

SCHEDULES

SCHEDULE 1

Section 10.

AMENDMENT TO STATEMENT OF SPECIAL EDUCATIONAL NEEDS

PART 1

PROCEDURE FOR MAKING AMENDMENT TO STATEMENT OF SPECIAL EDUCATIONAL NEEDS

- 1 Schedule 27 to the 1996 Act (making and maintenance of statement of special educational needs) is amended as follows.
- 2 For paragraph 1 substitute—
 - “1 In this Schedule—
 - “amendment notice” has the meaning given in paragraph 2A,
 - “statement” means a statement under section 324,
 - “periodic review” means a review conducted in accordance with section 328(5)(b), and
 - “re-assessment review” means a review conducted in accordance with section 328(5)(a).”
- 3 For paragraph 2 substitute—
 - “2 (1) Before making a statement, a local education authority shall serve on the parent of the child concerned a copy of the proposed statement.
 - (2) But that is subject to sub-paragraphs (3) and (4).
 - (3) The copy of the proposed statement shall not specify any prescribed matter.
 - (4) The copy of the proposed statement shall not specify any matter in pursuance of section 324(4).

Amendments to a statement

- 2A (1) A local education authority shall not amend a statement except—
 - (a) in compliance with an order of the Tribunal,
 - (b) as directed by the Secretary of State under section 442(4), or
 - (c) in accordance with the procedure laid down in this Schedule.
- (2) If, following a re-assessment review, a local education authority propose to amend a statement, they shall serve on the parent of the child concerned a copy of the proposed amended statement.
- (3) Sub-paragraphs (3) and (4) of paragraph 2 apply to a copy of a proposed amended statement served under sub-paragraph (2) as they apply to a copy of a proposed statement served under paragraph 2(1).

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- (4) If, following a periodic review, a local education authority propose to amend a statement, they shall serve on the parent of the child concerned—
 - (a) a copy of the existing statement, and
 - (b) an amendment notice.
- (5) If, at any other time, a local education authority propose to amend a statement, they shall proceed as if the proposed amendment were an amendment proposed after a periodic review.
- (6) An amendment notice is a notice in writing giving details of the amendments to the statement proposed by the authority.

Provision of additional information

- 2B (1) Sub-paragraph (2) applies when a local education authority serve on a parent—
- (a) a copy of a proposed statement under paragraph 2,
 - (b) a copy of a proposed amended statement under paragraph 2A, or
 - (c) an amendment notice under paragraph 2A.
- (2) The local education authority shall also serve on the parent a written notice explaining (to the extent that they are applicable)—
- (a) the arrangements under paragraph 3,
 - (b) the effect of paragraph 4, and
 - (c) the right to appeal under section 326.
- (3) A notice under sub-paragraph (2) must contain such other information as may be prescribed.”

- 4 In paragraph 3, in sub-paragraph (1), for the words from “a parent” to “paragraph 2” substitute “a parent—
- (a) on whom a copy of a proposed statement has been served under paragraph 2,
 - (b) on whom a copy of a proposed amended statement has been served under paragraph 2A, or
 - (c) on whom an amendment notice has been served under paragraph 2A which contains a proposed amendment about —
 - (i) the type or name of a school or institution, or
 - (ii) the provision made for the child concerned under arrangements made under section 319,
 to be specified in the statement,”.

- 5 In that paragraph, in sub-paragraph (2), for “paragraph 2(b)” substitute “paragraph 2B”.

- 6 In that paragraph omit sub-paragraph (4).

- 7 After that paragraph, insert—

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“Consultation on specifying name of school in statement

- 3A (1) Sub-paragraph (2) applies if a local education authority are considering—
- (a) specifying the name of a maintained school in a statement, or
 - (b) amending a statement—
 - (i) if no school was specified in the statement before the amendment, so that a maintained school will be specified in it,
 - (ii) if a school was specified in the statement before the amendment, so that a different school, which is a maintained school, will be specified in it.
- (2) The local education authority shall—
- (a) serve a copy of the proposed statement or amended statement, or of the existing statement and of the amendment notice, on each affected body, and
 - (b) consult each affected body.
- (3) “Affected body” means—
- (a) the governing body of any school which the local education authority are considering specifying; and
 - (b) if a school which the local education authority are considering specifying is maintained by another local education authority, that authority.”

- 8 In paragraph 4, in sub-paragraph (1)—
- (a) after “paragraph 2” insert “, or on whom a proposed amended statement or an amendment notice has been served under paragraph 2A,”;
 - (b) in paragraphs (a) and (b), for “statement” substitute “proposed statement or the statement as it will have effect if amended in the way proposed by the authority”.
- 9 In that paragraph, in sub-paragraph (2), after “sub-paragraph (1)(b)” insert “in relation to—
- (c) a proposed statement, or
 - (d) an amendment proposed following a re-assessment review.”.
- 10 In that paragraph, in sub-paragraphs (4)(a) and (5), for “paragraph 2(b)” substitute “paragraph 2B”.
- 11 In paragraph 5, in sub-paragraph (1), after “make” insert “or amend”.
- 12 In that paragraph, in sub-paragraph (2), for “The statement” substitute “If a local education authority make a statement, it”.
- 13 After that sub-paragraph insert—
- “(2A) If a local education authority amend a statement following service of a proposed amended statement under paragraph 2A, the amended statement made may be in the form proposed or in a form modified in the light of the representations.

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(2B) If a local education authority amend a statement following service of an amendment notice, the amendments may be those proposed in the notice or amendments modified in the light of the representations.”

14 For paragraph 6, substitute—

“6 (1) Where a local education authority make or amend a statement they shall serve a copy of the statement, or the amended statement, on the parent of the child concerned.

(2) They shall, at the same time, give the parent written notice of his right to appeal under section 326(1) against—

- (a) the description in the statement of the authority’s assessment of the child’s special educational needs,
- (b) the special educational provision specified in the statement (including the name of a school specified in the statement), or
- (c) if no school is named in the statement, that fact.

(3) A notice under sub-paragraph (2) must contain such other information as may be prescribed.”

15 In paragraph 8(1)(b)—

- (e) in sub-paragraph (ii), after “statement” insert “or amended statement”; and
- (f) omit sub-paragraph (iii).

16 In paragraph 9—

- (g) in sub-paragraph (1), omit “amend or” and “10 or”; and
- (h) in sub-paragraph (2)—
 - (i) after paragraph (a), insert “or”,
 - (ii) omit paragraph (b), the word “or” after paragraph (c) and paragraph (d).

17 Omit paragraph 10.

PART 2

APPEALS AGAINST AMENDMENTS TO STATEMENT OF SPECIAL EDUCATIONAL NEEDS

18 Section 326 of the 1996 Act is amended as follows.

19 For subsection (1) substitute—

“(1) The parent of a child for whom a local education authority maintain a statement under section 324 may appeal to the Tribunal—

- (a) when the statement is first made,
- (b) if an amendment is made to the statement, or
- (c) if, after conducting an assessment under section 323, the local education authority determine not to amend the statement.

(1A) An appeal under this section may be against any of the following—

- (a) the description in the statement of the local education authority’s assessment of the child’s special educational needs,
- (b) the special educational provision specified in the statement (including the name of a school so specified),

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(c) if no school is specified in the statement, that fact.”

20 In subsection (2), for “paragraph 10” substitute “paragraph 2A”.