



Education Act 1996

1996 CHAPTER 56

PART IV

SPECIAL EDUCATIONAL NEEDS

[^{F1}CHAPTER I

CHILDREN [^{F1}IN WALES] WITH SPECIAL EDUCATIONAL NEEDS

Identification and assessment of children with special educational needs

[^{F1}]~~[^{F2}329A~~ **Review or assessment of educational needs at request of responsible body**

- (1) This section applies if—
 - (a) a child is a registered pupil at a relevant school (whether or not he is a child in respect of whom a statement is maintained under section 324),
 - (b) the responsible body asks the [^{F3}local authority] to arrange for an assessment to be made in respect of him under section 323, and
 - (c) no such assessment has been made within the period of six months ending with the date on which the request is made.
- (2) If it is necessary for the authority to make an assessment or further assessment under section 323, they must comply with the request.
- (3) Before deciding whether to comply with the request, the authority must serve on the child's parent a notice informing him—
 - (a) that they 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 their officer from whom further information may be obtained, and

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- (d) of the parent’s right to make representations, and submit written evidence, to them before the end of the period specified in the notice (“the specified period”).
- (4) The specified period must not be less than 29 days beginning with the date on which the notice is served.
- (5) The authority may not decide whether to comply with the request until the specified period has expired.
- (6) The authority must take into account any representations made, and any evidence submitted, to them in response to the notice.
- (7) If, as a result of this section, a [^{F3}local authority] decide to make an assessment under section 323, they must give written notice to the child’s parent and to the responsible body which made the request, of the decision and of their reasons for making it.
- (8) If, after serving a notice under subsection (3), the authority decide not to assess the educational needs of the child—
- (a) they must give written notice of the decision and of their reasons for making it to his parent and to the responsible body which made the request, and
 - (b) the parent may appeal to the Tribunal against the decision.
- (9) A notice given under subsection (8)(a) to the child’s parent must—
- (a) inform the parent of his right to appeal, and
 - (b) contain such other information (if any) as may be prescribed.
- (10) On an appeal under subsection (8) the Tribunal may—
- (a) dismiss it, or
 - (b) order the authority to arrange for an assessment to be made in respect of the child under section 323.
- (11) This section applies to a child for whom [^{F4}relevant early years education] is provided as it applies to a child who is a registered pupil at a relevant school.
- (12) “Relevant school” means—
- (a) a maintained school,
 - (b) a maintained nursery school,
 - (c) a pupil referral unit,
 - (d) an independent school,
 - [an alternative provision Academy that is not an independent school,]
- ^{F5}(da)
- (e) a school approved under section 342.
- (13) “The responsible body” means—
- (a) in relation to ^{F6}... a pupil referral unit, the head teacher,
 - (b) in relation to any other relevant school, the proprietor or head teacher, and
 - (c) in relation to a provider of relevant [^{F7}early years] education, the person or body of persons responsible for the management of the provision of that [^{F7}early years] education.
- ^{F8}(14) “Relevant early years education” [^{F9}has the same meaning as it has (in relation to Wales) in section 123 of the School Standards and Framework Act 1998 except that

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it does not include early years education provided by a local authority at a maintained nursery school.]

^{F10}(a)

^{F11}(b)]

(15) “Prescribed”^{F12}... means prescribed in regulations made by the [^{F13}Welsh Ministers].]

Textual Amendments

- F1** Pt. 4 Ch. 1 repealed (1.9.2021 for the repeal of ss. 333(1ZA)(2)-(6), 334-335 and otherwise in force for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 4(9)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, **art. 2**); S.I. 2021/1243, **art. 3** (with arts. 4-23) (as amended by S.I. 2021/1428, **art. 2**); S.I. 2021/1244, **art. 3** (with arts. 4-21) (as amended by S.I. 2021/1428, **art. 3**); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, **art. 3** (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, **art. 4**; S.I. 2022/894, **art. 3**; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, **art. 3** (with arts. 1(7), 4-22); S.I. 2022/897, **art. 3** (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F2** S. 329A inserted (15.6.2001 for certain purposes and 1.1.2002 otherwise for E., 21.1.2002 for certain purposes and 1.4.2002 otherwise for W.) by [2001 c. 10](#), s. 8 (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
- F3** 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))
- F4** Words in s. 329A(11) substituted (1.9.2008 for E.) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 22(2)**; S.I. 2008/2261, **art. 2** (with Sch. 1)
- F5** S. 329A(12)(da) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 9(4)**; S.I. 2012/924, **art. 2**
- F6** Words in s. 329A(13)(a) repealed (1.9.2003 for E., 31.10.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), Sch. 21 para. 44, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, **art. 4**; S.I. 2005/2910, **art. 4**, Sch.
- F7** Words in s. 329A(13)(c) substituted (1.9.2008 for E.) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 22(3)**; S.I. 2008/2261, **art. 2** (with Sch. 1)
- F8** S. 329A(14) substituted (1.9.2008 for E.) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 22(4)**; S.I. 2008/2261, **art. 2** (with Sch. 1)
- F9** Words in s. 329A(14) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 20(2)(a)**; S.I. 2014/889, **art. 7(a)** (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))
- F10** S. 329A(14)(a) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 20(2)(b)**; S.I. 2014/889, **art. 7(a)** (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))
- F11** S. 329A(14)(b) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 20(2)(b)**; S.I. 2014/889, **art. 7(a)** (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))
- F12** Words in s. 329A(15) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 20(3)(a)**; S.I. 2014/889, **art. 7(a)** (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))
- F13** Words in s. 329A(15) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 20(3)(b)**; S.I. 2014/889, **art. 7(a)** (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))

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Modifications etc. (not altering text)

- C1** Pt. 4 Ch. 1 excluded (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 81**, 139(6); S.I. 2014/889, **art. 7(a)** (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- C2** S. 329A modified (prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 36(9)(b)**, 162 (with s. 159)
- C3** S. 329A modified (temp.) (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 20(5)**; S.I. 2014/889, **art. 7(a)** (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)
- C4** S. 329A(13)(a) modified (31.3.2004) by [The Blackburn with Darwen \(Maintained Nursery School Governance\) Order 2004 \(S.I. 2004/657\)](#), arts. 1(1), **3(a)**

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Changes and effects yet to be applied to :

- s. 329A modified by [2002 c. 41 s. 36\(9\)\(b\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(2)(ba) substituted for s. 13(2)(aa)(b) by [2022 asc 1 Sch. 4 para. 8\(2\)](#)
- s. 15A(3A) inserted by [2022 asc 1 Sch. 4 para. 8\(3\)](#)
- s. 15B(3)(c) inserted by [2022 asc 1 Sch. 4 para. 8\(4\)](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/1012 art. 12\(1\)Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/863 Sch. 2 para. 4](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/865 Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2016/653 Sch. 3 para. 3](#)
- s. 17A-17D inserted by [2009 c. 22 s. 45](#)
- s. 17B-17D applied by [2009 c. 22 s. 86\(8\)](#)
- s. 457(4)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 457(4)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 508(4) inserted by [2022 asc 1 Sch. 4 para. 8\(7\)](#)
- s. 537AA inserted by [2008 c. 25 Sch. 1 para. 8](#)
- s. 548(7A)(7B) inserted by [2008 c. 25 Sch. 1 para. 9\(5\)](#)
- s. 578(1) words repealed by [2005 c. 18 Sch. 19 Pt. 1](#)