



# 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) [<sup>F1</sup>The governing body of a community, foundation or voluntary school or 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.

[<sup>F2</sup>(2) In subsection (1)(b) “the responsible person” means 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 subsection, that other governor).]

(3) To the extent that it appears necessary or desirable for the purpose of co-ordinating provision for children with special educational needs—

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- (a) the governing bodies of [<sup>F3</sup>community, foundation and voluntary schools][<sup>F4</sup>and maintained nursery schools] shall, in exercising functions relating to the provision for such children, consult the local education authority <sup>F5</sup>. . . and the governing bodies of other such schools, <sup>F6</sup>...
- <sup>F6</sup>(b) .....
- [<sup>F7</sup>(3A) The governing body of a community, foundation or voluntary school or a maintained nursery school shall designate a member of the staff at the school (to be known as the “special educational needs co-ordinator”) as having responsibility for co-ordinating the provision for pupils with special educational needs.
- (3B) Regulations may—
- (a) require the governing bodies of schools falling within subsection (3A) to ensure that special educational needs co-ordinators have prescribed qualifications or prescribed experience (or both), and
- (b) confer on the governing bodies of those schools other functions relating to special educational needs co-ordinators.]
- (4) Where a child who has special educational needs is being educated in [<sup>F8</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.
- [<sup>F9</sup>(5) The governing body of a community, foundation or voluntary school, a maintained nursery school, or a community or foundation special school shall—
- (a) in the case of a school in England, prepare a report containing special needs information, and
- (b) in the case of a school in Wales, include special needs information in the report prepared under section 30(1) of the Education Act 2002 (governors' report).
- (6) In subsection (5) “special needs information” means—
- (a) such information as may be prescribed about the implementation of the governing body's policy for pupils with special educational needs, and
- (b) information as to—
- (i) the arrangements for the admission of disabled persons as pupils at the school,
- (ii) the steps taken to prevent disabled pupils from being treated less favourably than other pupils,
- (iii) the facilities provided to assist access to the school by disabled pupils, and
- (iv) the plan prepared by the governing body under section 28D of the Disability Discrimination Act 1995 (“the 1995 Act”).
- (6A) In subsection (6)(b) “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

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for the purposes of subsection (6)(b) as it applies for the purposes of Chapter 1 of Part 4 of that Act.]

#### Textual Amendments

- F1** Words in s. 317(1) substituted (1.9.2003 for E.; 31.10.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 39\(2\)](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F2** S. 317(2) substituted (1.9.2003 for E.; 31.10.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 39\(3\)](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F3** 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](#)
- F4** Words in s. 317(3)(a) inserted (1.9.2003 for E.; 31.10.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 39\(4\)\(a\)](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F5** 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](#)
- F6** S. 317(3)(b) and word repealed (1.9.2003 for E.; 31.10.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 39\(4\)\(b\)](#), [Sch. 22 Pt. 3](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F7** S. 317(3A)(3B) inserted (8.1.2007 for E.) by [Education and Inspections Act 2006 \(c. 40\)](#), [ss. 173](#), [188\(3\)](#); S.I. 2006/3400, art. 2(c)
- F8** 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](#)
- F9** S. 317(5)-(6A) substituted for s. 317(5)-(7A) (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 18 para. 2](#) (with s. 119); S.I. 2005/2034, art. 5 (with [Sch. para. 2](#))

#### Modifications etc. (not altering text)

- C1** S. 317 modified (5.11.2004) by [The New Relationship with Schools \(Governors Annual Report\) Order 2004 \(S.I. 2004/2683\)](#), arts. 1(1), [3](#)
- C2** S. 317(1) modified (31.3.2004) by [The Blackburn with Darwen \(Maintained Nursery School Governance\) Order 2004 \(S.I. 2004/657\)](#), arts. 1(1), [3\(a\)](#)
- C3** S. 317(1)-(3) applied (with modifications) (E.) (1.2.2008) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007 \(S.I. 2007/2979\)](#), reg. 1(1), [Sch. 1 para. 2](#)
- C4** S. 317(4) applied (with modifications) (E.) (1.2.2008) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007 \(S.I. 2007/2979\)](#), reg. 1(1), [Sch. 1 para. 2](#)
- C5** S. 317(5) modified (1.12.2004) by [The New Relationship with Schools \(Governors Annual Report\) \(No 2\) Order 2004 \(S.I. 2004/2810\)](#), arts. 1(1), [3\(a\)](#)

#### 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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