
STATUTORY INSTRUMENTS

2001 No. 3455

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

PART III

STATEMENTS

Restriction on disclosure of statements

24.—(1) Subject to the provisions of the Act and of these Regulations, a statement in respect of a child shall not be disclosed without the child's consent except—

- (a) to persons to whom, in the opinion of the authority concerned, it is necessary to disclose the statement in the interests of the child;
- (b) for the purposes of any appeal under the Act;
- (c) for the purposes of educational research which, in the opinion of the authority, may advance the education of children with special educational needs, if, but only if, the person engaged in that research undertakes not to publish anything contained in, or derived from, a statement otherwise than in a form which does not identify any individual concerned including, in particular, the child concerned and his parent;
- (d) on the order of any court or for the purposes of any criminal proceedings;
- (e) for the purposes of any investigation under Part III of the Local Government Act 1974⁽¹⁾ (investigation of maladministration);
- (f) to the Secretary of State when he requests such disclosure for the purposes of deciding whether to give directions or make an order under section 496, 497 or 497A;
- (g) for the purposes of an assessment of the needs of the child with respect to the provision of any statutory services for him being carried out by officers of a social services authority by virtue of arrangements made under section 5(5) of the Disabled Persons (Services, Consultation and Representation) Act 1986⁽²⁾;
- (h) for the purposes of a local authority in the performance of their duties under sections 22(3) (a), 85(4)(a), 86(3)(a) and 87(3) of the Children Act 1989⁽³⁾;
- (i) to Her Majesty's Chief Inspector of Schools, one of Her Majesty's Inspectors of Schools, or to a registered inspector or a member of an inspection team, who requests the right to inspect or take copies of a statement in accordance with section 2(8) or 3(3) of, or paragraph 7 of Schedule 3 to, the School Inspections Act 1996⁽⁴⁾ respectively;
- (j) to the Connexions Service for the purposes of writing or amending a transition plan, or

⁽¹⁾ 1974 c. 7.

⁽²⁾ 1986 c. 33; section 5 is amended by the Special Educational Needs and Disability Act 2001; paragraphs 16 to 18 of Schedule 8.

⁽³⁾ 1989 c. 41; section 87(3) is prospectively amended by the Care Standards Act 2000 (c. 14), section 105.

⁽⁴⁾ 1996 c. 57; section 28 is amended by the Education Act 1997 (c. 44), section 42 and Schedule 6 and paragraph 7 of Schedule 3 is amended by the Education Act 1997, section 42 and Schedule 6, paragraph 12.

- (k) to a Young Offender Institution for the purposes of the performance of its duties under rule 38 of the Young Offender Institution Rules 2000⁽⁵⁾.
- (2) A child may consent to the disclosure of a statement for the purposes of this regulation if his age and understanding are sufficient to allow him to understand the nature of that consent.
- (3) If a child does not have sufficient age or understanding to allow him to consent to disclosure of his statement his parent may consent on his behalf.
- (4) The arrangements for keeping such statement shall be such as to ensure, so far as is reasonably practicable, that unauthorised persons do not have access to them.
- (5) In this regulation any reference to a statement includes a reference to any representations, evidence, advice or information which is set out in the appendices to a statement.