made;

Status: This is the original version (as it was originally enacted).

- (b) to secure that, where the responsible person has been informed by the local education authority that a registered pupil has special educational needs, those needs are made known to all who are likely to teach him; and
 - (c) to secure that the teachers in the school are aware of the importance of identifying, and providing for, those registered pupils who have special educational needs.
- (6) In subsection (5)(b) above "responsible person" means;—
- (a) in the case of a county or voluntary school, the head teacher or the appropriate governor (that is to say the chairman of the governors or, where the governors have designated another governor for the purposes of this paragraph, that other governor); and
 - (b) in the case of a nursery school, the head teacher.
- (7) Where a child who has special educational needs is being educated in an ordinary school maintained by a local education authority it shall be the duty of those concerned with making special educational provision for that child to secure, so far as is both compatible with the objectives mentioned in paragraphs (a) to (c) of subsection (3) above and reasonably practicable, that the child engages in the activities of the school together with children who do not have special educational needs.

3 Provision of special education otherwise than in schools

If, in relation to any child in their area who has special educational needs, a local education authority are satisfied that it would be inappropriate for the special educational provision required for that child, or for any part of that provision, to be made in a school, they may after consulting the child's parent arrange for it or, as the case may be, for that part of it, to be made otherwise than in a school.