



# Special Educational Needs and Disability Act 2001

## 2001 CHAPTER 10

### PART 1

#### SPECIAL EDUCATIONAL NEEDS

##### *Identification and assessment of educational needs*

#### **7 Duty to inform parent where special educational provision made**

(1) In the 1996 Act, insert the following section—

**“317A Duty to inform parent where special educational provision made**

- (1) This section applies if—
- (a) a child for whom no statement is maintained under section 324 is a registered pupil at—
    - (i) a community, foundation or voluntary school, or
    - (ii) a pupil referral unit,
  - (b) special educational provision is made for him at the school because it is considered that he has special educational needs, and
  - (c) his parent has not previously been informed under this section of special educational provision made for him at the school.
- (2) If the school is a pupil referral unit, the local education authority must secure that the head teacher informs the child’s parent that special educational provision is being made for him at the school because it is considered that he has special educational needs.
- (3) In any other case, the governing body must inform the child’s parent that special educational provision is being made for him there because it is considered that he has special educational needs.”

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*Changes to legislation: There are currently no known outstanding effects for the Special Educational Needs and Disability Act 2001, Section 7. (See end of Document for details)*

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- (2) After subsection (3) of section 123 of the School Standards and Framework Act 1998 (c. 31) (provision for children with special educational needs), insert—

“(3A) Subsection (3B) applies if—

- (a) a local education authority or other person providing relevant nursery education for a child makes special educational provision for him because it is considered that he has special educational needs;
- (b) no statement under section 324 of the Education Act 1996 is maintained for the child; and
- (c) his parent has not previously been informed under subsection (3B) of the special educational provision made for him.

(3B) The local education authority or other person concerned must inform the child’s parent that special educational provision is being made for him because it is considered that he has special educational needs.”

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**Commencement Information**

- II** S. 7 not in force at Royal Assent see s. 43(3); s. 7 in force for E. at 1.1.2002 by [S.I. 2001/2217, art. 5, Sch. Pt. II](#); [S.I. 2001/2614, art. 4](#); s. 7 in force for W. at 1.4.2002 by [S.I. 2002/74, art. 5, Sch. Pt. II](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Special Educational Needs and Disability Act 2001, Section 7.