



Education Act 1996

1996 CHAPTER 56

PART IV

SPECIAL EDUCATIONAL NEEDS

CHAPTER I

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

Identification and assessment of children with special educational needs

328 **Reviews of educational needs**

- (1) Regulations may prescribe the frequency with which assessments under section 323 are to be repeated in respect of children for whom statements are maintained under section 324.
- (2) Where—
 - (a) the parent of a child for whom a statement is maintained under section 324 asks the local education authority to arrange for an assessment to be made in respect of the child under section 323,
 - (b) no such assessment has been made within the period of six months ending with the date on which the request is made, and
 - (c) it is necessary for the authority to make a further assessment under section 323, the authority shall comply with the request.
- (3) If in any case where subsection (2)(a) and (b) applies the authority determine not to comply with the request—
 - (a) they shall give notice of that fact and of the effect of paragraph (b) below to the child's parent, and
 - (b) the parent may appeal to the Tribunal against the determination.

Status: This is the original version (as it was originally enacted).

- (4) On an appeal under subsection (3) the Tribunal may—
 - (a) dismiss the appeal, or
 - (b) order the authority to arrange for an assessment to be made in respect of the child under section 323.

- (5) A statement under section 324 shall be reviewed by the local education authority—
 - (a) on the making of an assessment in respect of the child concerned under section 323, and
 - (b) in any event, within the period of 12 months beginning with the making of the statement or, as the case may be, with the previous review.

- (6) Regulations may make provision—
 - (a) as to the manner in which reviews of such statements are to be conducted,
 - (b) as to the participation in such reviews of such persons as may be prescribed, and
 - (c) in connection with such other matters relating to such reviews as the Secretary of State considers appropriate.