
STATUTORY INSTRUMENTS

2001 No. 3455

**The Education (Special Educational Needs)
(England) (Consolidation) Regulations 2001**

PART IV

COMPLIANCE WITH TRIBUNAL ORDERS

Compliance with Tribunal Orders

25.—(1) Subject to paragraph (4), if the Tribunal, following an appeal to it by a parent, makes an order requiring an authority to perform an action referred to in paragraph (2) the authority shall perform that action within the period specified in paragraph (2).

(2) In the case of an order—

- (a) to make an assessment, the authority shall notify the child's parent that it will make an assessment under section 323(4) or 329A(7) as the case may be within 4 weeks;
- (b) to make and maintain a statement, the authority shall make a statement within 5 weeks;
- (c) remitting a case back to the authority under section 325(3)(c), the authority shall take the action referred to in regulation 17(1)(a) or 17(1)(b) within 2 weeks;
- (d) to amend a statement, the authority shall serve an amendment notice on the child's parent under paragraph 2A of Schedule 27 within 5 weeks;
- (e) to continue to maintain a statement, the authority shall continue to maintain the statement with immediate effect;
- (f) to continue to maintain and to amend a statement, the authority shall continue to maintain the statement with immediate effect and shall serve an amendment notice on the child's parent under paragraph 2A of Schedule 27 within 5 weeks;
- (g) to substitute the name of the school or other institution specified in a child's statement with the name of a school specified by a parent, the authority shall specify the school specified by the parent within 2 weeks, and
- (h) dismissing an appeal against a determination to cease to maintain a statement, the authority shall cease to maintain that statement immediately or on a date proposed by the authority, whichever is the later.

(3) In each case the period shall begin on the day after the issue of the Order in question.

(4) The authority need not comply with the time limits referred to in paragraph (2) if it is impractical to do so because—

- (a) exceptional personal circumstances affect the child or his parent during the relevant time period;
- (b) the child or his parent are absent from the area of the authority for a continuous period of not less than 2 weeks during the relevant time period;

- (c) the child's parent indicates that he wishes to make representations to the authority about the content of the statement under paragraph 4(1) of Schedule 27 after the expiry of the 15-day period for making such representations provided for in paragraph 4(4) of that Schedule;
- (d) a meeting between the child's parent and an officer of the authority has been held pursuant to paragraph 4(1) of Schedule 27 and the child's parent under paragraph 4(2) of that Schedule either required that another such meeting be arranged or has required that a meeting with the appropriate person be arranged, or
- (e) the authority have sent a written request to the Secretary of State seeking his consent under section 347(5) to the child being educated at an independent school which is not approved by him and such consent has not been received by the authority within 3 weeks of the day on which the request was sent.

Compliance with parents' requests when an authority concedes an appeal to the Tribunal

26.—(1) Subject to paragraph (3) if, under section 326A(2), an appeal to the Tribunal is treated as having been determined in favour of the parent making the appeal, the authority shall—

- (a) in the case of an appeal under section 325, make a statement within 5 weeks;
- (b) in the case of an appeal under section 328, 329 or 329A, the authority shall make an assessment within 4 weeks, and
- (c) in the case of an appeal under paragraph 8(3) of Schedule 27 against a determination not to comply with the parent's request to substitute the name of a maintained school for the name of the school or institution specified in the statement, comply with that request within 2 weeks.

(2) In each case the period shall begin on the day after the authority notifies the Tribunal that they have determined that they will not, or will no longer, oppose the appeal.

(3) The authority need not comply with the time limits referred to in paragraph (1) if it is impractical to do so because—

- (a) exceptional personal circumstances affect the child or his parent during the relevant time period;
- (b) the child or his parent are absent from the area of the authority for a continuous period of not less than 2 weeks during the relevant time period;
- (c) the child's parent indicates that he wishes to make representations to the authority about the content of the statement under paragraph 4(1) of Schedule 27 after the expiry of the 15 day period for making such representations provided for in paragraph 4(4) of that Schedule;
- (d) a meeting between the child's parent and an officer of the authority has been held pursuant to paragraph 4(1) of Schedule 27 and the child's parent under paragraph 4(2) of that Schedule either required that another such meeting be arranged or has required that a meeting with the appropriate person be arranged, or
- (e) the authority have sent a written request to the Secretary of State seeking his consent under section 347(5) to the child being educated at an independent school which is not approved by him and such consent has not been received by the authority within 3 weeks of the day on which the request was sent.