



Education Act 1996

1996 CHAPTER 56

PART IV

SPECIAL EDUCATIONAL NEEDS

CHAPTER I

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

Special educational provision: general

[^{F1}316 Duty to educate children with special educational needs in mainstream schools

- (1) This section applies to a child with special educational needs who should be educated in a school.
- (2) If no statement is maintained under section 324 for the child, he must be educated in a mainstream school.
- (3) If a statement is maintained under section 324 for the child, he must be educated in a mainstream school unless that is incompatible with—
 - (a) the wishes of his parent, or
 - (b) the provision of efficient education for other children.
- (4) In this section and section 316A “mainstream school” means any school other than—
 - (a) a special school, or
 - (b) an independent school which is not—
 - (i) a city technology college,
 - (ii) a city college for the technology of the arts, or
 - (iii) [^{F2}an Academy].]

Status: Point in time view as at 26/07/2002. This version of this provision has been superseded.

Changes to legislation: Education Act 1996, Section 316 is up to date with all changes known to be in force on or before 20 March 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)

Textual Amendments

- F1** Ss. 316, 316A substituted (15.6.2001 for certain purposes and otherwise 1.1.2002 for E., 21.1.2002 for certain purposes and otherwise 1.4.2002 for W.) for s. 316 by [2001 c. 10, s. 1](#) (with [s. 43\(13\)](#)); [S.I. 2001/2217, arts. 4, 5, Sch. Pts. I, II](#) (as amended by [S.I. 2001/2614, art. 4](#)); [S.I. 2002/74, arts. 4, 5, Sch. Pts. I, II](#)
- F2** Words s. 316(4)(b)(iii) substituted (26.7.2002) by [Education Act 2002 \(c. 32\), ss. 65\(3\), 216\(2\), Sch. 7 para. 6\(3\)](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/2002, art. 2](#)

Modifications etc. (not altering text)

- C1** S. 316(2)(3) excluded (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), ss. 36\(5\)\(d\) \(10\), 162](#) (with [s. 159](#))

Status:

Point in time view as at 26/07/2002. This version of this provision has been superseded.

Changes to legislation:

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