



Education Act 2002

2002 CHAPTER 32

PART 6

THE CURRICULUM IN ENGLAND

The National Curriculum for England: special cases

94 Information concerning directions under section 93

- (1) Where a head teacher gives or varies a direction under regulations made under section 93, he shall, in such manner as may be prescribed, give the information mentioned in subsection (2)—
 - (a) to the governing body, and
 - (b) to the [^{F1}local authority] by whom the school is maintained,and shall take such steps as may be prescribed to give that information also to a parent of the pupil concerned.
- (2) That information is—
 - (a) the fact that he has taken the action in question, its effect and his reasons for taking it,
 - (b) the provision that is being or is to be made for the pupil's education during the operative period of the direction, and
 - (c) either a description of the manner in which he proposes to secure the full implementation of the National Curriculum for England in relation to the pupil after the end of that period, or an indication that he has the opinion mentioned in subsection (3).
- (3) That opinion is that the pupil has or probably has special educational needs [^{F2}and the responsible authority ought to be required to secure an EHC needs assessment for the pupil under section 36 of the Children and Families Act 2014 (or, if an EHC plan is maintained for the pupil, a re-assessment under section 44 of that Act).]
- (4) Where—

Changes to legislation: Education Act 2002, Section 94 is up to date with all changes known to be in force on or before 20 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) View outstanding changes

- (a) the head teacher of a maintained school ^{F3}... includes an indication of any such opinion in information given under subsection (1), and
- (b) the [^{F1}local authority] by whom the school is maintained are not the responsible authority in relation to the pupil in question,
- the head teacher shall also give that information, in such manner as may be prescribed, to the responsible authority.
- (5) Where the responsible authority receive information given to them under subsection (1) or (4) which includes an indication that the head teacher has the opinion mentioned in subsection (3), they shall [^{F4}make a determination in respect of the pupil under section 36(3) of the Children and Families Act 2014 (or, if an EHC plan is maintained for the pupil, under that section as it applies to re-assessments by virtue of regulations under section 44(7)).]
- (6) In this section “the responsible authority”, in relation to a pupil, means the [^{F1}local authority] responsible for him for the purposes of [^{F5}Part 3 of the Children and Families Act 2014 (see section 24 of that Act)].

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\), art. 1, Sch. 2 para. 11\(2\)](#)
- F2** Words in s. 94(3) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 3 para. 78\(2\); S.I. 2014/889, art. 7\(a\)](#)
- F3** Words in s. 94(4)(a) repealed (1.9.2008) by [Childcare Act 2006 \(c. 21\), s. 109\(2\), Sch. 1 para. 14, Sch. 3 Pt. 1; S.I. 2008/2261, art. 2 \(with Sch. 1\)](#)
- F4** Words in s. 94(5) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 3 para. 78\(3\); S.I. 2014/889, art. 7\(a\)](#)
- F5** Words in s. 94(6) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 3 para. 78\(4\); S.I. 2014/889, art. 7\(a\)](#)

Changes to legislation:

Education Act 2002, Section 94 is up to date with all changes known to be in force on or before 20 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

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. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)