

These notes refer to the Special Educational Needs And Disability Act 2001 (c.10) which received Royal Assent on 11 May 2001

SPECIAL EDUCATIONAL NEEDS AND DISABILITY ACT 2001

EXPLANATORY NOTES

SUMMARY

Territorial coverage

Part 1: Special Educational Needs

6. The Government published a Green Paper in October 1997 entitled *Excellence for All Children: Meeting Special Educational Needs* (Cm 3785) (in Wales, *The BEST for Special Education* (Cm 3792)). Following consultation on the proposals set out in the Green Paper, the document *Meeting Special Educational Needs: A Programme of Action* was published in November 1998 in England, and *Shaping the Future for Special Education* was published in January 1999 in Wales. These documents set out the steps to be taken over a period of 3 years to implement the changes recommended in the Green Paper. Part 1 of the Act fulfils those undertakings made in the Programme of Action that required primary legislation and applies to England and Wales only.
7. **Part 1** makes changes to the existing legislation, in Part 4 of the Education Act 1996 (EA), for children with SEN. In summary, Part 1:
 - strengthens the right of children with SEN to be educated in mainstream schools where parents want this and the interests of other children can be protected;
 - requires Local Education Authorities (LEAs) to make arrangements for services to provide parents of children with SEN with advice and information, and a means of resolving disputes with schools and LEAs;
 - requires LEAs to comply, within prescribed periods, with orders of the Special Educational Needs Tribunal (SENT) and make other technical changes in support of the SENT appeals process and the statementing process; and
 - requires schools to inform parents where they are making special educational provision for their child and allow schools to request a statutory assessment of a pupil's SEN.
8. The SENT, by virtue of the amendments made in Part 2 of this Act, becomes the Special Educational Needs and Disability Tribunal (SENDIST).