



Special Educational Needs and Disability Act 2001

2001 CHAPTER 10

PART 1

SPECIAL EDUCATIONAL NEEDS

Appeals

5 Unopposed appeals

In the 1996 Act, insert the following section—

“326A Unopposed appeals

- (1) This section applies if—
 - (a) the parent of a child has appealed to the Tribunal under section 325, 328, 329 or 329A or paragraph 8(3) of Schedule 27 against a decision of a local education authority, and
 - (b) the authority notifies the Tribunal that they have determined that they will not, or will no longer, oppose the appeal.
- (2) The appeal is to be treated as having been determined in favour of the appellant.
- (3) If an appeal is treated as determined in favour of the appellant as a result of subsection (2), the Tribunal is not required to make any order.
- (4) Before the end of the prescribed period, the authority must—
 - (a) in the case of an appeal under section 325, make a statement under section 324 of the child’s educational needs,
 - (b) in the case of an appeal under section 328, 329 or 329A, make an assessment of the child’s educational needs,

Status: This is the original version (as it was originally enacted).

(c) in the case of an appeal under paragraph 8(3) of Schedule 27 against a determination of the authority not to comply with the parent's request, comply with the request.

(5) An authority required by subsection (4)(a) to make a statement under section 324 must maintain the statement under that section.

(6) Regulations under this section, so far as they relate to Wales, require the agreement of the National Assembly for Wales.”

6 Maintenance of statement during appeal

In paragraph 11 of Schedule 27 to the 1996 Act (circumstances in which a local education authority may cease to maintain a statement), after sub-paragraph (4) insert—

“(5) A local education authority may not, under this paragraph, cease to maintain a statement if—

- (a) the parent of the child has appealed under this paragraph against the authority's determination to cease to maintain the statement, and
- (b) the appeal has not been determined by the Tribunal or withdrawn.”