



# Education Act 1996

## 1996 CHAPTER 56

### PART IV

#### SPECIAL EDUCATIONAL NEEDS

#### CHAPTER I

#### CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

*Special educational provision: general*

**317 Duties of governing body or LEA in relation to pupils with special educational needs.**

- (1) The governing body, in the case of [<sup>F1</sup>a community, foundation or voluntary school,] and the local education authority, in the case of a maintained nursery school, shall—
- (a) 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 which his learning difficulty calls for is made,
  - (b) 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) 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.
- (2) In subsection (1)(b) “the responsible person” means—
- (a) in the case of [<sup>F1</sup>a community, foundation or voluntary school,] the head teacher or the appropriate governor (that is, the chairman of the governing body or, where the governing body 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.

*Status: Point in time view as at 01/09/2002. This version of this provision has been superseded.*

*Changes to legislation: Education Act 1996, Section 317 is up to date with all changes known to be in force on or before 06 April 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)*

- (3) To the extent that it appears necessary or desirable for the purpose of co-ordinating provision for children with special educational needs—
- (a) the governing bodies of [<sup>F2</sup>community, foundation and voluntary schools] shall, in exercising functions relating to the provision for such children, consult the local education authority <sup>F3</sup> . . . and the governing bodies of other such schools, and
  - (b) in relation to maintained nursery schools, the local education authority shall, in exercising those functions, consult [<sup>F4</sup>the governing bodies of community, foundation and voluntary schools.]
- (4) Where a child who has special educational needs is being educated in [<sup>F5</sup>a community, foundation or voluntary school] or a maintained nursery school, those concerned with making special educational provision for the child shall secure, so far as is reasonably practicable and is compatible with—
- (a) the child receiving the special educational provision which his learning difficulty calls for,
  - (b) the provision of efficient education for the children with whom he will be educated, and
  - (c) the efficient use of resources,
- that the child engages in the activities of the school together with children who do not have special educational needs.
- (5) [<sup>F6</sup>Each governors’ report] shall include a report containing such information as may be prescribed about the implementation of the governing body’s policy for pupils with special educational needs.
- [<sup>F7</sup>(6) Each governors’ report shall also include information as to—
- (a) the arrangements for the admission of disabled persons as pupils at the school,
  - (b) the steps taken to prevent disabled pupils from being treated less favourably than other pupils,
  - (c) the facilities provided to assist access to the school by disabled pupils, and
  - (d) the plan prepared by the governing body under section 28D of the Disability Discrimination Act 1995 (“the 1995 Act”).
- (7) “Governors’ report” means the report prepared under section 42(1) of the School Standards and Framework Act 1998.
- (7A) “Disabled person” means a person who is a disabled person for the purposes of the 1995 Act; and section 28Q of the 1995 Act (interpretation) applies for the purposes of subsection (6) as it applies for the purposes of Chapter 1 of Part 4 of that Act.]

#### Textual Amendments

- F1** Words in s. 317(1)(2)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 74(2)(3)** (with ss. 138(9), 144(6))
- F2** Words in s. 317(3)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 74(4)(a)(i)** (with ss. 138(9), 144(6)) S.I. 1999/2323, art. 2(1), **Sch. 1**
- F3** Words in s. 317(3)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), **Sch. 30 para. 74(4)(a)(ii)**, **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F4** Words in s. 317(3)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 74(4)(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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- F5** Words in s. 317(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 74(5)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F6** Words in s. 317(5) substituted (1.1.2002 (E.) and 1.4.2002 (W.)) by 2001 c. 10, s. 42(1), Sch. 8 para. 5 (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
- F7** S. 317(6)-(7A) substituted (1.9.2002 for E., otherwise prosp.) for s. 317(6)(7) by 2001 (c. 10), ss. 14(2), 43(3) (with s. 43(13)); S.I. 2002/2217, **art. 4**, Sch. 1 Pt. 2

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**Commencement Information**

- I1** S. 317 wholly in force; s. 317(1)-(5)(7) in force at 1.11.1996 see s. 583(3)(5); s. 317(6) in force at 1.1.1997 by S.I. 1996/2904, **art. 2**

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